TRINITY COUNTY PLANNING COMMISSION

Regular Meeting
March 26, 2026 At 6:00 PM
Trinity County Library Conference Room
351 Main Street, Weaverville, CA

Chair Commissioner Dist. 4 Duncan McIntosh
Vice-Chair Comm'r Dist. 2 Amelia Fleitz
Commissioner Dist. 1 Carol Fall
Commissioner Dist. 4 Rory Barrett
Commissioner Dist. 5 Dan Harper

AGENDA

Zoom Information

The Trinity County Planning Commission is inviting you to attend this meeting via Zoom.
Topic: Trinity County Planning Commission Meeting
Time: March 26, 2026, at 6:00 PM Pacific Time (US and Canada)

Zoom Meeting

Link:https://zoom.us/j/5950072851?pwd=RHp6TDhNajNJMVJHZFJlRmhacmJjUT09
Meeting ID: **595 007 2851**

- Passcode: 267684
- One tap mobile
- +1 669 900 9128,,7338092685# US (San Jose)
- +1 346 248 7799,,7338092685# US (Houston)

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 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 Sect. 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 creates copies in advance for their own records. If you have documents to present to the members of the Planning Commission to review, please provide a minimum of 10 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

A. Community Development - Planning - Approval of Minutes

B. Agriculture - Ordinance — Prohibition of Industrial Hemp Cultivation (DEV-26-01)

C. Community Development - Planning - Additional Study Session, Trinity County Zoning Code Update, Part 2 - Cannabis Land Use Tables

REPORTS/ANNOUNCEMENTS

A. Planning Commissioners

B. Director of Community Development

ADJOURN

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 being considered. To ensure consideration by the Planning Commission, all written material concerning the proposed project should be submitted to the **Trinity County Planning Department, 530 Main St., PO Box 2819, Weaverville, CA 96093. 530-623-1351, or by email to 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, 530 Main St., Weaverville, CA. Staff reports will also be available on the Internet at:https://trinitycoca.portal.civicclerk.com/

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

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notice, or in written correspondence delivered to the Planning Commission at, or prior to, the public hearing.

Staff Report

Department:	Community Development - Planning
Contact:	Drew Plebani
Phone:	[SPONSORS_PHONE]
Item Title:	Approval of Minutes

Project Description:
Approval of Minutes

Summary:
Approval of the March 26, 2026, 2:00 p.m. and 6:00 p.m. meetings.

Staff Report:

Departmental Recommendations:
Approve minutes as presented.

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting
March 12, 2026 at 2:00p.m. – 6:00p.m
Trinity County Library Conference Room
351 Main Street, Weaverville, CA

Chair: Comnr. Dist. 4 Duncan McIntosh
Vice-Chair: Comnr. Dist. 2 Amelia Fleitz
Commissioner Dist. 1 Carol Fall
Commissioner Dist. 3 Rory Barrett
Commissioner Dist. 5 Dan Harper

MINUTES- PLANNING COMMISSION

***NOTE:** The public was invited to attend the public hearing via Zoom Link.

Commissioners present: McIntosh, Fleitz, Fall, Barrett, Harper

Staff Present: TCCDD Director, Drew Plebani; Asst. Planner-Planning, Angel Chappell; Assoc. Planner-Planning, Alex Banaskiewicz; Recording Secretary, Deborah Rogge, Recording Secretary, Jorge Martinez

CALL TO ORDER: Chair McIntosh called the meeting to order at 2:00 p.m.

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.

Public comment was heard from Rhoda Cain-Trinity Center, Matt Jefferson, Dan Fraiser, Michelle Taylor-Coffee Creek, Pat Frost, Tom Ballanco, and Steve -J.C and with no further speakers public comment was closed.

REGULAR CALENDAR:

Item A. Community Development – Planning- Additional Study Session- Trinity County Zoning Code Update, Parts 2, 4, and 7.

The Planning Commission continued discussion on parts 2, 4, and 7 and requested additional review on the tables for March 26, 2026, at 2:00 PM

PLANNING COMMISSIONERS REPORT:

PLANNING DIRECTOR'S REPORT:

ADJOURNMENT: The Planning Commission adjourned at 7:41 pm.

Submitted by: Jorge Martinez, Recording Secretary

Drew Plebani, TCCDD Director
Secretary of the Planning Commission

DRAFT

RINITY COUNTY PLANNING COMMISSION

Regular Meeting
March 12, 2026 at 6:00p.m.
Trinity County Library Conference Room
351 Main Street, Weaverville, CA

Chair: Comnr. Dist. 4 Duncan McIntosh
Vice-Chair: Comnr. Dist. 2 Amelia Fleitz
Commissioner Dist. 1 Carol Fall
Commissioner Dist. 3 Rory Barrett
Commissioner Dist. 5 Dan Harper

MINUTES- PLANNING COMMISSION

***NOTE:** The public was invited to attend the public hearing via Zoom Link.

Commissioners present: McIntosh, Fall, Barrett, Harper, Fleitz

Staff Present: TCCDD Director, Drew Plebani; Asst. Planner-Planning, Angel Chappell; Assoc. Planner-Planning, Alex Banaskiewicz; Recording Secretary, Jorge Martinez

CALL TO ORDER: Chair McIntosh called the meeting to order at 7:14 p.m.

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.
Public comments were heard from

REGULAR CALENDAR:

Item A. Minutes: Approve meeting minutes from February 26,206.

Minutes from February 26, 2026, unanimously approved as presented.

Item B: Community Development – Planning – P-24-14 Wireless Communications Facility in Hayfork

Public comments were heard from: Nick Tagas-project representative, Shane McDonald-Trinity County Waterworks-Hayfork, Gary-Hayfork, Vidette Vanderweide-Lewiston, Lisa-Hayfork, on zoom Lina-Hayfork, Holly-Hayfork. Being there were no other speakers' public comments closed.

By motion made and second (Harper/McIntosh) by roll call vote 4-1 The Planning Commission moves to;

1. Find the project to be categorically exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15303 (Class3).
2. Adopt resolution No. PC-2026-01 with a modification to Exhibit A to exclude the condition recommended by the Airport Land Use Commission (ALUC) and
3. Approve a Conditional Use Permit based on the recommended findings stated in this staff report and subject to the conditions of approval found in Resolution PC-2026-01
4. Within forty-five (45) days of commencement of operation at the wireless facility a radio frequency exposure report prepared by a qualified electrical engineer shall be submitted to the Planning director demonstrating that the wireless facility fully complies with all Federal Communications Commission (FCC) guidelines regulating electromagnetic exposure (EME).

PLANNING COMMISSIONERS REPORT:

PLANNING DIRECTOR'S REPORT:

DRAFT

ADJOURNMENT: The Planning Commission adjourned at 8:41 pm.

Submitted by: Deborah Rogge, Recording Secretary

Drew Plebani, TCCDD Director
Secretary of the Planning Commission

DRAFT

Staff Report

Department: Agriculture
Contact: Drew Plebani
Phone: [SPONSORS_PHONE]
Item Title: Ordinance — Prohibition of Industrial Hemp Cultiva

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Project Description:
Ordinance — Prohibition of Industrial Hemp Cultivation (DEV-26-01)

Summary:
On February 3, 2026, the first reading of the permanent ordinance was presented to the Board of Supervisors and approved 5-0 to move forward with the second reading. Following a public comment regarding planning commission review, the permanent ordinance is now being forwarded to the Planning Commission prior to returning it to the board for final consideration.

Staff Report:
The Board of Supervisors previously adopted temporary and multi-year moratoriums on industrial hemp cultivation, including a five-year moratorium to sunset on April 20, 2026.

History:
June 27, 2019: Board adopted a 45-day urgency ordinance temporarily banning industrial hemp cultivation.
August 6, 2019: Moratorium extended for an additional 10 months and 15 days.
May 19, 2020: Moratorium extended for one year.
March 16, 2021: Draft permanent ordinance presented; Board directed a five-year sunset clause be added.
April 6, 2021: Ordinance was introduced; first reading was waived.
April 20, 2021: Ordinance adopted with a five-year sunset clause

Hemp cultivation presents many of the same challenges as cannabis farming, including water usage, environmental impacts, pesticide concerns, and odor. There is also a significant risk of pollen drifting onto cannabis farms if the hemp producer is not diligent in removing male plants, which can cause crop failure and substantial financial losses for licensed cannabis cultivators.

Other Counties have reported issues with growers using hemp registrations due to their significantly lower fees and lighter regulatory requirements as a means to conceal cannabis cultivation. This creates enforcement challenges and undermines the integrity of the regulated cannabis program.

Given the regulatory changes and challenges cannabis farmers in Trinity County have already experienced, introducing a new crop with the potential to create challenges such as pollen drift may create additional risk for these farmers. Protecting the viability of existing licensed cannabis farms is an important consideration in evaluating whether industrial hemp should be allowed.

Pros of Banning Industrial Hemp:
1. Eliminates the risk of cross-pollination impacting nearby cannabis operations.
3. Reduces enforcement concerns related to distinguishing compliant hemp from unlicensed cannabis activity.

Cons of Banning Industrial Hemp:
1. Prevents potential job creation within the hemp industry.
2. Limits economic development opportunities associated with the expanding hemp market.

To gather community feedback, staff made a survey available at the Agriculture Department's front counter, distributed copies to consultants, posted a link on the county website and sent 354 surveys (18 undeliverable) to all cannabis licensees. To date, 32 responses have been received.

Support banning industrial hemp: 16 of 32 respondents (50%)
Do not support banning industrial hemp: 11 of 32 respondents (34.4%)
Undecided: 4 of 32 respondents (12.5%)
Maybe: 1 of 32 respondents (3.1%)

Departmental Recommendations:

Approve the resolution recommending approval of the ordinance to the Board of Supervisors.

RESOLUTION NO. PC-2026-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF TRINITY

ESTABLISHING CHAPTER 8.23 IF THE TRINITY COUNTY CODE IMPLEMENTING A BAN ON INDUSTRIAL HEMP CULTIVATION (Trinity County-Ban on Hemp Cultivation (DEV-2026-01))

WHEREAS, on January 1, 2017, Division 24, Industrial Hemp (Food & Agric. Code, § 81000 et seq.) of the California Food and Agricultural Code became operative, and the California Department of Food and Agriculture developed an Industrial Hemp cultivation program and opened registration on April 30, 2019;

WHEREAS, under California Food and Agricultural Code § 81003(a)(1), an individual or organization must register with the county agricultural commissioner to cultivate industrial hemp;

WHEREAS, due to the fact that Industrial Hemp and Cannabis are derivatives of the same plant, Cannabis Sativa L. (Linnaeus), the physical appearance of Industrial Hemp and Cannabis can be virtually indistinguishable; absent a laboratory performed chemical analysis for tetrahydrocannabinol (THC) content, the two plants cannot be readily distinguished;

WHEREAS, Cannabis and Industrial Hemp are members of the plant family, Cannabaceae and both are “dioecious,” having male and female plants;

WHEREAS, the Planning Commission finds that pollen drift from industrial hemp cultivation poses a threat to licensed commercial cannabis cultivators permitted by the County of Trinity, including the risk of cross-pollination that can materially diminish crop value and viability, and the Planning Commission further finds that prohibiting industrial hemp cultivation is necessary to protect the County-permitted commercial cannabis industry from pollen-drift impacts and related nuisance conditions, and is a proper use of the County’s police power;

WHEREAS, the State Legislature has stated that the industrial hemp statutes are not intended to limit or prevent a county from exercising its police power authority under Article XI, § 7 of the California Constitution (Stats. 2019, ch. 838 (SB 153), § 1);

WHEREAS, Cannabis is one of the key agricultural products for the economy of Trinity County, home to hundreds of licensed growers;

WHEREAS, there are currently no registered Industrial Hemp growers in Trinity County, but cross-pollination remains an ongoing concern wherever it is grown;

WHEREAS, Trinity County has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances by the cultivation of industrial hemp;

WHEREAS, the proposed ordinance maintains the County’s prohibition on industrial hemp cultivation in effect since 2019 and does not authorize any development, construction, grading, land disturbance, or other physical activity; accordingly, it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is exempt from CEQA pursuant to CEQA Guidelines §§ 15060(c)(2) and 15061(b)(3);

WHEREAS, the ordinance constitutes an action taken by a regulatory agency to protect environmental resources, including water resources and agricultural lands, and is categorically exempt pursuant to CEQA Guidelines § 15308, and the Planning Commission finds that no unusual circumstances exist pursuant to CEQA Guidelines § 15300.2(c);

WHEREAS, the Planning Commission held a duly noticed public hearing on the proposed ordinance in accordance with Government Code § 65854, and considered the staff report, public testimony, and the administrative record; and

WHEREAS, the Planning Commission finds that the proposed ordinance is consistent with the Trinity County General Plan, including Land Use Element goals related to the protection of economic and environmental resources.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the County of Trinity recommends that the Board of Supervisors adopt an ordinance establishing Chapter 8.23 of the Trinity County Code entitled Industrial Hemp Cultivation, as specifically described in **Attachment A** hereto.

DULY PASSED AND ADOPTED this Thursday, March 26, 2026 by the Planning Commission of the County of Trinity by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:
RECUSE:

_____
DUNCAN MCINTOSH, CHAIR
Planning Commission
County of Trinity
State of California

ATTEST:

By: _____
DREW PLEBANI
Secretary of the Planning Commission
County of Trinity, State of California

ATTACHMENT A

BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY

ORDINANCE NO. XXXX

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ESTABLISHING CHAPTER 8.23
IMPLEMENTING A BAN ON INDUSTRIAL HEMP CULTIVATION**

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

Section I: Findings and Purpose

A. On January 1, 2017, Division 24, Industrial Hemp (Food & Agric. Code, § 81000 et seq.) of the California Food and Agricultural Code became operative, and the California Department of Food and Agriculture developed an Industrial Hemp cultivation program and opened registration on April 30, 2019.

B. Under California Food and Agricultural Code § 81003(a)(1), an individual or organization must register with the county agricultural commissioner to cultivate industrial hemp.

C. Due to the fact that Industrial Hemp and Cannabis are derivatives of the same plant, *Cannabis Sativa* L. (Linnaeus), the physical appearance of Industrial Hemp and Cannabis can be virtually indistinguishable. Absent a laboratory performed chemical analysis for tetrahydrocannabinol (THC) content, the two plants cannot be readily distinguished.

D. Cannabis and Industrial Hemp are members of the plant family, Cannabaceae and both are "dioecious," having male and female plants.

E. Cannabis and Industrial hemp alike are wind-pollinated, and the pollen can travel miles, potentially pollinating other female plants, which can significantly lower its market value, creating the threat of cross-pollination from Industrial Hemp onto licensed Commercial Cannabis plants, materially diminishing crop value, and putting the livelihoods of legal Cannabis growers in Trinity County at risk.

F. Pollen drift from industrial hemp cultivation may pose a threat to licensed commercial cannabis cultivators permitted by the County of Trinity, including the risk of cross-pollination that can materially diminish crop value and viability, and the prohibiting of industrial hemp cultivation in the county is necessary to protect the County-permitted commercial cannabis industry from pollen-drift impacts and related nuisance conditions, and is a proper use of the County's police power.

G. The State Legislature has stated that the industrial hemp statutes are not intended to limit or prevent a county from exercising its police power authority under Article XI, § 7 of the California Constitution (Stats. 2019, Ch. 838 (SB 153), § 1).

H. Cannabis is one of the key agricultural products for the economy of Trinity County, home to hundreds of licensed growers.

I. There are currently no registered Industrial Hemp growers in Trinity County, but cross-pollination remains an ongoing concern wherever it is grown.

J. Trinity County has a compelling interest in protecting the public health, safety, and welfare of its residents and businesses, in preventing the establishment of nuisances by the cultivation of industrial hemp.

K. The proposed ordinance is consistent with the Trinity County General Plan, including Land Use Element goals related to protection of the economic and environmental resources.

L. The Planning Commission conducted a duly noticed public hearing on the proposed ordinance pursuant to Government Code § 65854 and provided its recommendation to the Board of Supervisors pursuant to Government Code § 65855, and the Board of Supervisors conducted a duly noticed public hearing pursuant to Government Code §§ 65856.

Section II: The County hereby establishes Chapter 8.23 of the Trinity County Code entitled Industrial Hemp Cultivation.

8.23.010 – Title

This chapter shall be known as the Trinity County Industrial Hemp Cultivation Ordinance.

8.23.020 – Definitions

A. "Industrial Hemp" or "Hemp" is defined under California Food and Agriculture Code Section 81000 and Health and Safety Code Section 11018.5 as the plant *Cannabis sativa* L. and any part of that plant including seeds, resin, cannabinoids, isomers, acids, salts, and salts of isomers with a total tetrahydrocannabinol (THC) concentration of no more than 0.3% on a dry weight basis, whether growing or not, and including all compounds, manufactures, salts, derivatives, mixtures, or preparations produced from the plant, its seeds or resin.

B. "Enforcement Officer" is the health officer, sheriff, agricultural commissioner, community development director, or their designees, or any person authorized by the County of Trinity to enforce the provisions of this Chapter.

8.23.030 – Cultivation of Hemp Prohibited

A. Industrial hemp cultivation is hereby prohibited in Trinity County. No person or entity may establish or operate an industrial hemp cultivation facility within Trinity County. A property owner may not allow their property to be used by any person or entity for industrial hemp cultivation.

B. The provisions of this section shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, and/or use of controlled substances, or to authorize conduct that is unlawful under state or federal law.

C. This ordinance is not intended to and does not authorize conduct or acts that violate federal law, does not serve in any manner as an obstacle to enforcement of federal law, and does not protect any of the above-described persons from arrest or prosecution under those federal laws. Such persons assume any and all risk and any and all liability that may arise or result under state and federal laws from the cultivation of industrial hemp. Further, to the fullest extent permitted by laws, any actions taken under the provisions of this ordinance by any public officer or employee of the County of Trinity or Trinity County itself shall not become a personal liability of such person or a liability of the county.

8.23.040 – Violations

Any violation of this chapter constitutes a nuisance and is subject to fines, penalties and abatement pursuant to Chapter 8.64 and 8.90 of the Trinity County code.

8.23.050 – Availability of Summary Abatement

A. Notwithstanding any other provision of this chapter, any violation of this chapter that constitutes an immediate and substantial threat to the public health or safety, based on exigent circumstances, and where there is insufficient time to: (1) obtain an inspection warrant, and (2) comply with the abatement procedures set out in Chapter 8.64 of the Trinity County Code, to mitigate the threat, the enforcement official may direct any officer or employee of the county to summarily abate the nuisance.

B. The county shall make reasonable efforts to notify the owner and/or the alleged violator.

C. The county may recover its cost for summarily abating the nuisance in the manner set forth in Chapter 8.64 *et seq.* and may include any costs on the property owner's tax bill.

8.23.060 – Enforcement

This chapter may be enforced by the enforcement officer.

Section III: Severability

A. The Board of Supervisors declares that if any provision, section, paragraph, sentence, or word of this Ordinance is rendered or declared to be invalid or unconstitutional by any final court action in a court of competent jurisdiction, or by reason of any preemptive legislation, such invalidity shall not affect the other provisions, sections, paragraphs, sentences or words of this Ordinance, and to this end the Board of Supervisors intends that such invalid portions should be severed and the balance of the Ordinance enforced.

B. To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other County Code, ordinance, resolution or policy, any such conflicting provisions herein shall be suspended and severed and the balance of the Ordinance shall be enforced.

Section IV: California Environmental Quality Act (CEQA)

This ordinance maintains the County's prohibition on industrial hemp cultivation in effect since 2019 and does not authorize any development, construction, grading, land disturbance, or other physical activity; accordingly, it will not result in a direct or reasonably foreseeable indirect physical change in the environment and is exempt from CEQA pursuant to CEQA Guidelines §§ 15060(c)(2) and 15061(b)(3). In addition, the ordinance constitutes an action taken by a regulatory agency to protect environmental resources, including water resources and agricultural lands, and is categorically exempt pursuant to CEQA Guidelines § 15308, and the Board of Supervisors finds that no unusual circumstances exist pursuant to CEQA Guidelines § 15300.2(c).

Section V: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced at a regular meeting of the Board of Supervisors held on the ____ day of _____, ____, and passed and enacted this ____ day of _____, _____ by the Board of Supervisors of the County of Trinity by motion, second (/), and the following vote:

AYES:	Supervisors
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None

_____
HEIDI CARPENTER-HARRIS, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

TRENT TUTHILL
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

_____
Margaret E. Long, County Counsel

Staff Report

Department:	Community Development - Planning
Contact:	Drew Plebani
Phone:	[SPONSORS_PHONE]
Item Title:	Additional Study Session

Project Description:
Additional Study Session, Trinity County Zoning Code Update, Part 2 - Cannabis Land Use Tables

Summary:
County staff will facilitate an additional study session which will prioritize additional review of the Land Use Tables from Part 2: Zones, Land Use, and Standards, where the cannabis land uses have been confirmed with current zoning code and revised based on Planning Commisison input.

Staff Report:
The Trinity County Zoning Code Update seeks to comprehensively overhaul the County's Zoning Code, updating each part to better align with the goals and objectives of the Trinity 2050 General Plan Update. Parts 2, 4, and 7 were initially presented to the Planning Commission on January 29, 2026, February 26, 2026, and March 12, 2026. The recordings are available for viewing on the County's YouTube page.
The purpose of this additional study session is to review the Land Use Tables, specifically focused on Cannabis Land Uses. A Public Review Draft of the Zoning Code will be prepared for future public release and comment. The target date for release is mid-April 2026.

This additional study session is intended to facilitate additional review of the Cannabis Land Use component of Part 2 Land Use Tables, which establishes the allowability and associated permit types based on land use categories. (attached as '**Zoning Code Tables - Cannabis Land Uses (revised) 3.20.26**')

The tables are organized as follows:

Ag and Resources zones.
Residential zones
Commercial zones
Industrial zones
Public Facilities

The tables reflect the conversion of the existing annual cannabis license to a Use permitting pathway. Existing license types that do not currently require a use permit are proposed to convert into a Director's Use Permit.

A public review draft of the entire Zoning Code will be released in the upcoming months, which will include additional study sessions and a formal public review and comment period. Zoning

Code and General Plan related comments can be submitted using the comment function (green comment icon on the right-hand side of the main page) via the www.trinity2050.com website.

Departmental Recommendations:
Complete a review of the Cannabis Land Use component of the Draft Zoning Code Land Use Tables, and provide input and/or recommendations.

Zoning Code Tables

Cannabis Land Uses (Revised)

Land Uses and Permitting Pathways

Trinity County Community Development Department

Resource Zones

Land Uses and Permitting Pathways

Key:

P = Permitted by-right

D = Director's Use Permit

C = Conditional Use Permit

TUP = Temporary Use Permit

- = Not Permitted

Land Use	Zone				
	A	AP	AF	OS	TPZ
Agricultural and Resource Uses					
Agricultural packing and processing plant	P	P	Section __	-	-
Agritourism	P/D	P/D	-	-	-
Aquaculture	P/D	P/D	C	-	C
Chicken, turkey, or hog ranch	P	P	Section __	-	-
Dairy	P	P	-		
Animal husbandry	P	P	Section __	-	-
Animal sales yard	D	D	Section __	-	-
Apiary	P	P	Section __	-	-
Cattle feed yard	D	D	Section __	-	-
Farm stand	P	P	P	-	-
Firewood, storage and processing	P	P	P	D	P
Forestry	P	P	P	P	P
Grazing	P	P	P	P	P
Habitat conservation and improvement	P	P	P	P	P
Nursery/greenhouse, plant production	P	P	D*	C	P
Poultry farm	P	P	Section __		
Row and field crops, perennial	P	P	Section __	-	D
Row and field crops, seasonal/rotating	P	P	Section __	-	D
Stables, public	D	D	Section __	-	C
Watershed management activities	-	-	P	P	P

Key:

P = Permitted by-right

D = Director's Use Permit

C = Conditional Use Permit

TUP = Temporary Use Permit

- = Not Permitted

Land Use	Zone				
	A	AP	AF	OS	TPZ
Cannabis-Related Uses					
Cultivation, small	D	D	D	-	D*
Cultivation, medium	C	C	C	-	C*
Distribution	D/C	-	D/C	-	-
Manufacturing (Type 6, N, P)	D/C	D/C	D/C	-	-
Manufacturing (Type 7)					
Microbusiness	D/C	D/C	D/C	-	D/C*
Nursery	D/C	C	-	-	-
Processing facility	D/C	D	D	-	-
Retail, non-storefront	D	D	D	-	-
Retail, storefront	D/C	-	-	-	-
Testing facility	-	-	-	-	-

Key:

P = Permitted by-right

D = Director's Use Permit

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- = Not Permitted

Land Use	Zone				
	A	AP	AF	OS	TPZ
Residential Uses					
Accessory dwelling unit	Chapter 17.80				
Accessory dwelling unit, junior	Chapter 17.80				
Caretaker unit	D	D	D	D	D
Dwelling, single-family	P	P	P	-	D
Emergency shelters	P	P	P	-	D
Family daycare home	P	P	P	-	P
Farmworker/employee housing, small	P	P	P	-	D
Farmworker/employee housing, large	P	P	P	P	P
Mobile home/manufactured home	P	P	P	-	D
Mobile tiny homes	P	P	P	-	D
Residential care facilityties (less than 7 persons)	P	P	P	-	D
Residential care facilityies (7+ persons)	P	P	P	-	
Supportive housing	P	P	P	-	D
Temporary Worker Housing	D	D	D	-	D
Transitional housing	P	P	P	-	D

Key:

P = Permitted by-right

D = Director's Use Permit

C = Conditional Use Permit

TUP = Temporary Use Permit

- = Not Permitted

Land Use	Zone				
	A	AP	AF	OS	TPZ
Commercial Uses					
Animal hospital	C	C	-	-	-
Brewery, distillery, or winery	C	C	C	-	-
Equipment sales and rental facility	C	-	-	-	-
Cemetery	C	-	-	-	-
Home enterprise	P	P	P	-	-
Home occupation	P	P	P	-	
Hospital	C	-	-	-	-
Kennel, breeding or boarding	D	D	-	-	-
Retail sales, nursery	D	D	-	-	-
Industrial and Manufacturing Uses					
Contractor yard	-	-	C	-	D
Energy generating facility, commercial	C*	C	-	-	-
Industrial, major	C*	-	C*	-	
Industrial, minor	D*	-	C*	-	-
Lumber yard	C*	-	C*	-	C
Mining	C	C	C*	C	C
Sawmill	-	-	D	D	D
Slaughterhouse	D	C	-	-	-
Storage, outdoor	D	D	D	-	-
Wholesale, distributer	C	-	-	-	-

Key:

P = Permitted by-right

D = Director's Use Permit

C = Conditional Use Permit

TUP = Temporary Use Permit

- = Not Permitted

Land Use	Zone				
	A	AP	AF	OS	TPZ
Recreation, Entertainment, and Public Assembly Uses					
Bed and breakfast	C	C	C	-	-
Campground, minor	D	D	D	D	D
Campground, major	C	-	D	-	D
Commercial recreation and entertainment, indoor	C	-	-	-	
Commercial recreation and entertainment, outdoor	C	-	-	C	-
Low-intensity recreational use	D	D	P	D	
Park/playground	P	P	-	P	
Place of Assembly	D	D	-	-	
Recreational vehicle park	D	D	C	-	D
Special Event Facility	D	D	C	-	-
Public and Quasi-Public Uses					
Airport, heliport, landing strip, public/private	C	C	-	-	-
Animal shelter	C	C	-	-	-
Community garden	P	P	P	D	-
Public or governmental facility	P	P	P	-	-
Public utilities	P	P	P	-	-
School, private	C	-	-	-	-
Telecommunication facility	D	D	D	D	C

Residential Zones

Land Uses and Permitting Pathways

Key:

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Land Use	Zone				
	RR10	RR	R1	R2	R3
Agricultural and Resource Uses					
Agricultural packing and processing plant	D	C	-	-	-
Agritourism	D	C	-	-	-
Aquaculture	P/D	D	C	C	-
Chicken, turkey, or hog ranch	D	C	-	-	-
Dairy	D	-			
Animal husbandry	P	P	P	P	-
Animal sales yard	D	C	-	-	-
Apiary	P	D	-	-	-
Cattle feed yard	D	C	-	-	-
Farm Stand	P	D	-	-	-
Firewood, storage and processing	P	D	-	-	-
Forestry	P	D	-	-	-
Grazing	P	D	-	-	-
Habitat conservation and improvement	P	-	-	-	-
Nursery/greenhouse, plant production	P	P	-	-	-
Poultry farm	P	D	-	-	-
Row and field crops, perennial	P	P	-	-	-
Row and field crops, seasonal/rotating	P	P	-	-	-
Stables, public	D	D	C	C	-

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Land Use	Zone				
	RR10	RR	R1	R2	R3
Cannabis-Related Uses					
Cultivation, small	D	D	-	-	-
Cultivation, medium	C	-	-	-	-
Distribution	D/C	-	-	-	-
Manufacturing	D/C	D/C	-	-	-
Microbusiness	D/C	D/C	-	-	-
Nursery	-	-	-	-	-
Processing facility	-	-	-	-	-
Retail, non-storefront	-	-	-	-	-
Retail, storefront	-	-	-	-	-
Testing facility	-	-	-	-	-

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Land Use	Zone				
	RR10	RR	R1	R2	R3
Residential Uses					
Caretaker unit	D	-	-	-	-
Dwelling, single-family	P	P	P	D	D
Dwelling, 2 units	-	-	D/P*	P	P
Dwelling, 3 units	-	-	D	D/P*	P
Dwelling, 4+ units	-	-	C	D	P
Emergency shelter	P	P	P	P	P
Family daycare center	P	P	P	P	P
Farmworker/employee housing, small	P	P	P	D	D
Farmworker/employee housing, large	P	P	-	-	-
Low-barrier navigation centers	-	-	-	P	P
Mobile home park	-	-	C	D	P
Mobile home/manufactured home	P	P	P	D	D
Mobile tiny home village	-	-	C	D	P
Mobile tiny homes	P	P	P	P	P
Residential care facility (less than 7 persons)	P	P	P	P	P
Residential care facility (7+ persons)	P	P	P	P	P
Single room occupancy	-	-	C	D	P
Supportive housing	P	P	P	P	P
Temporary worker housing	D	C	-	-	-
Transitional housing	P	P	P	P	P

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Land Use	Zone				
	RR10	RR	R1	R2	R3
Commercial Uses					
Animal hospital	C	C	-	-	-
Brewery, distillery, or winery	C	-	-	-	-
Equipment sales and rental facility	C	C	-	-	-
Cemetery	C	C	-	-	-
Day care center	P	D	-	-	C
Home enterprise	P	P	P	D	
Home occupation	P	P	P	P	P
Hospital	C	C	C	C	-
Kennel, breeding or boarding	D	D	-	-	-
Industrial and Manufacturing Uses					
Industrial, minor	D	-	-	-	-
Lumber yard	C	-	-	-	-
Mining	C	-	-	-	-

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Land Use	Zone				
	RR10	RR	R1	R2	R3
Recreation, Entertainment, and Public Assembly Uses					
Bed and breakfast	P	D/P	P/D	P/D	P/D
Campground, minor	D	C	-	-	-
Campground, major	D	C	-	-	-
Fitness center/gym	-	-	-	D	D
Instructional services	P	P	P	P	P
Commercial recreation and entertainment, indoor	C	C	-	-	-
Commercial recreation and entertainment, outdoor	C	C	-	-	-
Country club/golf club	C	-	C	C	-
Gallery or museum	C	-	C	C	-
Low-intensity recreational uses	P	-	-	-	-
Park/playground	P	P	D	D	D
Place of Assembly	D	D	C*	C	C
Recreational vehicle park	D	C	-	-	-
Special Event Facility	D	C	-	-	-
Public and Quasi-Public Uses					
Adult day support centers, licensed	C	C	D	D	D
Airport, heliport, landing strip, public/private	C	-	C	C	-
Animal shelter	C	-	-	-	-
Community Garden	P	P	P	P	P
Public or governmental facility	P	P	P	P	P
Public utilities	P	P	P	P	P
School, private	C	C	C	C	C
School, technical/vocational	-	-	-	-	C
Telecommunication facilities	C	C	C	C	C

Commercial and Mixed-Use Zones

Land Uses and Permitting Pathways

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Cannabis-Related Uses					
Cultivation, small	-	D	-	-	-
Cultivation, medium	-	C	-	-	-
Distribution	-	C	-	C	-
Manufacturing (Type 6, N, P)	-	C	-	C	-
Manufacturing (Type 7)	-	-	-	C	-
Microbusiness	-	C	-	C	-
Nursery	-	-	-	C	-
Processing facility	-	D	-	D	-
Retail, non-storefront	-	C	-	-	-
Retail, storefront	D	D	D	-	C
Testing facility	-	C	-	C	-

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Residential Uses					
Caretaker unit	D	D	D	D	D
Dwelling, single-family	D	D	D	D	P
Dwelling, 2 units	-	-	-	-	P
Dwelling, 3 units	-	-	-	-	P
Dwelling, 4+ units	D	D	D	-	P
Emergency shelters	P	P	P	P	P
Family daycare home	P	P	P	P	P
Farmworker/employee housing, small	D*	D*	D*	D*	D
Live/work housing	P	P	-	-	P
Low-barrier navigation centers	P	P	P	P	P
Mobile home park	D	D	D	D	P
Mobile home/manufactured home	D*	D*	D*	D*	D
Mobile tiny home village	D*	D*	D*	D*	P
Mobile tiny homes	D*	D*	D*	D*	P
Residential care facility (less than 7 persons)	P	P	P	P	P
Residential care facility (7+ persons)	P	P	P	P	P
Single room occupancy	P	P	P	P	P
Supportive housing	P	P	P	P	P
Transitional housing	P	P	P	P	P

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Commercial Uses					
Animal hospital	-	C	C	-	-
Auto, fueling station	C*	P	P	P	-
Auto, repair/service	C	P	D	P	-
Auto, sales	-	C	D	P	-
Bar/night club	D	P	P	-	D
Brewery, distillery, or winery	D	P	P	-	C
Car wash	C	P	P	P	-
Convenience store	P	P	P	-	P
Day care center	D	D	-	-	D
Equipment sales and rental facility	C	D	P	P	-
Financial institution	P	P	P	-	P
Funeral and burial services	D	P	P	-	-
Cemetery	C	C	C	C	C
Grocery store	P	P	P	P	D
Highway commercial complex	-	-	D	-	-
Home enterprise	-	-	-	-	P
Home occupation	-	-	-	-	P
Hospital	-	P	P	-	-

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Commercial Uses Continued					
Laundromat, connected to community water system	D	P	C	-	D
Laundromat, not connected to community water system	C	C	C	-	-
Office, medical	P	P	P	P	P
Office, professional	P	P	P	-	P
Restaurant, with drive thru	C	D	D	-	-
Restaurant, without drive thru	P	P	P	-	P
Retail sales, nursery	D	P	P	-	-
Retail, general	P	P	P	-	P
Retail, restricted	C	D	C		C
Retail, personal services	P	P	P	-	P
Laundromat, connected to community water system	D	P	C	-	D
Laundromat, not connected to community water system	C	C	C	-	-
Office, medical	P	P	P	P	P
Office, professional	P	P	P	-	P
Restaurant, with drive thru	C	D	D	-	-
Restaurant, without drive thru	P	P	P	-	P
Retail sales, nursery	D	P	P	-	-
Retail, general	P	P	P	-	P
Retail, restricted	C	D	C		C
Retail, personal services	P	P	P	-	P

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Industrial and Manufacturing Uses					
Contractor yard	-	C	-	D	-
Industrial, major	-	-	-	C	-
Industrial, minor	-	C	-	P	-
Lumber yard	-	C	-	C	-
Recycling facility, indoor	-	D	D	P	-
Recycling facility, indoor/outdoor	-	C	C	C	-
Salvage/junk yard	-	-	-	C	-
Storage, hazardous materials	-	-	-	C	-
Storage, outdoor	-	C	C	P	-
Storage, personal	C	P*	C	P	-
Warehousing	-	C	-	P	-
Wholesale, distributer	-	C	-	P	-
Wholesale, sales	-	C	-	P	-

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Recreation, Entertainment, and Public Assembly Uses					
Bed and breakfast	P	P	-	-	D/P
Campground, minor	-	-	C	-	-
Campground, major	-	-	C	-	-
Card room	-	C	-	-	-
Fitness center/gym	P	P	D	P	P
Instructional services	P	P	-	P	P
Commercial recreation and entertainment, indoor	C	D	D	D	D
Commercial recreation and entertainment, outdoor	-	-	-	C	C
Country Club/Golf Club	D	-	-	-	-
Gallery or museum	P	P	-	P	P
Hotel/motel	D	P	P	-	P
Park/playground	D	D	-	D	D
Place of Assembly	P	P	P	-	P
Recreational vehicle park	-	C	-	-	-
Special Event Facility	C	C	C	-	C
Theatre or cinema	D	P	C	-	C

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Public and Quasi-Public Uses					
Adult day support center, licensed	-	P	-	-	-
Airport, heliport, landing strip, public/private	-	-	-	C	-
Animal shelter	-	C	C	-	-
Community garden	D	D	D	D	D
Public or governmental facility	P	P	P	P	P
Public utilities	P	P	P	P	P
School, private	C	-	-	-	C
School, technical/vocational	-	C	C	C	C
School, college/university	-	C	C	C	C
Telecommunication facilities	C	C	C	C	C

Industrial Zones

Land Uses and Permitting Pathways

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Land Use	Zone
	I
Agricultural and Resource Uses	
Agricultural packing and processing plant	P
Aquaculture	D
Chicken, turkey, or hog ranch	D
Dairy	D
Animal husbandry	P
Animal sales yard	P
Apiary	P
Cattle feed yard	P
Farm Stand	P
Firewood, storage and processing	P
Forestry	P
Grazing	P
Nursery/greenhouse, plant production	P
Poultry farm	P
Row and field crops, perennial	P
Row and field crops, seasonal/rotating	P
Stables, public	P

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Land Use	Zone
	I
Cannabis-Related Uses	
Cultivation, small	D
Cultivation, medium	C
Distribution	C
Manufacturing	D/C
Microbusiness	C
Nursery	C
Processing facility	D
Retail, non-storefront	C
Retail, storefront	-
Testing facility	C

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Land Use	Zone
	I
Residential Uses	
Caretaker unit	D
Emergency shelters	P
Commercial Uses	
Auto, repair/service	P
Brewery, distillery, or winery	C
Equipment sales and rental facility	P
Office, professional	P
Retail sales, nursery	P
Retail, general	C

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Land Use	Zone
	I
Industrial and Manufacturing Uses	
Contractor yard	P
Fertilizer plant or yard	D
Energy generating facilities, commercial	C
Industrial, hazardous	C
Industrial, major	D
Industrial, minor	P
Lumber yard	D
Mining	C
Recycling facility, indoor	P
Recycling facility, indoor/outdoor	D
Refuse disposal facility	C
Salvage/junk yard	C
Sawmill, permanent	D
Septage hauler/disposal	C
Slaughterhouse	C
Storage, hazardous materials	C
Storage, outdoor	P
Storage, personal	P
Warehousing	P
Wholesale, distributer	P
Wholesale, sales	P

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Land Use	Zone
	I
Recreation, Entertainment, and Public Assembly Uses	
Fitness center/gym	D
Instructional services	D
Public and Quasi-Public Uses	
Airport, heliport, landing strip, public/private	C
Community Garden	D
Correctional facility	C
Public or governmental facility	P
Public utilities	P
Telecommunication facilities	D

Public Facilities Zones

Land Uses and Permitting Pathways

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Land Use	Zone
	PF
Residential Uses	
Caretaker unit	D
Emergency shelters	P
Low-barrier navigation centers	P
Supportive housing	P
Transitional housing	P
Commercial Uses	
Animal hospital	C
Hospital	C
Office, medical	P
Office, professional	P
Industrial and Manufacturing Uses	
Recycling facility, indoor	C
Recycling facility, indoor/outdoor	C
Refuse disposal facility	C

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Land Use	Zone
	PF
Recreation, Entertainment, and Public Assembly Uses	
Bed and breakfast	-
Campground, minor	D
Campground, major	D
Instructional services	P
Gallery or museum	P
Low-intensity recreational uses	P
Park/playground	P/D
Place of Assembly	P
Recreational vehicle park	D
Special Event Facility	C
Recreation, Entertainment, and Public Assembly Uses	
Bed and breakfast	-
Campground, minor	D
Campground, major	D
Instructional services	P
Gallery or museum	P

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Land Use	Zone
	PF
Recreation, Entertainment, and Public Assembly Uses	
Public and Quasi-Public Uses	
Adult day support center, licensed	-
Airport, heliport, landing strip, public/private	C
Animal shelter	P
Community garden	D
Fairgrounds	-
Public or governmental	P
Correctional facility	C
Public utilities	P
School, private	P/D
School, technical/vocational	C
School, college/university	C
Telecommunication facilities	D

TRINITY COUNTY COMMUNITY DEVELOPMENT SERVICES
PLANNING DEPARTMENT
530 MAIN ST., PO BOX 2819
PHONE – 530-623-1351
WEAVERVILLE, CALIFORNIA 96093

MEMORANDUM

DATE:	March 13, 2026
TO:	Members of the Trinity County Planning Commission
FROM:	Jorge Martinez, Administrative Coordinator
SUBJECT:	Agenda Item: A Additional Study Session Trinity County Zoning Code Update parts 2, 4, and 7

Comments received on or after the March 12, 2026 meeting

Guidelines for the Security and Non-Diversion of Cannabis Grown for Medical Use

In 1996, California voters approved Proposition 215, the Compassionate Use Act of 1996, which exempted certain patients and their primary caregivers from criminal liability under state law for the possession and cultivation of marijuana for medicinal use. (Health & Saf. Code, § 11362.5.[1]) In 2003, the California Legislature enacted Senate Bill 420, the Medical Marijuana Program Act, which clarified requirements related to medical marijuana. Pursuant to the legislation, the Office of the Attorney General is required to adopt "guidelines to ensure the security and non-diversion of cannabis grown for medical use." (§ 11362.81, subd. (d).) To fulfill this mandate, the Office of the Attorney General is re-issuing and updating these guidelines to (1) ensure that cannabis grown for medicinal purposes remains secure and does not find its way to non-patients or illicit markets; (2) help law enforcement agencies perform their duties effectively and in accordance with California law; and, (3) help patients and primary caregivers understand how they may cultivate, transport, deliver, possess, and use medicinal cannabis under California law.[2]

I. SUMMARY OF APPLICABLE LAW

A. Proposition 215 - The Compassionate Use Act of 1996

On November 5, 1996, California voters passed Proposition 215, the Compassionate Use Act (CUA), which decriminalized the cultivation, possession, and use of marijuana by seriously ill individuals upon a physician's recommendation. (§ 11362.5.) The CUA was enacted to "ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana," "ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not subject to criminal prosecution or sanction," and "encourage federal and state governments to implement a plan for the safe and affordable distribution of marijuana to all patients in medical need of marijuana." (§ 11362.5, subds. (b)(1)(A), (B) & (C).) The CUA is a narrowly drafted statute designed to allow a qualified medical patient and his or her primary caregiver to possess and cultivate marijuana for the patient's personal use. (*People v. London* (2014) 228 Cal.App.4th 544, 551-553.)

[1] Unless otherwise noted, all statutory references are to the Health and Safety Code.

[2] Effective January 1, 2018, pursuant to Proposition 64, the nonmedicinal adult-use of cannabis became legal in California for adults 21 years of age and older. (See § 11362.1 and Bus. & Prof. Code, § 26000 et al.) These guidelines are not intended to provide guidance on the nonmedicinal adult-use of cannabis.

The CUA states that "Section 11357, relating to the possession of marijuana, and Section 11358, relating to the cultivation of marijuana, shall not apply to a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician." (§ 11362.5, subd. (d).) Accordingly, the CUA is designed to ensure that Californians who comply with the CUA are not subject to criminal sanctions. (*People ex rel. Feuer v. Progressive Horizon, Inc.* (2016) 248 Cal.App.4th 533.)

B. Senate Bill 420 - The Medical Marijuana Program Act

On January 1, 2004, Senate Bill 420, the Medical Marijuana Program Act (MMPA), became law. (§§ 11362.7-11362.85.) The MMPA does not amend the CUA, but is a separate legislative scheme that implements the CUA. (*People v. London, supra*, 228 Cal.App.4th 544.) The MMPA, among other things, requires the California Department of Public Health to establish and maintain a program for the voluntary registration of qualified medicinal cannabis patients and their primary caregivers through a statewide identification card system. (§§ 11362.71, subd. (e), 11362.78.) Medical cannabis identification cards are intended to help law enforcement officers identify and verify that cardholders are able to cultivate, deliver, transport, and possess certain amounts of medicinal cannabis (based on a physician's recommendation) without being subject to fines or arrest under specific conditions. (*Ibid*.)

Under the CUA, all county health departments shall participate in the identification card program by: (1) providing applications upon request to individuals seeking to join the identification card program; (2) processing completed applications; (3) maintaining certain records; (4) following state implementation protocols; and (5) issuing medical cannabis identification cards to approved applicants and designated primary caregivers. (§ 11362.71, subd. (b).)

Participation by patients and primary caregivers in the identification card program is voluntary. County health departments are required to verify the applicant's status as a qualified patient before the issuance of the identification card. (§ 11362.71.) State and local law enforcement shall have immediate access to information to verify the validity of the card. (§ 11362.735.)

In addition to establishing the identification card program, the MMPA also defines certain terms, and sets possession guidelines for cardholders. (§§ 11362.7, 11362.77.) In *People v. Mower*, the California Supreme Court held "section 11362.5(d) [of the CUA] does not grant any immunity from arrest." (*People v. Mower* (2002) 28 Cal. 4th 57, 468–69.) Thus, the California Legislature enacted the MMPA to clarify the scope of the CUA. (*People v. Kelly* (2010) 47 Cal. 4th 1008.) "At the heart of the MMP[A] is a voluntary 'identification card' scheme that, unlike the CUA—which ... provides only an affirmative defense to a charge of possession or cultivation—provides protection against arrest for those and related crimes." (*People v. Kelly*, *supra*, 47 Cal. 4th 1014.) A person who

suffers from a serious medical condition or a primary caregiver may receive an identification card that "can be shown to a law enforcement officer who otherwise might arrest the program participant or his or her primary caregiver." (*Id.*)

C. Medical Marijuana Regulation and Safety Act of 2016[3]

On October 11, 2015, Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively known as the Medical Marijuana Regulation and Safety Act (MMRSA), were signed into law. (Bus. & Prof. Code, §§ 19300-19360.) The MMRSA established a state regulatory and licensing system for the cultivation, manufacturing, delivery, and sale of medicinal cannabis as of January 1, 2016. In 2017, the MMRSA was repealed by Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act, which is discussed below.

D. Proposition 64 – The Control, Regulate and Tax Adult Use of Marijuana Act of 2016

On November 8, 2016, the voters of California passed Proposition 64, the Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), which established a "comprehensive system to legalize, control, and regulate the cultivation, processing, manufacture, distribution, testing, and sale of nonmedical marijuana, including marijuana products, for use by adults 21 years and older." (Ballot Pamp., Gen. Elec. (Nov. 8, 2016) text of Prop. 64, pp. 178-210.) The AUMA also provided for the taxation of the commercial growth and retail sale of marijuana. (*Ibid.*) The AUMA did not alter the CUA or MCRSA, but rather the AUMA added and amended sections to numerous California statutes, including, but not limited to, the Penal Code, Business and Professions Code, Health and Safety Code, the Food and Agricultural Code, and the Revenue and Taxation Code. (*Ibid.*) The intent behind the AUMA, in part, was to combat the illegal market by creating a regulatory structure to govern California's commercial cannabis activity, prevent access by minors, and protect public safety, public health, and the environment. (*Ibid.*)

E. Senate Bill 94 – Medicinal and Adult-Use Cannabis Regulation and Safety Act

On June 27, 2017, Senate Bill 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)[4], was signed into law. (Bus. & Prof. Code, § 26000 et seq.) The MAUCRSA repealed the MCRSA and consolidated the state's medicinal and adult-

[3] On June 27, 2016, pursuant to Senate Bill 837, the Medical Marijuana Regulation and Safety Act was renamed the Medical Cannabis Regulation and Safety Act (MCRSA).

[4] MAUCRSA replaced all references to "marijuana" with "cannabis" within the Business and Professions Code and Health and Safety Code, division 10, chapter 6, article 2, as well as several other statutes. However, other statutes still use "marijuana" within the language of their texts.

use cannabis regulatory systems. (*Ibid*.) In general, the MAUCRSA imposed similar requirements on both commercial medicinal and adult-use cannabis activity.

1. California Penal Provisions Relating to Cannabis

The MAUCRSA reduced and eliminated certain criminal penalties related to cannabis and continued to exempt qualified patients and their primary caregivers from certain criminal penalties.[5] (See, e.g., § 11357 [unlawful possession of cannabis is an infraction]; § 11358 [unlawful cultivation of cannabis in excess of six plants is a misdemeanor]; Veh. Code, § 23222 [unlawful possession of less than 1 oz. of cannabis while driving is an infraction]; § 11359 [unlawful possession with intent to sell any amount of cannabis without a license is a misdemeanor]; § 11360 [unlawful transporting, selling, or giving away cannabis in California is a misdemeanor; under 28.5 grams is an infraction]; § 11361 [selling or distributing cannabis to minors, or using a minor to transport, sell, or give away cannabis, by a person 18 years of age or older is a felony].) Thus, under MAUCRSA, most criminal offenses related to cannabis for a person 18 years of age or older are punishable as an infraction or misdemeanor, although certain conditions may lead to a felony enhancement. (§§ 11357-11362.5.)

2. Taxability of Medicinal Cannabis

In February 2007, the California State Board of Equalization (Board of Equalization) issued a Special Notice confirming its policy of taxing medical marijuana transactions, as well as its requirement that businesses engaging in such transactions hold a seller's permit. (http://www.boe.ca.gov/news/pdf/medseller2007.pdf) According to the Notice, having a seller's permit does not allow individuals to make unlawful sales, but instead merely provides a way to remit any sales and use taxes due. The Board of Equalization further clarified its policy in a June 2007 Special Notice that addressed several frequently asked questions concerning taxation of medical marijuana transactions. (http://www.boe.ca.gov/news/pdf/173.pdf)

On June 15, 2017, the California Legislature passed the Taxpayer Transparency and Fairness Act (AB 102), which restructured the Board of Equalization into two new tax administrative agencies, one of which became the newly created California Department of Tax and Fee Administration. The California Department of Tax and Fee Administration is the state agency tasked with administering business permits and taxes, including those involving cannabis. Cannabis cultivators, processors, manufacturers, retailers, microbusinesses, and distributors making sales must now obtain a seller's permit from this agency. Similarly, distributors of cannabis and cannabis products must also register to obtain cannabis tax permits and to report and pay state cannabis taxes.

[5] Under the MAUCRSA (consistent with the CUA), pursuant to section 11362.5, subdivision (d), section 11357 related to possession of marijuana, and section 11358 related to cultivation of marijuana, do not apply to, "a patient, or to a patient's primary caregiver, who possesses or cultivates marijuana for the personal medical purposes of the patient upon the written or oral recommendation or approval of a physician."

Additional information regarding cannabis state taxes can be found on the California Department of Tax and Fee Administration website. (http://www.cdtfa.ca.gov/industry/cannabis.htm)

The enactment of MAUCRSA has partially exempted medicinal cannabis patients from certain taxes. Under Revenue and Taxation Code section 34011, subdivision (f), "sales and use taxes…shall not apply to retail sales of medicinal cannabis, medicinal cannabis concentrate, edible medicinal cannabis products, or topical cannabis …when a qualified patient or primary caregiver for a qualified patient provides his or her card issued under Section 11362.71 of the Health and Safety Code and a valid government-issued identification card." Medicinal cannabis and cannabis products, which include concentrates, edibles, and topicals, are subject to excise and local taxes, regardless of whether a qualified patient possesses a card issued under section 11362.71.

F. Medical Board of California, Osetoepathic Medical Board and Board of Podiatric Medicine

Medical professionals licensed by the Medical Board of California, the California Board of Podiatric Medicine, or the Osteopathic Medical Board of California cannot recommend medicinal cannabis unless certain conditions are met. In April 2018, the Medical Board issued its "Guidelines for the Recommendation of Cannabis for Medical Purposes."[6] The Medical Board clarified that the accepted standards of medical responsibility are the same ones that a reasonable and prudent physician would follow when recommending or approving any medication.[7] They include the following:

1. **Physician-Patient Relationship:** Documenting that an appropriate physician-patient relationship has been established before recommending cannabis use for medical purposes;

2. **Patient Evaluation:** Conducting and documenting an appropriate prior medical examination and collecting relevant clinical history;

3. **Informed and Shared Decision Making:** Providing informed consent, including discussion of side effects;

4. **Treatment Agreement:** Developing a treatment plan with objectives;

[6] (https://www.mbc.ca.gov/Publications/guidelines_cannabis_recommendation.pdf)

[7] The standards of medical responsibility outlined in the guidelines also apply to licensees of the Osteopathic Medical Board of California and the Board of Podiatric Medicine. (See Bus. & Prof. Code, § 2525.2.)

5. **Qualifying Conditions:** Determining appropriateness and safety of recommendation in accordance with current standards of practice and in compliance with state laws, rules, and regulations which specify qualifying conditions for which a patient may qualify for cannabis for medical purposes;

6. **Ongoing Monitoring and Adapting the Treatment Plan:** Periodically reviewing the treatment's efficacy;

7. **Consultation and Referral:** Consultations and referrals, as necessary;

8. **Medical Records:** Keeping proper records supporting the decision to recommend the use of medicinal cannabis; and

9. **Physician Conflicts of Interest:** Avoiding financial conflicts of interest.

Although state law prohibits punishing a physician simply for recommending cannabis for treatment of a serious medical condition (§ 11362.5, subd. (c)), the Medical Board, the Osteopathic Medical Board, and the Board of Podiatric Medicine can, and do, take disciplinary action against licensees who fail to comply with accepted medical standards when recommending cannabis. Physicians, Osteopaths, and Podiatrists who provide medicinal cannabis recommendations in violation of professional standards and/or legal requirements may be subject to license discipline and/or criminal prosecution. (Bus. & Prof. Code, §§ 2234 and 2525.2.)

Complaints about physicians should be addressed to the Medical Board (1-800-633-2322 or www.mbc.ca.gov), which investigates alleged licensing violations.

Complaints about osteopaths should be addressed to the Ostoepathic Medical Board (916 928-8390 or www.ombc.ca.gov)

Complaints about podiatrists should be addressed to the Board of Podiatric Medicine (916-263-2647 or www.bpm.ca.gov.)

The Federal Controlled Substances Act[8]

Adopted in 1970, the Controlled Substances Act established a federal regulatory system designed to combat drug abuse by regulating the manufacture, importation, distribution, use, or possession of any controlled substance. (21 U.S.C. § 801 et seq.; *Gonzales v. Oregon* (2006) 546 U.S. 243, 271-273.) The Controlled Substances Act reflects the federal government's view that marijuana is a drug with "no currently accepted medical use." (21 U.S.C. § 812, subd. (b)(1)(B).) Accordingly, the manufacture, distribution,

[8] Federal laws and regulations use the terms "marijuana" or "marihuana" and not cannabis.

dispensing, possession, or purchasing of marijuana is a federal criminal offense. (*Id.* at §§ 841, subd. (a)(1), 844, subd. (a).)

On August 29, 2013, the United States Department of Justice, under the leadership of United States Deputy Attorney General James Cole, issued a memorandum to all United States Attorneys governing the federal prosecution of marijuana related offenses. The Cole Memorandum (as it is commonly known) stated that the Justice Department would take into consideration regulatory and enforcement systems implemented in states that have legalized marijuana in some form, and that the presence of those systems would make it less likely that a substantial federal interest would be found warranting enforcement action. Former United States Attorney General Jeff Sessions issued a memorandum to all United States Attorneys on January 4, 2018, rescinding the Cole Memorandum. Finally, medicinal marijuana operators acting in compliance with state laws are protected from federal enforcement under the Joyce/Blumenauer Amendment[9] until its expiration on September 30, 2019.

On June 25, 2018, the Food and Drug Administration approved Epidiolex, a cannabidiol oral solution, for the treatment of epileptic seizures associated with Lennox-Gastaut syndrome and Dravet syndrome, in patients two years of age and older. On September 28, 2018, the Drug Enforcement Administration created a new classification in Schedule V of the Controlled Substances Act schedules for "*Approved cannabidiol drugs*," – "A drug product in finished dosage formulation that has been approved by the U.S. Food and Drug Administration that contains cannabidiol (2-[1R-3-methyl-6R-(1-methylethenyl)-2-cyclohexen-1-yl]-5-pentyl-1,3-benzenediol) derived from cannabis and no more than 0.1 percent (w/w) residual tetrahydrocannabinols." (21 C.F.R. § 1308.15, subd. (f).)

The Drug Enforcement Administration indicated in its Final Order:
"By virtue of this order, Epidiolex (and any generic versions of the same formulation that might be approved by the FDA in the future) will be a schedule V controlled substance. Thus, all persons in the distribution chain who handle Epidiolex in the United States (importers, manufacturers, distributors, and practitioners) must comply with the requirements of the CSA and DEA regulations relating to schedule V controlled substances. As further indicated, any material, compound, mixture, or preparation other than Epidiolex that falls within the CSA definition of marijuana set forth in 21 U.S.C. 802(16), including any non-FDA-approved CBD extract that falls within such definition, remains a schedule I controlled substance under the CSA."

[9] Initially adopted in 2014 as the Rohrabacher-Blumenauer Amendment, the Department of Justice is prohibited from allocating federal resources to interfere with the implementation of state medical cannabis laws. Since its enactment, the amendment has been approved or renewed by Congress 11 times. It was initially referred to as the Rohrabacher-Farr amendment as it was named after Reps. Dana Rohrabacher and Sam Farr, who co-sponsored the amendment. After Rep. Farr retired from Congress in 2017, Rep. Blumenauer replaced him as co-sponsor. This amendment was renamed again in 2018 to replace Rep. Rohrabacher as co-sponsor and is now referred to as the "Joyce/Blumenauer Amendment."

Food and Drug Administration-approved drugs with cannabidiol derived from cannabis and containing no more than 0.1 percent residual tetrahydrocannabinols have been moved to Schedule V.

Further, California's medicinal cannabis laws have not been successfully challenged in court on the ground that they are pre-empted by the Controlled Substances Act. (*County of San Diego v. San Diego NORML* (2008) 165 Cal.App.4th 798.) In fact, Congress has provided that states are free to regulate in the area of controlled substances, including cannabis, provided that state law does not positively conflict with the Controlled Substances Act. (21 U.S.C. § 903.) Indeed, neither the MAUCRSA, the CUA, nor the MMPA, conflict with the Controlled Substances Act because, in adopting these laws, California exercised the state's reserved powers to not punish certain cannabis-related offenses under state law when a physician has recommended its use to treat a serious medical condition. (See *City of Garden Grove v. Superior Court (Kha)* (2007) 157 Cal.App.4th 355, 371-373, 381-382.)

II. DEFINITIONS

A. Physician's Recommendation: Physicians may not prescribe cannabis because the federal Food and Drug Administration regulates prescription drugs and, under the Controlled Substances Act, marijuana is a Schedule I drug, meaning that it has no recognized medical use, with the exception noted above. Physicians may, however, lawfully issue a written or oral recommendation under California law indicating that cannabis would be a beneficial treatment for a serious medical condition. (§ 11362.5, subd. (d); *Conant v. Walters* (9th Cir. 2002) 309 F.3d 629, 632.)

B. Primary Caregiver: A primary caregiver is a person who is designated by a qualified patient and "has consistently assumed responsibility for the housing, health, or safety" of the patient. (§ 11362.5, subd. (e).) California courts have emphasized the "consistency" requirement of the patient-caregiver relationship. Although a "primary caregiver who consistently grows and supplies . . . medicinal marijuana for a section 11362.5 patient is serving a health need of the patient," someone who merely maintains a source of cannabis does not automatically become the party "who has consistently assumed responsibility for the housing, health, or safety" of that patient. (*People ex rel. Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1390, 1400.) A person may serve as a primary caregiver to "more than one" patient, provided that the patients and caregiver all reside in the same city or county. (§ 11362.7, subd. (d)(2).) Primary caregivers may also receive certain compensation (actual and/or out-of-pocket expenses) for their services without being subject to prosecution for possessing or transporting cannabis. (§ 11362.765, subd. (c).)

C. Qualified Patient: A qualified patient is a person whose physician has recommended the use of cannabis to treat a serious illness, which includes AIDS, anorexia, arthritis, cachexia, cancer, chronic pain, glaucoma, migraine, persistent muscle spasms, seizures, severe nausea, or any other chronic or persistent medical condition for which marijuana provides relief. (§§ 11362.5, subd. (b)(1)(A) and 11362.7, subd. (h).)

D. Attending Physician: An attending physician is a person who (1) possesses a license in good standing to practice medicine in California; (2) has taken responsibility for some aspect of the medical care, treatment, diagnosis, counseling, or referral of a patient; and (3) has complied with accepted medical standards (as described by the Medical Board of California in its April 2018 guidelines) that a reasonable and prudent physician would follow when recommending or approving medicinal cannabis for the treatment of a patient. (Bus. & Prof. Code, § 2525.2, citing §11362.7, subd. (a).)

III. GUIDELINES REGARDING INDIVIDUAL QUALIFIED PATIENTS AND PRIMARY CAREGIVERS

A. State Law Compliance Guidelines

1. Physician Recommendation: Patients must have a written or oral recommendation for cannabis from a licensed physician. (§ 11362.5, subd. (d).)

2. State of California Medical Marijuana Identification Card: Under the Medical Marijuana Program, qualified patients may voluntarily apply for a card issued by the county in which they reside, identifying them as a person who is authorized to use cannabis. The primary caregiver may obtain a card identifying them as a person authorized to cultivate, possess, transport, and/or deliver cannabis for medical purposes. To help law enforcement officers verify the cardholder's identity, each card bears a unique identification number, and a verification database is available online (www.calmmp.ca.gov). In addition, the cards contain the name of the county health department that approved the application, a 24-hour verification telephone number, and an expiration date. (§§ 11362.71, subd. (a), 11362.735, subd. (a)(3)-(4), 11362.745.)

3. Proof of Qualified Patient Status: Although oral recommendations are technically permitted under the CUA, patients should obtain and carry written proof of their physician recommendations to help them avoid fines or seizures of medicinal cannabis. A state identification card is the best form of proof, because it is easily verifiable and provides immunity from fine assessments if certain conditions are met (see section III.B.4, below). The next best forms of proof are a city- or county-issued patient identification card, or a written recommendation from a physician.

4. Possession Guidelines

a) Medical Marijuana Program (MMP): Qualified patients or primary caregivers who possess a state-issued identification card may possess no more than 8 ounces of dried cannabis per qualified patient, and may maintain no more than 6 mature or 12 immature plants per qualified patient. (§ 11362.77, subd. (a).) However, a qualified patient or primary caregiver with a doctor's recommendation may possess an amount of cannabis consistent with the patient's needs. (§ 11362.77, subd. (b).) Only the dried mature processed flowers or buds of the female cannabis plant should be considered when determining allowable quantities of medicinal cannabis. (§ 11362.77, subd. (d).) The MAUCRSA enabling regulations adopt these possession limits as daily limits for what a licensed retailer may sell to a medicinal cannabis patient or a primary caregiver. (See Cal. Code Regs., tit. 16, § 5409.)

b) Local Possession Guidelines: Counties and cities may adopt regulations that allow qualified patients or primary caregivers to possess medicinal cannabis in amounts that exceed the MMP's possession guidelines. (§ 11362.77, subd. (c).)

c) Compassionate Use: Qualified patients claiming protection under the CUA may possess an amount of cannabis that is "reasonably related to [their] current medical needs." (*People v. Trippet* (1997) 56 Cal.App.4th 1532, 1549.)

B. Enforcement Guidelines: In light of California's legalization of recreational adult-use cannabis, as well as its decision to remove the use and cultivation of physician-recommended medicinal cannabis from the scope of the state's drug laws, it is recommended that state and local law enforcement officers not arrest individuals or seize cannabis under federal law when the officer determines, from the facts available, that the cultivation, transportation, delivery, and/or possession, is permitted under California's medicinal or adult use cannabis laws.

1. Location of Use: Cannabis may not be smoked (a) where smoking is prohibited by law, (b) at or within 1,000 feet of a school, recreation center, or youth center (unless the medicinal use occurs within a residence), (c) on a school bus, or (d) in a moving motor vehicle or boat. (§ 11362.79 and § 11362.3) In addition, state and local agencies may prohibit or restrict consumption of cannabis or cannabis products on state owned or leased property. (§ 11362.45, subd. (g).) Private property owners may also prohibit or restrict consumption of cannabis or cannabis products on their property. (§ 11362.45, subd. (h).) Finally, since cannabis and cannabis products are illegal under federal law, consumption of

cannabis or cannabis products on federal land, even if it is located in California, is not a protected activity.

2. Use of Medicinal Cannabis in the Workplace or at Correctional Facilities: The medicinal use of cannabis need not be accommodated in the workplace, during work hours, or at any jail, correctional facility, or other penal institution. (§ 11362.785, subd. (a); *Ross v. RagingWire Telecomms., Inc.* (2008) 42 Cal.4th 920, 933 [under the Fair Employment and Housing Act, an employer may terminate an employee who tests positive for cannabis use].)

3. Criminal Defendants, Probationers, and Parolees: Criminal defendants and probationers may request court approval to use medicinal cannabis while they are released on bail or probation. The court's decision and reasoning must be stated on the record and in the minutes of the court. Likewise, parolees who are eligible to use medicinal cannabis may request that they be allowed to continue such use during the period of parole. The written conditions of parole must reflect whether the request was granted or denied. (§ 11362.795.)

4. State of California Medical Marijuana Identification Cardholders: When a person invokes the protections of the CUA or the MMP and he or she possesses an identification card, officers should:

a) Review the identification card and verify its validity either by calling the telephone number printed on the card, or by accessing the Department of Public Health's card verification website (http://www.calmmp.ca.gov); and

b) If the card is valid and not being used fraudulently, there are no other indicia of illegal activity (weapons, illicit drugs, or excessive amounts of cash), and the person is within the state or local possession guidelines, the individual should be released and the cannabis should not be seized. Under the MMP, "no person or designated primary caregiver in possession of a valid identification card shall be subject to arrest for possession, transportation, delivery, or cultivation of medicinal cannabis . . ." (§ 11362.71, subd. (e).) Further, a "state or local law enforcement agency or officer shall not refuse to accept an identification card issued by the department unless the state or local law enforcement agency or officer has reasonable cause to believe that the information contained in the card is false or fraudulent, or the card is being used fraudulently." (§ 11362.78.)

5. Non-Cardholders: When a person in possession of medicinal cannabis, including medicinal cannabis products, or an excessive amount of cannabis plants claims protection under the CUA or the MMP and only has a locally-issued (i.e.,

non-state) patient identification card, or a written or oral recommendation from a licensed physician, officers should use their sound professional judgment to assess the validity of the person's medicinal claim:

a) Officers need not abandon their search or investigation to determine if the amount of cannabis being possessed or transported is within legal constraints and consistent with the qualified patient's physician's recommendation. (*People v. Wayman* (2010) 189 Cal.App.4th 215.) The enactment of the MAUCRSA has decriminalized the possession and transportation of limited amounts of cannabis, therefore the presence of a small quantity of cannabis is not considered contraband when possessed in compliance with state laws. Cannabis and cannabis products lawfully possessed are no longer subject to seizure. (§ 11362.1, subd. (c).) Reasonable suspicion is required for detention, while probable cause is required for search, seizure, and arrest; and the motor vehicle exception to a probable cause search still applies. (*People v. Waxler* (2014) 224 Cal.App.4th 712.)

b) Officers should review any written documentation for validity. It may contain the physician's name, telephone number, address, and license number.

c) If the officer reasonably believes that the medicinal claim is valid based upon the totality of the circumstances (including the quantity of cannabis, packaging for sale, the presence of weapons, illicit drugs, or large amounts of cash), and the person is within the state or local possession guidelines or has an amount consistent with their current medical needs, the person should be released and the cannabis should not be seized.

d) Alternatively, if the officer has probable cause to doubt the validity of a person's medicinal cannabis claim based upon the facts and circumstances, the person may be arrested and the cannabis may be seized. It will then be up to the person to establish his or her medicinal cannabis defense in court.

e) Officers are not obligated to accept a person's claim of having a physician's oral recommendation that cannot be readily verified with the physician at the time of detention.

6. Exceeding Possession Guidelines: If a person has what appears to be valid medicinal cannabis documentation, but exceeds the applicable possession

guidelines identified in section 5(a), above, all cannabis may be seized. (§§ 11362.1, subd. (c), 11471, subds. (c) and (d), § 11475.)

7. Return of Seized Medicinal Cannabis: If a person whose cannabis is seized by law enforcement successfully establishes a medicinal cannabis defense in court, or the case is not prosecuted, he or she may file a motion for return of the cannabis. If a court grants the motion and orders the return of cannabis seized incident to an arrest, the individual or entity subject to the order must return the property. (*City of Garden Grove v. Superior Court* (*Kha*) (2007) 157 Cal.App.4th 355, 369, 386, 391.) State law enforcement officers who handle controlled substances in the course of their official duties are immune from liability under the Controlled Substances Act. (21 U.S.C.§ 885, subd. (d).)

IV. GUIDELINES REGARDING COLLECTIVES AND COOPERATIVES

Under the MAUCRSA, medicinal cannabis cooperatives and collectives are required to obtain state licenses to operate as of January 10, 2019.[10] The exceptions to this requirement are: (a) individual patients; and (b) caregiver gardens serving no more than five patients. (Bus. & Prof. Code, § 26033, subd. (b).) Unlicensed cannabis cooperatives and collectives are subject to enforcement action, in addition to criminal sanctions for failure to comply with legal requirements. The following guidelines apply to qualified patients and primary caregivers who come together to collectively or cooperatively cultivate physician-recommended cannabis.

A. Business Forms: Any group that is collectively or cooperatively cultivating and distributing cannabis for medical purposes should be organized and operated in a manner that ensures the security of the crop and safeguards against diversion for non-medical purposes. The following are guidelines to help cooperatives and collectives operate within the law, and to help law enforcement determine whether they are doing so.

1. Statutory Cooperatives: Cannabis cooperatives are subject to the General Corporation Law. (Bus. & Prof. Code, § 26222.5.) A cooperative must file articles of incorporation with the state and conduct its business for the mutual benefit of its members. (Corp. Code, §§ 12201, 12300.) No business may call itself a "cooperative" (or "co- op") unless it is properly organized and registered as such a corporation under the Corporations or Food and Agricultural Code. (Corp. Code, § 12311, subd. (b); Food & Agr. Code, § 54036.) No business may call itself a "cannabis cooperative" unless it is in compliance with the MAUCRSA. (Bus. & Prof. Code, § 26222.2.) Cooperative corporations are "democratically controlled and are not organized to make a profit for themselves,

[10] Pursuant to the MAUCRSA, section 11362.775, which afforded protection to qualified patients and primary caregivers from criminal sanctions for associating with the collective or cooperative, was repealed effective January 9, 2019.

as such, or for their members, as such, but primarily for their members as patrons." (Corp. Code, § 12201.) The earnings and savings of the business must be used for the general welfare of its members or equitably distributed to members in the form of cash, property, credits, or services. (*Ibid*.) Cooperatives must follow strict rules on organization, articles, elections, and distribution of earnings, and must report individual transactions from individual members each year. (See *id.* at § 12200 et seq.) Agricultural cooperatives are likewise nonprofit corporate entities "since they are not organized to make profit for themselves, as such, or for their members, as such, but only for their members as producers." (Food & Agr. Code, § 54033.) Agricultural cooperatives share many characteristics with consumer cooperatives. (See, e.g., *id.* at § 54002 et seq.) Licensed cannabis cooperatives should not purchase cannabis from, or sell to, non-members; instead, they should only provide a means for facilitating or coordinating transactions between members.

2. **Collectives:** California law does not define collectives, but the dictionary defines them as "a business, farm, etc., jointly owned and operated by the members of a group." (*Random House Unabridged Dictionary*; Random House, Inc. © 2019.) Applying this definition, a collective is an organization that facilitates the collaborative efforts of patient and caregiver members– including the allocation of costs and revenues. As such, a collective is not a statutory entity, but as a practical matter it might have to organize as some form of business to carry out its activities. The licensed cannabis collective should not purchase cannabis from, or sell to, non-members; instead, it should only provide a means for facilitating or coordinating transactions between members.

B. Guidelines for the Lawful Operation of a Cooperative or Collective:

As noted above, the protection against criminal sanctions for cannabis collectives and cooperatives ended on January 9, 2019. After that date, any cannabis collectives and cooperatives that continue their operations must have state licenses and comply with any local requirements. (Bus. & Prof. Code, § 26223.) The Bureau of Cannabis Control has published a "Collectives and Cooperatives Fact Sheet" which outlines the legal requirements that must be met for existing collectives and cooperatives to continue to operate. (https://www.bcc.ca.gov/about_us/documents/18-006_collective_faq.pdf). Cannabis collectives or cooperatives must[11]:

1. Only acquire and provide cannabis to members and assure that no cannabis transactions occur with non-members (Bus. & Prof. Code, § 26053);

[11] See generally, Bus. & Prof. Code, §§ 26220-26231.2.

2. Only receive monetary reimbursement from members in an amount necessary to cover overhead costs and operating expenses (e.g., not operate on a for-profit basis) (Bus. & Prof. Code, § 26033, subd. (b));

3. Possess, cultivate, and transport amounts of cannabis that are consistent with the aggregate limits provided for member patients and may be required to produce documentation to support the amounts of cannabis possessed, cultivated, or transported. Specifically, consistent with section 11362.77, they may possess:

a) 8 ounces of dried cannabis per patient;

b) 6 mature plants per patient;

c) 12 immature plants per patient; or

d) An amount of cannabis consistent with the patient's needs as recommended by a physician;

4. Satisfy fire, safety, and building code requirements (Bus. & Prof. Code, §26055);

5. Obtain a seller's permit from the California Department of Tax and Fee Administration[12] (Bus. & Prof. Code, §26051.5, subd. (6); see, Rev. & Tax. Code §§ 6011.1 and 6012.1); and

6. Comply with all applicable local rules and ordinances for operating a cannabis collective or cooperative in that local jurisdiction (Bus. & Prof. Code, §§ 26051.5, 26054, and 26055).

C. Enforcement Guidelines: Depending upon the facts and circumstances, deviations from the guidelines outlined above may give rise to probable cause for arrest and seizure. The following are additional guidelines to help identify cannabis collectives and cooperatives that are operating outside of state law.

1. Storefront Dispensaries: Although medicinal cannabis "dispensaries" have been operating in California for years, dispensaries, as such, are not recognized as cannabis cooperatives or collectives under the law. As noted above, effective January 10, 2019, cannabis collectives and cooperatives engaged in commercial cannabis activity must have either a Type 1 or Type 2 cultivation license issued by the California Department of Food and

[12] Since collectives and cooperatives generally sell cannabis and cannabis products, they engage in retail cannabis sales, must be licensed as such and must collect and pay sales tax. The Cannabis Tax Law provides that any person required to be licensed as a cannabis retailer, cultivator, distributor, and/or manufacturer collect the excise or cultivation tax, and for a person required to be licensed as a distributor, to obtain a permit and pay the taxes to the California Department of Tax and Fee Administration.

Agriculture – CalCannabis Cultivation Licensing to operate in the State. (Bus. & Prof. Code § 26223, subd. (c).) Any unlicensed collective or cooperative engaging in commercial medicinal cannabis storefront activity is operating outside the protections of the MAUCRSA, the CUA, and the MMPA. Since the legalization of recreational adult-use cannabis in January 2018, licensed retail storefronts are permissible, so long as they are in compliance with applicable state and local laws.

2. Indicia of Unlawful Operation: When investigating collectives or cooperatives, law enforcement officers should be alert for signs of mass production or illegal sales, including (a) excessive amounts of cannabis, (b) excessive amounts of cash, (c) failure to follow local and state laws applicable to similar businesses, such as maintenance of any required licenses and payment of any required taxes, including sales taxes, (d) weapons, (e) illicit drugs, (f) purchases from, or sales or distribution to, non-members, or (g) distribution outside of California.

Recieved at meeting 3-12-26 2-pm

Cannabis Opt-Out Areas

Carol Fall <fallfrost53@gmail.com> Mon, Mar 2, 2026 at 6:19 PM

To: [redacted]

HI All,

The Planning Commission will be asked to provide direction on cannabis opt-out areas at our meeting on March 12th at 2:00 pm. Planning Commission staff and the consultant (Mintier Harnish) have presented a draft cannabis ordinance (Chapter 17.85 from Planning staff) and a draft Cannabis Opt-Out Overlay Zone (Chapter 17.45.040 from the consultant). I've attached the draft Overlay Zone and staff report.

Essentially, Planning Department staff are throwing open the issue of how to handle opt-out areas into the air and asking the Commission to provide direction. Please consider:

1. The Overlay Zones proposed by the consultant would treat every opt-out area the same, in terms of allowed activities. Right now, some opt-out areas only prohibit cultivation, but may allow retail sales. Others prohibit every use (retail, distribution, nurseries, testing, etc). This variation was incorporated into the current ordinance recognizing that some areas can accommodate certain activities better than others (i.e. a Distribution Center makes more sense in Weaverville which has appropriate heavy commercial zoning, but not in Coffee Creek). By prohibiting all uses in every opt-out area, objections by growers may increase. There's no requirement that all opt-out areas have to have the same restrictions - it just makes it easier for staff.

2. I asked Planning Staff if current opt-out areas will go away. They said that's not planned, but is a potential. The Cannabis Opt-Out Overlay Zone proposed by the consultant only lists the 3 new opt-out areas, not the original ones. The language is very confusing.

3. In the workshops on an Opt-out zone in 2022, the Planning Commission requested that a mechanism for amending the boundaries be incorporated. This hasn't been done. I personally support the ability of communities to go through the same process required to create a new opt-out area (i.e. Rush Creek Estates) if they want to amend boundaries or delete an opt-out area. The burden should be on growers or their supporters to pay for the mailouts, data collection, findings, etc. My 2 cents.

The discussion of opt-out areas starts on the bottom of page 2 of the staff report. Please note the highlighted section starting at the bottom of page 3, where the staff notes that the original opt-out areas were reached as a political compromise to adopt chapter 17-43 in 2017 and that the original opt out areas are NOT included in the draft Overlay Zones. Instead staff is asking the current Planning Commission to review the existing opt-out areas (Section 17-43.050). I am concerned that the many many people who spoke during the "political compromise" will now have their voices disenfranchised. So many people have made decisions regarding homes, businesses, investments, etc assuming that they live in an opt-out area for commercial cannabis cultivation.

Please let people know that this issue will be considered by the Planning Commission. They can attend in person or on zoom. The regular Planning Commission starts at 6 pm with a different agenda, so I hope discussion will only be during the day.

Feel free to give me a call at (530) 623-7155 if you have any questions.

Carol Fall

2 attachments

Cannabis Opt-Out Overlay Zone.pdf
115K

Cannabis Overlay Zone staff report.pdf
96K

Received at meeting 3-12-26 2pm

Good afternoon Chair McIntosh and Commissioners,

I have been a full-time resident of Trinity Center since 2012, and in those 14 years I have seen significant changes in our community. When the North Lake opt-out was adopted, the population and character of this area were very different from what they are today. What may have reflected the will of the community then does not necessarily reflect the reality we face in 2026.

The census data included in the Trinity Center Community Plan illustrates this change. In 2010, our community had **458 permanent residents**. By 2020, that number had dropped to **350**. That is a **26 percent decline—about one quarter of our full-time population in just ten years**. It is very possible that number has continued to decline over the last five years.

I agree that **Trinity Center and Coffee Creek proper are not appropriate locations for cannabis cultivation**. However, properties located in the correct zoning areas—those that meet all **CEQA requirements and licensing standards**—should be allowed the opportunity to cultivate on their own land.

The Trinity Center Community Plan encompasses **27,498 acres**. Most permitted cannabis farms in Trinity County are limited to **10,000 square feet of cultivation**. Even if **ten property owners** in the North Lake area chose to obtain permits, the total mature cultivation area would be **about 2.3 acres**—a tiny fraction of the total land area.

I attended the final community plan meeting last fall, where roughly **16 to 18 people were present**, and the majority spoke in favor of **removing the opt-out**. The consensus in that room was that landowners should have the ability to use their land in lawful ways that benefit both themselves and the community.

The Trinity Center Community Plan repeatedly emphasizes the need to **diversify our local economy** by encouraging new businesses and

opportunities. Diversifying means creating **additional sources of income and supporting a wider range of economic activity**.

Allowing regulated cannabis cultivation in appropriate zones would do exactly that.

Our **tourism season is getting shorter**, our **school enrollment is shrinking**, and while we are fortunate to have a full lake this year, tourism alone cannot sustain our community. If we want Trinity Center to remain a **living community rather than simply a seasonal destination**, we must allow responsible economic opportunities.

For the past **six years**, I have worked with licensed cannabis farmers in several counties. These are not criminals. They are **hardworking families, small farmers, and local business owners who simply want to operate legally and support their communities**.

Removing or modifying the North Lake opt-out would not force cannabis cultivation into Trinity Center. It would simply allow those who meet the strict zoning, environmental, and licensing requirements the opportunity to participate in a legal industry.

If we truly want to diversify our economy, support property rights, and create opportunities for responsible local businesses, then we need policies that reflect those goals.

I respectfully ask that you **consider removing or modifying the North Lake opt-out so that it better reflects the needs, realities, and future of our community.**

Thank you for your time.

Linnea Kneaper

Trinity Center

Recieved at meeting 3-12-26 2 pm

Lisa Wright Public Comment

March 12, 2026 – Planning Commission Extended Study Session
Cannabis Zoning Code Update

I want to focus on one fundamental issue with the proposed Cannabis Opt-Out Overlay Zone: **the County has never established land-use findings of fact supporting the carve-outs that prohibit cannabis across large portions of Trinity County.**

The staff report acknowledges that the original restrictions in Section 17.43.050 were adopted as a **"political compromise"** when the cannabis program was first created in 2017.

Political compromise may explain how something happened, but it is **not a legally sufficient basis for zoning restrictions that remove otherwise allowed uses across broad areas of the County.**

Zoning decisions require **findings supported by evidence** demonstrating why specific areas are incompatible with a use. That means actual land-use analysis — not generalized assumptions.

Yet the County has never produced findings explaining why entire districts or broadly mapped areas should be categorically prohibited from cannabis cultivation.

The problem becomes even more significant in the current proposal.

The original code section addressed **cultivation locations only.**

The proposed Cannabis Opt-Out Overlay now expands those restrictions to prohibit **all cannabis license types** — including distribution, testing, manufacturing, microbusinesses, and non-storefront retail.

In other words, the County is taking what began as a **narrow cultivation limitation, adopted without land-use-based findings of fact**, and converting it into a **complete prohibition on cannabis uses across large areas**, without ever establishing the factual basis for doing so.

This issue was raised several years ago in legal comment letters submitted to the County, which explained that expanding opt-out zones requires proper findings and **consistency with the General Plan.**

Those concerns have never been resolved.

Instead, the current overlay appears to **assume the validity of prior opt-out areas and simply formalize them.**

Before moving forward, the County should answer a basic planning question:

Where are the land-use findings that justify these prohibitions?

If certain locations truly present incompatibilities — such as infrastructure limits, environmental constraints, or community impacts — those findings should be clearly documented and supported by evidence.

But broad red-lining of entire districts without that analysis risks creating zoning that is **arbitrary and inconsistent with sound land-use planning practice.**

I respectfully encourage the Commission to carefully examine whether the proposed overlay is supported by the **required findings and land-use analysis necessary to support its legality** before recommending adoption.

Thank you.

Recieved at meeting 3-12-2026 2pm

Outlook

Cannabis Opt-out workshops

From Carol Fall <CFall@trinitycounty.org>
Date Mon 3/2/2026 5:09 PM
To Drew Plebani <dplebani@trinitycounty.org>
Cc Brent <brent@mintierharnish.com>; Michael Gibbons <michael@mintierharnish.com>

Hi Drew & Brent,

The cannabis opt-out workshops were in February and March 2022 with Heidi Tschudin. The Planning Commission spent many days in workshops discussing Opt-Out areas. It culminated with a Planning Commission Staff Report dated April 14th, 2022. Then went to the BOS as an ordinance on May 3, 2022 that had adoption of an opt-out ordinance and adoption of the Rush Creek Estates and Lewiston Expansion Opt out areas.

The BOS punted and approved the new opt-out areas, but sent the ordinance back to the Planning Commission. I don't think it was ever re-presented to us. Lots of staff changes at that time.

Please note that Exhibit A of the Staff Report describes creation of a Cannabis Exclusion Overlay or CEO District. It has draft 17.12.030 Permitted and Prohibited Uses, which lists the uses for each opt-out area - and they vary from area to area.

There's also an Attachment B, Table 1: County Zoning Location Restrictions by Cannabis Use Type. It summarizes activities that are allowed in buffers, zone districts, special districts and other restricted locations. It shows where cultivation Nursery, Distribution, Testing, etc are allowed .

Sooooo..... it seems like a table like this could be included in the Cannabis Opt-Out Overlay Zone that Mintier Harnish is proposing. Obviously, not all opt-out areas have to be treated the same.

One thing the Planning Commission kept asking for was the ability to amend opt-out areas. I didn't see that in the MH proposal. Why not?

OK, let me know if you need copies of stuff from my files. Now you know why I'm always asking for paper copies 🙂.

Carol Fall
Planning Commissioner District 1

Recieved at meeting 3-12-26 2pm

DW LAW

CYNDY DAY-WILSON, ESQ. • LL.M. ENVIRONMENTAL LAW
KAITLYN M. WILSON, ESQ.
627 H STREET, EUREKA, CA 95501 • (707) 798-5048
CDAYWILSON@DAYWILSONLAW.COM
KWILSON@DAYWILSONLAW.COM

March 9, 2026

VIA EMAIL and US Mail

Trinity County Planning Commission
530 Main Street
Weaverville, CA 96093
info.planning@trinitycounty.org

RE: Objection to Proposed Reversal of Trinity Center and Coffee Creek Cannabis Opt-Out Designations (March 12, 2026 Study Session)

Dear Chair and Members of the Trinity County Planning Commission:

I write on behalf of myself and family, property owners in Trinity Center, California to formally object to any proposal to remove, reverse, or weaken the existing cannabis opt-out designations applicable to the Trinity Center Community Services District and the Coffee Creek Volunteer Fire District. This objection is submitted in advance of, and for inclusion in, the administrative record for the Planning Commission's March 12, 2026 zoning code study session.

While I understand the County is engaged in a broader zoning code rewrite and consolidated cannabis ordinance effort, the community has not been provided clear notice of the precise action under consideration as to these opt-out areas, nor the materials necessary for meaningful public participation. For that reason, the threshold issue at this time is procedural: the Commission should not advance any recommendation affecting the Trinity Center and Coffee Creek opt-outs unless and until the County has publicly released the specific proposal and supporting materials.

At present, the community has not been able to locate a clear description of whether the Commission is being asked to consider a specific draft ordinance amendment, provide direction to staff, or make a recommendation to the Board of Supervisors regarding reversal of the opt-out designations. To ensure an orderly process and meaningful public participation, we respectfully request that the County/Commission identify on the record:

- Whether a specific amendment has been proposed to reverse or modify the opt-out designations, and if so, the exact text proposed.

- Whether a staff report, draft ordinance, map(s), and any supporting materials exist, and if so, that they be made publicly available before any recommendation, vote, or other action is taken.

Community communications indicate Trinity Center and Coffee Creek are at risk of losing their opt-out designations, and that there is pressure to delete opt-out areas. If any change is being contemplated, the County should specify with precision:

- Whether the change would eliminate the opt-outs entirely or modify them in part.
- The geographic scope of any change and the types of cannabis activity implicated (e. g. , cultivation, retail, delivery).

Absent that clarity, the Commission should not advance any recommendation.

Background, reliance, and community impacts

The Trinity Center and Coffee Creek opt-outs were adopted through a documented public process: the County included these areas in the Cannabis Urgency Ordinance adopted in 2017, readopted the ordinance in 2019 with opt-out amendments, and adopted an Environmental Impact Report in 2020 that codified the cannabis ordinance. Given this history, any reversal should be approached with caution and only after a transparent process that meaningfully accounts for community reliance and the County's prior commitments reflected in its adopted framework.

Residents have articulated specific concerns about impacts to quality of life and the local economy, including odor, crime concerns, property values, and tourism and business impacts in the North Lake area. For example, residents have expressed concern that tourism-dependent businesses could be harmed if visitors are exposed to persistent cannabis odor in close proximity to lodging and recreation areas. Community members have also specifically raised concerns about impacts to the KOA and surrounding businesses if visitors are forced to endure cannabis odor.

To the extent the County believes it is appropriate to consider reliance interests in more detail, we request that the County provide a clear process and timeline for submitting evidence of reliance, including (by way of example) property purchases made in reliance on the opt-outs, business investments and staffing decisions, and tourism marketing and event planning.

Environmental review and timing of public participation

The County previously adopted an Environmental Impact Report in 2020 that codified the cannabis ordinance. Before any amendment that would remove or materially change the opt-out designations is recommended or adopted, the County should confirm what environmental review will be performed for the proposed change and when the public will have an opportunity to review and comment on that analysis. If any environmental review materials exist for the current

proposal, they should be circulated sufficiently in advance of any recommendation or vote to allow meaningful review and comment.

Compliance with Trinity Center Community Plan

The County is also considering revisions to the Trinity Center Community Plan. The current draft dated September 2025 does not contemplate the cultivation or harvesting of cannabis whether recreational or commercial. The Community Vision states:

> Trinity Center is a vibrant community where residents can enjoy and afford a fulfilling life in a friendly, rural, small-town setting surrounding by world-class recreation and the natural beauty of Trinity Lake and the Trinity Alps. The community offers divers recreational and cultural activities that promote education, ant, and entertainment, accessible to people of all ages, backgrounds, and abilities. Trinity Center fosters strong partnerships with State and Federal agencies to ensure the preservation of natural resources , economic opportunity, and safety of residents. The community prioritizes the house and employment needs of its full-time residents while still support a strong tourism industry.

The Goals and Policies section further provides:

> The Trinity Center community depends heavily on the surrounding natural resources including Trinity Lake and the Trinity Alps. Residents have expressed a strong need to develop a stronger and more productive relationship with the U.S. Forest Service to help preserve and maintain these natural resources in a way that promotes recreational accessibility and reduces wildfire risks.

Nowhere is the introduction of cannabis into the local community mentioned. See Table 8 included with this correspondence which highlights the community's focus on its rural, natural resources, and recreational character.

For the many reasons above, I respectfully request that the Planning Commission:

- Decline to recommend any reversal or removal of the Trinity Center and Coffee Creek opt-out designations at the March 12, 2026 study session.
- At minimum, continue/defer the matter unless and until the County has publicly released the draft ordinance language, maps, staff report, and any environmental review materials, and has provided adequate time for community review and comment.
- Confirm on the record that public comment will be taken at the March 12 meeting.

Sincerely,

Cyndy Day-Wilson, Esq.

cc: Trinity Center Community/Coffee Creek Community

Enclosures

- Petition to Preserve Community Opt-Out Provisions
- Table 8 from Trinity County Community Plan (Draft dated September 2025)

Subject Re: Impact on Trinity KOA - Potential loss of Cannabis Opt-Out Designation

From Prichard Properties LLC <prichardpropertiesllc@gmail.com>

To: [redacted]

Cc: Chet Blotske <chet@summitrealestatemt.com>

Date Today at 1:39 PM

Hi Linda,
You have our full support.

From what we understand, we are one of the larger economic engines and hospitality hosts in the area. When we purchased the campground after the 2022 season, it was struggling. Since then, we have revitalized it into a thriving business by reinvesting significantly into infrastructure, facilities, and our staff—creating jobs and strengthening payroll.

We also make a point to support local businesses in Coffee Creek and Weaverville by purchasing and featuring their products. We genuinely love this place and the people here, and our goal is to make the campground the very best it can be for

surrounding communities and families.

Our efforts have been recognized by KOA Inc with their prestigious KOA Icon Award, placing us in the top 10% of more than 500 KOA campgrounds. In addition, we have raised our Guest Satisfaction NPS score to 83, which is considered "World Class Service."

We feel an expansion of the Cannabis business in Trinity County could affect the positive momentum we have been able to achieve, nor does it align with the values of the family friendly KOA Brand.

Fred Prichard
Trinity Lake KOA

Show trimmed content

Planning Commission
Trinity County
March 11, 2026

My husband and I discovered the North Lake when we arrived to write our vows in 1986. We came once and usually twice a year for 24 years, staying at Ripple Creek Cabins, hiking, walking, biking and swimming at the bridge and the Mann Hole, and eventually bought the adjacent 4 acres and built our dream log home at 1364 Eagle Creek Loop, where we lived from 2010 until August of 2025, when health issues forced us to leave.

During our time there, we participated in the opt out process, and suffered when the Feeling Groovy folks at Eagle Creek Ranch decided to dry their cannabis across from Ripple Creek Cabins. It triggered my asthma/COPD.

We were very involved during our 15 years there. I served on the CC School Board, was treasurer of the Fireflies and put out the phone directory as well as helped run the auction for many years with my husband, Larry Fitzsimons, who served 9 3/4 yrs on CCVFD, as a Firefighter and First Responder, President of the Board, and head of the auction fund raiser.

So, we are very aware that Trinity County is the poorest county in California and relies heavily on tourism, for which Ripple Creek Cabins is a prime destination, where people schedule years in advance to ensure a spot. People come from all over, especially in the fall, just to walk or drive on Eagle Creek Loop to enjoy the beauty.

I am sure that other places in the North County are as special for all they have to offer. People visit generation after generation to the same places they have grown to love as part of their memories. I cannot stress this enough. I would not be able to visit our sweet loop if it becomes a cannabis drying area. Do not destroy the North Lake for all of the people who value it.

Suzanne Conrad
Laurence Fitzsimons

Gmail [redacted]

Trinity Center and Coffee Creek Cannabis Opt Outs
5 messages

Linda Cunningham <[redacted]> Sun, Mar 8 at 2:10 PM
To: <info.planning@trinitycounty.org>
Bcc: [redacted]

We are Bob and Linda Cunningham, former owners of Eagle Creek Ranch. We owned the property for 25 years, ending in 2017. We believe that our 25 years at Eagle Creek Ranch gives us a unique perspective as to the nature and character of the ranch and the surrounding community. Throughout our time in Trinity County we both served as firefighters and EMT's. We are still deeply connected to the community. During our time in Trinity County we personally saw the negative impact of cannabis growing and marketing. While there may be a legitimate place for well regulated and appropriately taxed cannabis, we urge you to consider the rights of existing residents and businesses as well as the recreational value of the surrounding area and the value of wildlife to the greater area.

It is a well established fact that the growth of cannabis cultivation and marketing has heavily increased the rate of violent crime and has had a negative impact on the safety and well being of the local residents. When we first moved to Trinity County there was less than 1 murder per year county-wide. By the time we left the murder rate was 7 for the first half of the year. One of the seven was a part time employee at our ranch. We believe that the Board of Supervisors previously, in their wisdom, created the Coffee Creek and Trinity Center opt out areas in recognition of the rights of local citizens and local businesses to live without the multiple negative infringements on their rights, lives and businesses that marijuana cultivation and marketing in the opt out areas would create.

We specifically want to point out Ripple Creek Cabins, a long term, well run tourist accommodation as a prime example of why the opt outs were originally created. If marijuana cultivation at Eagle Creek Ranch is permitted, you will guarantee the demise of this thriving and long term business. We strongly believe that the rights of existing residents and businesses should take precedence over the establishment of any new business that creates a negative impact for their neighbors. The current owners of Eagle Creek Ranch are lobbying for the right to expand growing into contiguous parcels adjacent to those that are already in the existing area approved for growing. The current owners are trying to justify this extension based on the fact that their grow must be much closer to their residence in order to provide adequate security for the grow. This is a prima facie proof that such a grow will greatly increase the potential for illegal activity.

A further consideration is the consumption of water required by such grows. Eagle Creek

Ranch, to the best of our knowledge, is the only property north of the lake with historic rights to the Trinity River. In a state that is deeply concerned about having enough water to supply the existing statewide demand we should carefully consider if expenditure of this precious resource on cannabis cultivation is justified.

March 11, 2026

Planning Commission/Trinity County

Commissioners:

I am here today to voice my concerns about an ordinance up for revision to allow open cannabis grows in Trinity Center and Coffee Creek. I am concerned about how the process has evolved. Why the consultants did not include the initial opt out areas in their opt-out overlay draft: [Within *legal boundaries of the* ***Weaverville Community Service District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District,*** *Bucktail Subdivision and within the following area of the* ***(parts of the Lewiston Community Service District****: Mt. Diablo Meridian , Township 33N, Range 8W, Sections 17,18,19 and 20 and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24,13]* and why the Planning Commission has been delegated the vote as to whether the initial opt-out areas should remain opt out zones.

A little history: Proposition 64 was passed in 2016. There is a provision in Prop 64 that allows communities to completely or partially ban cannabis related businesses. The initial opt-out areas in Trinity County were created in the 2017 under Urgency Ordinance 315-823. Staff refers this assignment as a "political compromise". I agree it was a compromise, because at the time there **were and still are** two opposing sides. The county agreed to a compromise in order to pass the cannabis ordinance.

In 2016 the North Lake/Trinity Center and Coffee Creek area, there were many vocal residents against cannabis cultivation. A petition was submitted to the Board of Supervisors stating that Trinity Center and Coffee Creek wanted to opt -out of further cannabis cultivation. Under the Urgency Ordinance a compromise was made, and "opt-outs" were created. With the cavoite that if water board enrollment was obtained before a certain date the applicant would be "grandfathered in" for the parcel that had the water board permit. **Compromising is how governments are supposed to work.**

In 2019 Cannabis Ordinance 315-843 was passed. The above opt-out areas are included in this ordinance.

In 2020 an EIR was established by Resolution 2020-103 and approved by the Board of Supervisors. The above opt-outs were included in the EIR.

Trinity Center and Coffee Creek host many visitors to enjoy the outdoors, clean air, quiet forests, Trinity Lake and untouched landscapes. The Trinity Center Community Plan focuses on its rural, natural resources and its recreational character. Nowhere does it state increase cannabis cultivation. One of the main objectives of The General Plan is to

support of tourism. Cannabis operations, especially when visible across a natural meadow or noticeable smell fundamentally changes the fabric of the community. Getting rid of the opt-outs goes against the Trinity Center Community Plan and the General Plan and disenfranchises the wishes that many residents had in 2016 and still do. **Many residents of Trinity Center and Coffee Creek do not want to have cannabis farms in their community.** They do not want to smell cannabis. They do not want to their property values to go down. They do not want increase traffic, and they especially do not want increased break ins or theft associated with cannabis farms.

Opening Cannabis grows in the Trinity Center and Coffee Creek is a bad idea and not what most North Lake residents want. Many visitors will not come back.

Residents and business owners in the opt-out areas have invested in their properties because they reside in an opt-out area. Many residents have purchased property in Trinity Center and Coffee Creek because it is in an opt-out zone. There are several small resorts in the North Lake area and a large campground with small cabins, aka the KOA, in Trinity Center. **All have signed the petition I submitted today.** None want the opt-outs to go away. Their guests spend money at local restaurants, grocery stores, shops in Weaverville, and they purchase gas and go on tourist excursions. TOT is collected to fund the county from these guests. Many visitors who have visited Trinity Center and Coffee Creek end up purchasing property here. I spoke with a Lewiston business owner, One Maple Winery, who almost went out of business because of cannabis odor from a neighboring farm. Is this what the Planning Commission wants? Loss of businesses, people moving out of communities? Loss of revenue?

Our business will be affected significantly should the Planning Commission decide to remove the opt-out status. Vacationers will not come to Trinity Center or Coffee Creek if visible cannabis operations and noticeable smell prevail. There are plenty of locations that are out of sight and out of mind for cannabis grows. A cannabis farm, directly on a county road like Eagle Creek Loop is not one of them.

Respectively

Michele Taylor Coleman and James Coleman

Gmail Michele Taylor <micheletaylor531@gmail.com>

Fw: Please Continue Cannabis Opt-Out for Trinity Center

Linda (Swart) Burch <kaw95@aol.com> Mon, Mar 9 at 3:57 PM
To: Michele Taylor <micheletaylor531@gmail.com>

Begin forwarded message:

On Monday, March 9, 2026, 1:45 PM, Libby Gragg <libbygragg@gmail.com> wrote:

> To whom it may concern,
>
> I'm strongly in favor of continuing the Cannabis Opt-Out designation for Trinity Center and surrounding residential and resort areas.
>
> The designation is vital to preserving our local businesses who are already in a tenuous economic situation, since they are so seasonal.
>
> Allowing Cannabis to be grown locally would destroy the calm relaxing environment that draws so many to our area. It would depress tourism, damage our natural resources (i.e. local streams, lakes, forests, fish and wildlife), and kill our community.
>
> I urge you to preserve the Cannabis Opt-Out in perpetuity.
>
> Sincerely,
> Libby Gragg

Gmail [redacted]

Fw: Trinity Center Cannabis Opt-Out

[redacted] Mon, Mar 9 at 4:01 PM

Begin forwarded message:

On Monday, March 9, 2026, 1:49 PM, Kathryn Gragg <[redacted]> wrote:

To whom it may concern:

Farming marijuana within the community would literally stink.

It is a residential community, farming in the immediate area would create runnoff destroying the streams, lake, and fishing.

Citizens of Trinity Center and the surrounding areas should be able to determine what's best for their own communities. Opting out of having marijuana farms is a huge part of that.

As a small town dependent on seasonal tourism disturbing the pristine enviroment is tantamount to a death sentence for the local economy. It would deter visitors, lower property values, and close local businesses.

Please preserve Trinity Center's autonomy and continue the opt out status.

Sincerely,
Kathryn Gragg

Gmail [redacted]

Fw: Fwd: trinity alps

[redacted] Mon, Mar 9 at 2:10 PM

To: [redacted]

Begin forwarded message:

On Monday, March 9, 2026, 4:30 PM, Rebecca Ramirez [redacted] wrote:

---------- Forwarded message ---------
From: **Rebecca Ramirez** <ramrz.rebecca@gmail.com>
Date: Mon, Mar 9, 2026 at 1:28 PM
Subject: trinity alps
To: <cfall@trinitycounty.org>

Hello!

I wanted to reach out because my family has historically loved visiting the Trinity Alps; the sense of peace and untouched beauty is unrivaled. Our family comes here to enjoy nature—hiking the trails, swimming in the rivers, and fishing in the lakes. It's a place where we can breathe clean air and experience the refuge of the mountains. Seeing cannabis greenhouses in open meadows or smelling cannabis while enjoying the outdoors would take away from that experience. If this becomes widespread, we would sadly look elsewhere for our family trips.

Thanks so much for taking the time to read this message, and for forwarding it to the right person.

Warmly,
Rebecca Ramirez

March 7, 2026

Dear Trinity County Planning Commission,

My name is Taylor Elisarraras, and I am the grandson of second-generation Trinity County residents. I didn't grow up in Trinity, but it has always been a part of my life since my family has lived there, and I've spent a lot of time there growing up. This is a very special place for me, my family, and my family's friends in the community. I have also brought friends for some of my visits, and they are always so impressed by the beauty of the area.

The cannabis opt-out provisions are important because they help protect the natural beauty and rural feeling that make this area so special. I am asking for the Planning Commission to preserve the opt-out provisions so that Trinity can keep its special qualities.

Thank you for your time.

Respectfully,



Taylor Elisarraras
Templeton, CA

Begin forwarded message:

On Monday, March 9, 2026, 2:01 PM, Carl Gragg <cogragg@gmail.com> wrote:

To whom it may concern:

It is extremely alarming that we again have to discuss preserving the Opt-Out status for Trinity Center and the surrounding communities.

As a residential and resort area we need to preserve the beauty that is such a draw for visitors to our local tourism based economy.

Allowing cannabis farming would literally stink, detering visitors and driving residents away.

The community has repeatedly preserved the Opt-Out with overwhelming support. That support has not wavered.

It is vital to Trinity Center that we continue the Opt-Out.

Sincerely
Carl Gragg

Gmail Search mail

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Upgrade

2 of 2

Fw: Trinity County Cannabis OPT OUT

Inbox ×

Linda (Swart) Burch 4:18 PM (5 minutes ago)
to me

Begin forwarded message:

On Monday, March 9, 2026, 2:42 PM, Glenn Bjorkman [redacted] wrote:

Dear Ric and Jill,

It has come to my attention that there is a renewed effort to undo the opt out Cannabis situation in Trinity County. I challenge each of you to take a look at the battles going on in Carpinteria CA as an example of what to expect after they allowed this industry into their community. It is high time that someone step forward to put a stop to this and hope that you will agree and do so!

I have added a link to help in your research. Please do not open this terrible door in our county! I am asking that you join the fight not to let this destructive industry into our communities!

Please feel free to give me a call to discuss if you like.

Thank you for you attention to this matter,

Reply Forward

New Message

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Labels

2 of 2

Fw: Carpinteria Canibis Issues.

Linda (Swart) Burch 4:15 PM (8 minutes ago)
to me

Begin forwarded message:

On Monday, March 9, 2026, 2:14 PM, Glenn Bjorkman <glennbjorkman@gmail.com> wrote:

> Linda,
> Here is what we are fighting in Carpinteria.
> I hope that you can use this information to keep a stop to this.
> Thanks,
> Glenn Bjorkman
>
> The Carpinteria Valley has faced significant issues related to cannabis cultivation, particularly concerning odor complaints from residents. A recent odor-control pact between local cannabis growers and community advocates has broken down, leading to lawsuits and calls for stricter regulations on odor control technology in greenhouses.
> https://duckduckgo.com/?q=carpinteria+canibis+issues&t=osx&ia=web&assist=true

Reply Forward

Upgrade

New Message

---------- Forwarded message ---------
From: **CCR** <[redacted]>
Date: Tue, Mar 10, 2026 at 10:02 PM
Subject: Fwd: Trinity Opt Out Provisions
To: [redacted]

Hey Janice, Below is a copy of the email that I sent to cfall@trinitycounty.org

xo Aunt Camille

---------- Forwarded message ---------
From: **CCR** <[redacted]>
Date: Tue, Mar 10, 2026 at 6:59 PM
Subject: Trinity Opt Out Provisions
To: <cfall@trinitycounty.org>

Our family lives in the City of Los Angeles. On several occasions we have visited the Trinity Alps area for hiking, swimming, fishing, and simply to enjoy nature. As you might imagine, these trips provide a very welcome respite from the chaos of city life. We truly love this area - the mountains, the trees, the water, the fresh air and the peacefulness of this region.

It has been brought to our attention that cannabis growers are attempting to change current local opt out provisions in order to build cannabis operations in Trinity County. Please do not allow this degradation to occur. It is the opt out provisions that help keep the Trinity Alps area so pristine. No doubt such a change in the regulations will negatively impact this beautiful land as it has damaged other areas particularly in Northern California. We are not against cannabis, but it is not our desire to see and smell large cannabis operations take over the beautiful nature of Trinity. If such a change were to occur, we would sadly seek other options to commune with nature.

We appreciate your thoughtful consideration,

Camille Carr-Ramirez & Family

17263 Tennyson Place

Granada Hills, CA. 91344

Dear Trinity County Officials,

The reason people come to the Trinity Alps is simple - it offers a true wilderness experience. Clean air, quiet forests, and pristine water are increasingly rare.

Introducing visible cannabis cultivation into these landscapes undermines the sense of wilderness that makes the area special. The smell alone can travel far beyond the grow site, affecting trails, campsites, and recreation areas. Add to that the potential impacts to streams, forests, and wildlife, and it becomes clear this type of development does not belong in these environments.

If opt out provisions are removed in Trinity County, I will plan to travel elsewhere with my family to enjoy the outdoors so I can avoid having to look at ugly greenhouses destroying picturesque meadows.

Thanks,

Jackie Gibson

San Francisco

March 5, 2026

Dear Members of the Planning Commission,

My name is Cloey Gouin-Elisarraras, and my husband is the grandson to second-generation Trinity County residents. Over the past eight years, I have been able to experience Trinity County the way my husband did growing up.

Although I did not grow up here myself, Trinity County has become meaningful to me through my husband's family and the time we spend visiting. I've come to understand why this place holds such a special place in their lives. I have traveled a lot throughout my childhood and have found Trinity County to be one of the most quiet, beautiful places I have ever been.

Now that we have a child of our own, we hope that she will grow up making the same kinds of memories here—spending time outdoors, visiting family, and experiencing the peaceful character that draws us back to Trinity.

I respectfully ask the Planning Commission to preserve the opt-out provisions so that this beautiful county can continue to be protected for our family, the community, and families like ours.

Thank you for your time and consideration.

Respectfully,

Cloey Gouin-Elisarraras

Paso Robles, CA

Dear Planning Commission,

We are writing to formally express our opposition to the proposed cannabis cultivation operation near our home.

We chose to live in this area because of its rural character, clean environment, quiet atmosphere, and the sense of safety it provides. Introducing commercial cannabis cultivation in close proximity to our residence threatens those qualities in several important ways.

First, odor is a significant concern. Cannabis plants produce a strong and persistent smell during flowering, which can travel long distances in rural areas. We are concerned that this would interfere with our ability to enjoy our property, spend time outdoors, and maintain the peaceful environment we moved here for.

Second, water usage is a serious issue in our region. During drought conditions and dry seasons, additional agricultural demand could place strain on groundwater wells and local streams. We are concerned about the long-term sustainability of our shared water resources.

Third, there are safety and environmental concerns. Increased traffic, security lighting, noise from generators or equipment, and potential fire risks are all factors that could negatively affect neighboring properties. Even with regulations in place, enforcement can be inconsistent, and nearby residents often bear the consequences when problems arise.

Finally, the introduction of commercial cannabis cultivation changes the character of a rural residential area. I believe this type of commercial activity is not compatible with homes in close proximity and could impact property values and overall quality of life.

We respectfully request that you consider the rights and concerns of existing residents when evaluating this proposal.

Sincerely,

John + Kathy Jason 3/8/26

John & Kathy Jason

Trinity County Residents

Sent from Yahoo Mail for iPhone

On Monday, March 9, 2026, 4:30 PM, Rebecca Ramirez <[redacted]> wrote:

--------- Forwarded message ---------
From: **Rebecca Ramirez** <[redacted]>
Date: Mon, Mar 9, 2026 at 1:28 PM
Subject: trinity alps
To: <cfall@trinitycounty.org>

Hello!

I wanted to reach out because my family has historically loved visiting the Trinity Alps; the sense of peace and untouched beauty is unrivaled. Our family comes here to enjoy nature—hiking the trails, swimming in the rivers, and fishing in the lakes. It's a place where we can breathe clean air and experience the refuge of the mountains. Seeing cannabis greenhouses in open meadows or smelling cannabis while enjoying the outdoors would take away from that experience. If this becomes widespread, we would sadly look elsewhere for our family trips.

Thanks so much for taking the time to read this message, and for forwarding it to the right person.

Warmly,
Rebecca Ramirez

Gmail [redacted]

Fw: Support to Continue Cannabis Opt-Outs for Trinity Center Community Service District and Coffee Creek Volunteer Fire District

Lisa Driscoll <[redacted]> Tue, Mar 10 at 12:57 PM
To: [redacted]

I received confirmation that it was received.

Get Outlook for iOS

From: Lisa Driscoll <lisadriscoll@sbcglobal.net>
Sent: Monday, March 9, 2026 4:53 PM
To: info.planning@trinitycounty.org <info.planning@trinitycounty.org>
Subject: Support to Continue Cannabis Opt-Outs for Trinity Center Community Service District and Coffee Creek Volunteer Fire District

Trinity County Planning Commission,

This letter is in support of continuing Opt-Outs for Trinity Center Community Service District and Coffee Creek Volunteer Fire District. As a long-time visitor, guest, tourist to Trinity County and Coffee Creek, we have witnessed the negative impacts of cannabis farming on the community. In order to preserve the unique neighborhoods, it is very important that further expansion of cannabis cultivation be stopped. We have enjoyed attending family events at the Carrville Inn and would not feel the same level of comfort and community should the cannabis industry become more prevalent in the vicinity.

The marijuana industry is largely unregulated at best, and frankly gets little enforcement or regulatory attention. Further, this industry is famous for attracting persons who do not have the best interest of the community in mind. This is especially true in the Emerald Triangle. Discontinuing the Opt-Outs will invite persons into a small, cohesive, and idyllic community, who clearly do not have the same goals and commitments as current residents and visitors.

Please continue the Opt-Outs for Trinity Center Community Service District and Coffee Creek Volunteer Fire District.

Sincerely,

Concerned Trinity Center Visitors
George and Lisa Driscoll

Gmail [redacted]

Fwd: Concerned citizen

1 message

[redacted] Mon, Mar 9, 2026 at 11:58 AM

---------- Forwarded message ---------
From: **Susan Springer** [redacted]
Date: Mon, Mar 9, 2026 at 11:32 AM
Subject: Concerned citizen
To: <info.planning@trinitycounty.org>

Planning Commissioners;

I was a farmer from birth until my retirement to Coffee Creek. It is an understatement to say I support the small farmer and sympathize with the cannabis growers wanting to make a living from their crops. But to keep the peace between growers and residents there needs to be guidelines to allow mutual respect between growers, residents and businesses. I believe the opt out was a reasonable compromise.

The census reports that Coffee Creek has 124 households and approximately 280 residents. The few cannabis growers who want to expand will likely adversely affect many Coffee Creek residents and tourism. I support the opt out areas.

Thank you,
Susan Springer
Coffee Creek

March 7, 2026

Dear Trinity County Planning Commission,

My name is Taylor Elisarraras, and I am the grandson of second-generation Trinity County residents. I didn't grow up in Trinity, but it has always been a part of my life since my family has lived there, and I've spent a lot of time there growing up. This is a very special place for me, my family, and my family's friends in the community. I have also brought friends for some of my visits, and they are always so impressed by the beauty of the area.

The cannabis opt-out provisions are important because they help protect the natural beauty and rural feeling that make this area so special. I am asking for the Planning Commission to preserve the opt-out provisions so that Trinity can keep its special qualities.

Thank you for your time.

Respectfully,



Taylor Elisarraras
Templeton, CA

Letter #1.docx Open with Google Docs

March 9, 2026

To: The Trinity County Planning Commission

It has come to my attention that changes to the existing opt out provisions for cannabis operations in Trinity County are currently under consideration at the request of local cannabis growers.

I am strictly opposed to any proposed changes to opt out provisions that take away the ability of neighbors and property owners to have a say in what is allowed in their neighborhoods.

Property owners and neighbors in Trinity County should have the right to prevent any change to opt outs that run the risk of increasing crime, lowering property values, causing environmental degradation and impacting tourism.

People travel to Trinity County from out of town because they want to experience untouched nature and enjoy the rivers, meadows, forests, lakes, fishing, hiking, camping, etc.

No one coming to Trinity County with their families wants to see greenhouses and other growing operations easily from the road or near resorts or campsites.

Changing opt out provisions to benefit growers in Trinity County at the expense of all other surrounding property owners and neighbors is a terrible, fascist and un-American idea that should never be considered or allowed.

If these proposed changes to opt out provisions are allowed to occur in Trinity County you can be assured that the media and Sacramento will be made aware of the public's vocal opposition to this.

Thank you,

Mike Thomas

March 8, 2026

Dear Member of the Planning Commission-

My name is Kacy Elisarraras, and I am married into a family of second-generation Trinity County residents. My wife's grandparents first came to Trinity over 50 years ago, and through them, I have been fortunate to experience this remarkable place. Growing up, my wife spent a lot of time each year there, and now our three children have had the opportunity to visit and vacation in Trinity multiple times each year.

Though I grew up enjoying the Sierras and Yosemite, I have found that Trinity's beauty is truly one-of-a-kind. If commercial cannabis facilities are allowed in this area, they will destroy where generations of families live and visit. The natural beauty will be destroyed, along with other obvious negative effects, such as smells, environmental impacts, etc. I understand that there are attempts to minimize these effects, but they will still destroy the character and beauty. It is surprising that this would be considered in an area like this when there are more appropriate locations for facilities like these.

I hope that the Commission will please take these things into consideration and continue the opt-out status for this area. Thank you for your time.

Respectfully,

Kacy Elisarraras

Templeton, CA

Gmail [redacted]

Fw: A vote Against! -cannabis cultivation expansion.

[redacted] Sun, Mar 8 at 7:43 PM
To: [redacted]

Begin forwarded message:

On Saturday, March 7, 2026, 12:39 PM, nick beaucage <nickbeaucage@yahoo.com> wrote:

> To Trinity County Planning Dept,
>
> Our family has always viewed the Trinity Alps as a sanctuary from the pressures of city life. We visit to hike, swim in clear rivers, fish in mountain lakes, and enjoy the peace and quiet of the forest.
>
> The visible expansion of cannabis cultivation and the odors associated with it would diminish the very qualities that bring families here.
>
> In addition, we are concerned about possible environmental impacts, including pollution of waterways, degradation of meadows, and harm to wildlife. These natural areas should remain protected and preserved for recreation and future generations. If they are not, we will take our family trips elsewhere.
>
> Other counties are already having problems with unwanted cannabis properties. All nearby properties will decrease in value in direct proportion to cannabis properties proliferation. Where is the money to cleanup the fertilizer left over from abandoned grow operations? Direct pollution of concentrated volumes of nitrogen and phosphorus run off will harm the clean nutrient limited creeks and rivers.
>
> Trading tourist tax dollars for cannabis tax dollars is a losing strategy for trinity county.
>
> Thank you for considering my objection.

March 7, 2026

Dear Trinity County Planning Commission Board,

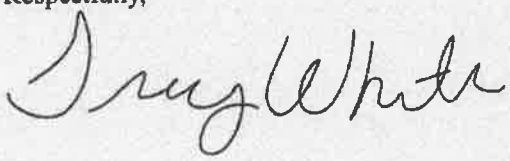
I am writing in regards to a change in the commercial cannabis ordinance opt-out designation currently being requested by some members of the community for areas of Trinity County. I am both surprised and saddened that anyone would propose changing the cannabis opt-out status of these beautiful and peaceful areas that are enjoyed by so many people, including and especially children.

As someone who does not currently own property in the area and only vacations there and visits family and friends, I am able to separate myself from some of the stressors this proposed change has inflicted on property owners in the affected areas, including devaluation of property, additional difficulty selling property, and the well-documented adverse effects on the environment caused by cannabis production. Why anyone would want to bring this kind of negative impact on this beautiful area and the people who live, vacation, and visit to enjoy the beauty, smells of pine trees, and serenity provided by the natural state of the land is difficult for me to understand. It does appear that the suggested changes are very self-serving of those wanting the change and that they are showing zero consideration of the environment and people who have loved and enjoyed it for generations and who want it preserved in its current state for generations to come.

I myself, am a third generation Coffee Creek vacationer. It has been my favorite place to visit for my entire life and has also been the same special place for my 11 year old son. Unfortunately, we have already seen negative impacts and changes to our experiences there over the past 10 years or so with the change of ownership of several properties to people who desire to use the area for profit from cannabis farming, rather than only enjoyment of the beauty of the mountains and making memories as we do. It has been heartbreaking to see these people come and destroy what so many of us have cherished and appreciated for so many years.

I understand the benefits of cannabis and am in full support of cannabis farming in areas already designated for it that do not infringe upon the lifestyles of established communities, businesses, and families. I sincerely hope that the board, as well as those who desire to change the opt-out status of these areas, reconsiders their position, acknowledges that this change is not worth the damage it will cause to the community, and finds another area already designated for cannabis farming to pursue their goals.

Respectfully,



Tracy White
Daughter of John and Kathy Jason of Eagle Creek Loop
Granddaughter of Hank and Gloria Jason of Ridgewood Rd

Gmail [redacted]

Fw: Fwd: Against Open Cannabis Growing

[redacted] Mon, Mar 9 at 8:55 AM
To: [redacted]

Begin forwarded message:

On Monday, March 9, 2026, 11:35 AM, Mike Pirie <michaelshanepirie@gmail.com> wrote:

> Sent from my iPhone
>
> Begin forwarded message:
>
> **From:** Mike Pirie [redacted]
> **Date:** March 7, 2026 at 5:14:47 PM PST
> **To:** info.planning@trinitycounty.org
> **Subject: Against Open Cannabis Growing**
>
> Hi Trinity County Planners,
>
> I am emailing to voice my concerns about an ordinance up for vote to allow open cannabis growing.
>
> I am opposed to this ordinance.
>
> My family and I have been visiting Trinity for many years to enjoy its natural beauty, my wife and I were married at Ripple Creek cabins. To think a field of cannabis will grow right next door is appalling. This has negative consequences for our children, my family and others, and tourism to Trinity County.
> Please do not allow open cannabis growing.
> Thank you,
> Mike Pirie

Gmail Michele Taylor <micheletaylor531@gmail.com>

Fw: Greenhouse Opt Out

Nathaniel Coleman <[redacted]> Sun, Mar 8 at 7:43 PM
To: [redacted]

Begin forwarded message:

On Friday, March 6, 2026, 9:47 PM, Brian Atchley [redacted] wrote:

> Hi There Trinity County Planner,
> I'm a huge nature fan. I was up in the Trinity Alps this last summer and heard about an ordinance change to allow greenhouses.
> As a tourist that visits the area I'm not a fan. I feel like in the last 30 years more drugs and meth have penetrated into this beautiful area and this hurts. I want people to have opportunities and jobs in the area but I suspect trading tourism for grow houses is the wrong approach.
> I'm working on plans for my next trip up and was reminded of this issue and wanted to share my thoughts.
>
> Best Regards,

[Quoted text hidden]

March 7, 2026

Dear Members of the Planning Commission,

My name is Carrie Elisarraras, and I am the daughter of second-generation Trinity County residents. My grandparents first came to Trinity over 50 years ago. Growing up, I had the luxury of being able to spend months during summers vacationing there, as well as other times throughout the year. My three children have also been able to spend their lives visiting and vacationing there multiple times a year as well. I have always referred to Trinity as "the best kept secret." Of all the places I have traveled, Trinity and its forests, lakes, rivers, etc., are unlike any other area. It has not been commercialized and its beauty compromised as a result.

I do not have negative feelings towards cannabis itself. However, I am certain that commercial cannabis facilities will not preserve this area but will negatively impact it for multiple reasons. These reasons include, but are not limited to, the destruction of the beauty of the land, the smells, the devaluing of properties, environmental effects, and possible safety issues. There are so many other areas that are more appropriate for establishments like these. Trinity is not one of them.

Thank you for your time, your service to the County, and your thoughtful consideration of the perspectives of long-time residents and their family members.

Respectfully,

Carrie Elisarraras

Carrie Elisarraras
Templeton, CA
Third-Generation to Trinity County Residents

Gmail [redacted]

Fw: Objections to Cannabis Cu

[redacted] Sun, Mar 8 at 8:58 PM
To: [redacted]

Begin forwarded message:

On Sunday, March 8, 2026, 11:53 PM, Daniel Flanigan [redacted] wrote:

> Dear Trinity County Planning Department,
>
> I'm writing to express concern about potential expansion of cannabis greenhouse cultivation near recreation and tourism areas in the Trinity Alps region. I oppose any changes to County ordinances that would facilitate such expansions.
>
> I went to college at HSU from 1991 to 1996 and fell in love with the Trinity Alps region then. Since then, I have visited numerous times, included to a family owned resort that could be negatively impacted by cannabis cultivation operations in the vicinity of their tourist-serving operations. Visitors come for the same reasons I do: hiking, fishing, swimming, and experiencing the clean air and quiet landscapes that make the Trinity Alps special. The natural character of the area is the foundation of the tourism economy that supports many local businesses.
>
> I have also lived in communities in Nevada County where large-scale cannabis cultivation became widespread. In those areas, the cumulative impacts were significant—strong odors, visible greenhouse structures in rural landscapes, and ongoing conflicts between cultivation activities and businesses that rely on tourism and outdoor recreation. Over time, those impacts changed how both residents and visitors experienced the area and affected businesses that depend on people seeking a clean and natural environment.
>
> Allowing greenhouse cultivation in highly visible natural areas or near recreation destinations risks creating similar conflicts in Trinity County. In addition to aesthetic and odor concerns, there are legitimate questions about water use, runoff, and potential impacts to streams, meadows, and wildlife habitat in a sensitive mountain ecosystem.

The Trinity Alps region is valuable precisely because it still offers something increasingly rare: intact landscapes, clean water, and a true outdoor recreation experience. Policies that could undermine those qualities should be approached very cautiously.

I encourage the county to carefully consider the long-term impacts on recreation, tourism, and environmental resources before allowing expanded greenhouse cultivation in areas that are closely tied to the region's outdoor economy.

Thank you for your time and consideration.

Sincerely,

Daniel Flanigan

Petaluma, California

Gmail [redacted]

Fw: Fwd: Cannabis cultivation in Trinity County

[redacted] Mon, Mar 9 at 9:54 AM
To: [redacted]

Begin forwarded message:

On Monday, March 9, 2026, 12:38 PM, Jefferson Silver [redacted] wrote:

FYI

---------- Forwarded message ---------
From: **Jefferson Silver** [redacted]
Date: Mon, Mar 9, 2026 at 9:37 AM
Subject: Cannabis cultivation in Trinity County
To: <info.planning@trinity-county.org>

To Whom it may concern:

My name is Jefferson Silver. I have been coming to Trinity County for decades, bringing my family to enjoy the pristine wilderness and outdoor activities.
I am writing in opposition to the current effort by members of the cannabis industry to allow growing operations in areas near to or adjacent to residences and recreational areas in the County. The proposed ordinance would allow visible cultivation and associated strong odors of cannabis in areas of recreation that would negatively impact tourism in the area.
I urge you to vote against the proposed changes to the ordinance. Thank you very much.

[Quoted text hidden]

Gmail [redacted]

Fw: Objection to Cannabis growing next to Ripple Creek

[redacted] Mon, Mar 9 at 9:55 AM
To: [redacted]

Begin forwarded message:

On Monday, March 9, 2026, 12:46 PM, Thomas Hockin [redacted] wrote:

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Sunday, March 8, 2026, 2:16 PM, Thomas Hockin [redacted] wrote:

Dear Trinity County Planners -

I am writing to express our objection to the planned cannabis growing operation next to Ripple Creek Cabins.

For our family, trips to the Trinity Alps are about experiencing clean air, quiet forests, and untouched landscapes. We hike, fish, and swim here to reconnect with nature and to give our children the opportunity to appreciate the outdoors. Cannabis cultivation operations—especially when visible across natural meadows or noticeable by smell—fundamentally change that experience. We are also concerned about the environmental impacts that can accompany large-scale grows, including pollution to streams and rivers and disruption to wildlife habitats. These landscapes should be preserved in their natural state. If they are not, we will sadly stop visiting the places we love.

We have visited Ripple Creek many times over the years and appreciate the Coleman family and their efforts to be stewards of the natural environment as they run a modest retreat for nature lovers in this historic location.

There are plenty of locations that are out of sight and out of mind for Cannabis growing and Ripple Creek is simply not a fit.

Thank you

Tom Hockin

Sent from Yahoo Mail for iPhone

Dear Members of the Planning Commission,

We are writing to express our deep concern regarding the loss of our community's cannabis opt-out status in Trinity County. Many residents worked extremely hard over the years to establish and protect this opt-out. It was not created lightly; it reflected the will of the community and the desire to maintain the character, safety, and environmental integrity of our county.

For many, this effort involved countless meetings, public comments, and community organizing. Residents spent years advocating for policies that respected rural lifestyles, protected natural resources, and addressed concerns about large-scale commercial cannabis activity. Losing the opt-out status feels like the voices and work of those community members are being set aside.

This issue goes beyond cannabis itself. It is about community trust and honoring the decisions residents have previously fought to establish. Policies that significantly change the direction of our county should involve meaningful public engagement and careful consideration of the long-term impacts on neighborhoods, water resources, law enforcement, and quality of life.

We respectfully ask the Planning Commission Members to reconsider the removal of the opt-out status or, at minimum, ensure that residents have a transparent and meaningful opportunity to weigh in before such a major change moves forward. The people of Trinity County deserve to have their concerns heard and their past efforts respected.

Our community has always valued responsible governance and thoughtful decision-making. We hope the Planning Commission will take the time to fully consider the implications of this decision and the message it sends to the residents who worked so hard to protect their community.

Thank you for your time and consideration.

Sincerely,

Mark and Laura Butler

Trinity Center

Recieved at meeting 3-12-2026 2pm session opt-outs

From: **Concerned Trinity Center and Coffee Creek residents**

To: **The Trinity County Planning Commission**

We the undersigned residents and visitors of Trinity Center and Coffee Creek want to preserve the community's opt-out provisions. We acknowledge the importance of honoring established commitments and ensuring that decisions reflect the voices and values of Trinity Center and Coffee Creek residents.

~~Cannabis opt-outs are legal in California~~. Under the ~~Medicinal and Adult-Use Cannabis~~ Regulation and Safety Act and Proposition 64, cities and counties have the authority to prohibit the establishment of cannabis businesses, including retail, cultivation, and delivery services, within their jurisdictions.

Name (Print)	Address	Signature	Date
Trinity Lake KOA Fred Prichard	60260 State Hwy 3	Fred Prichard	3/11/26

From: Concerned Trinity Center and Coffee Creek residents

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Name (Print)	Address	Signature	Date
Kathleen Hall	425 Cedar R Trinity Center	Kathy Hall	3/11/26
Robin Pacini	360 Azalea Trinity Center		3/11/26 * Opt out revised Please

From: Concerned Trinity Center and Coffee Creek residents

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Name (Print)	Address	Signature	Date
Laura Butler	229 Airport Rd	Laura Butler	3/5/26
Annemarie Bryant	190 Guy Covington Drive	Annemarie Bryant	3/5/26
ROGER F. CHATTERTON	441 LAKEVIEW DR.		3/6/26
Robert Bryant	191 Guy Covington Dr		3/6/26
Anne Gates	390 Mtn Aire		3/8/26
Glenn Gates	390 Mtn Aire		3/8/26
Diane Brown	51000 St Hwy 3	Diane Brown	3/5/26
Mark Butler	229 Airport Rd		3/8/26
Susan D CHATTERTON	441 Lakeview DR		3/11/26

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
Kim James	111 Airport	Kim James	3.9.26
Mary S. Hamilton	Maude Ave	Mary S. Hamilton	3/9/26
Craig Pasquini	360 Azalea Drive	C. Pasquini	3/9/26
EDWARD BURCH	25 MARILYN LN	Edward Burch	3/9/26
Linda Burch	25 marilyn Ln.	Linda Burch	3/9/26
Patricia A. McDonald	250 Scott Blvd.	Patricia A. McDonald	3/10/26
Jahal VANDERBECK	975 SCOTT BLVD	Jahal Vanderbeck	3-10-26
JEREMY WARDRIP	96 SCOTT BLVD.	Jeremy Wardrip	

March 2026

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

We the undersigned residents and visitors of Trinity Center and Coffee Creek want to preserve the community's opt-out provisions. We acknowledge the importance of honoring established commitments and ensuring that decisions reflect the voices and values of Trinity Center and Coffee Creek residents.
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AMELIA ARMSTRONG	60 ELIAPOME HTS WEAVERVILLE, CA 96093

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
Steve Finley	14 Marilyn Ln, Trinity Center	Steve Finley	3/9/26
Melissa Finley	14 Marilyn Ln. Trinity Center		3/9/26
SUSAN CLAIRE CARR	LAKEVIEW DR TRINITY CENTER	Susan Claire Carr	3/10/26
LEROY R. MOHR	191 CEDAR RD TRINITY CENTER	Leroy R. Mohr	3/10/2
DIANE C TIBBETS	108 Eleanore Lane Trinity Center CA	Diane C Tibbets	3-10-26
CHUCK TIBBETS	108 Eleanore Lane Trinity Center, CA	Charles E Tibbets	3-10-26
Allen Cerafsky	111 Eleanore Ln.		3/10/26
JOY CERAFSKY	111 Eleanore Ln		3/10/26

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
Martha Mullen	300 Cedar Trinity Center Ca	Martha Mullen	3/9/27
DONALD MULLEN	300 CEDAR TRINITY CENTER	Donald Mullen	3-9-2026
Raymond Dennis Haywood	Trinity Center	Ray Haywood	3-09-2026
Pam + Phil Johnson	Trinity Center		3-9-2026
Philip Johnson	229 Azalea Dr. TRINITY CENTER		3-9-2026
Marianne Leesee	100 Fairway Dr. Weaverville		3-10-26
Lynn Harley	100 Fairway Dr. Weaverville		3-26
CHRISTINE STONGE	#3 SENIOR APTS WEAVERVILLE	Christine Stonge	3-10-26,
Jenifer Lemke	193 Reservoir Rd. Weaverville, CA 96093	Jenifer Lemke	10 Mar 202

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
Dennis Roberts	205 Airport Rd Trinity Center CA	D Rob	3/10/26
Valerie Roberts	205 Airport Rd Trinity Center CA	Valerie Roberts	3/10/26

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
[illegible]	100/50 Eleanore Lane	[signature]	9MAR26
Kathyn Wilson	100/50 Eleanore Ln.	[signature]	3/9/26
Cindy Day-Wilson	100/50 Eleanore Ln	[signature]	3/9/26

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Name (Print)	Address	Signature	Date
Carl O. Gragg II	130 Lakeview Drive Trinity Center CA 96091	Carl O Gragg II	2026.03
Elizabeth Adde Gragg	130 Lakeview Drive Trinity Center CA 96091	Elizabeth Adde Gragg	3/09/2
Kathryn E. Gragg	130 Lakeview Drive Trinity Center CA 96091	Kathryn E. Gragg	3/09/26

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Name (Print)	Address	Signature	Date
JOHN VAN GROOS	491 LAKEVIEW DR TRINITY CENTER CA 96091		3-6-26
Constance VAN GROOS	491 LAKEVIEW Dr. Trinity Center CA 96091	Constance J. van Groos	3-6-26

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Name (Print)	Address	Signature	Date
Glenn Bjorkman	291 Lakeview Dr Trinity Center	G. Bjorkman	3/9/26
Lynette Hansen	291 Lakeview Dr Trinity Center	Lynette Hansen	3/9/26

Cannabis Opt-Out Petition.pdf Open with

From: Concerned Trinity Center and Coffee Creek residents

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Name (Print)	Address	Signature	Date
Sam Sacco	380 Azalea	S. Sacco	3/5/26
Denise Naylor	380 Azalea	Denise Naylor	3/5/26
Shirley Arthur	10 Trinity Vista	Shirley Arthur	3/5/26
John Arthur	10 Trinity Vista	John Arthur	3/5/26
Mary Arthur	10 Trinity Vista	Mary Arthur	3/5/26
Greg Casagrande	21 Bonanza Wy.	Greg Casagrande	3/5/26
Lisa Casagrande	21 Bonanza Way	Lisa Casagrande	3/15/26

3/5/2026

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Name (Print)	Address	Signature	Date
Laurie Fleshman	1720 John Way Templeton, CA 93465	Laurie Fleshman	3/6/26
Clay Fleshman	5515 Mustard Creek Rd Paso Robles, CA 93446	Clay Fleshman	3/9/26
Cameron Fleshman	5515 Mustard Creek Rd Paso Robles, CA 93446	Cameron Fleshman	3/9/26
Taylor Fleshman	1720 John Way Templeton, CA 93465	Taylor Fleshman	3/9/26
Ryan Fleshman	1720 John Way Templeton, CA 93465	Ryan Fleshman	3/6/26

DocuSign Envelope ID: 0490488D-A19E-8A90-627B-DF81FA1AE30B

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Name (Print)	City	Signature	Date
Tom Hockin	Mill Valley	DocuSigned by: Tom Hockin 04FCB1C69C1C42E...	3/9/2026

Docusign Envelope ID: 807U2AA4-7 75F-6DD6-6389-5F7A6EEA3F55

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Name (Print)	City	Signature	Date
Rebecca Ramirez	Los Angeles	Signed by: Rebecca Ramirez 5CCADC878F1847D...	3/10/2026

Docusign Envelope ID: D180CBAF-C0FE-8E98-8096-7CB13546BD41

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Name (Print)	City	Signature	Date
Nick beaucage	Contra costa	Signed by: C438B26C2011447...	3/10/2026

Docusign Envelope ID: C79F1366-FAAC-8368-805B-C630D5D0284B

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Name (Print)	City	Signature	Date
Marcelo macedo	Pacifica	DocuSigned by: Marcelo Macedo 2091994B90A449	3/10/2026

Docusign Envelope ID: B0CB9F6B-A1C0-8967-81DB-16E0822FCB5E

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Name (Print)	City	Signature	Date
Jesse Hemmen	Portland, OR	DocuSigned by: Jesse Hemmen 42E3B8A31263404...	3/9/2026

Docusign Envelope ID: 63B1B0C1-6815-6B23-823F-77F939459561

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Name (Print)	City	Signature	Date
Jenya Meydbray	Mill Valley	Signed by: Jenya Meydbray 3C7EDA7C981C440...	3/10/2026

Docusign Envelope ID: E3383638-AF24-821D-82BE-5058659C5CB1

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Name (Print)	City	Signature	Date
Jefferson Silver	Berkeley	Signed by: 695E2E4FD1B949C...	3/10/2026

Docusign Envelope ID: 7EC408A5-E0DC-80B9-83B2-EA7B54E184E7

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Name (Print)	City	Signature	Date
Eric johnson	san francisoc	Signed by: AEB84361C8A0467...	3/10/2026

Docusign Envelope ID: 6EF7A36E-8FDA-8B64-8331-04726D065B1D

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Name (Print)	City	Signature	Date
Daniel Flanigan	Petaluma, CA	DocuSigned by: Daniel Flanigan 61588949DFE644B...	3/9/2026

Docusign Envelope ID: 8A358B34-C5E4-85B3-8220-8EED51AFB2FA

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Name (Print)	City	Signature	Date
Brian Flaherty	Lahaina	DocuSigned by: Brian Flaherty 4549222FA5994AD...	3/10/2026

Docusign Envelope ID: DF0A9F65-2406-8360-8138-62CA02940CC9

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Name (Print)	City	Signature	Date
Brian Atchley	Petaluma	DocuSigned by: Brian Atchley 9A02DD0C5C084DE...	3/10/2026

Docusign Envelope ID: 0A6F94CA-3E30-85E6-8061-C9F9C942FAD3

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Name (Print)	City	Signature	Date
Alex Mayer	Mill Valley, CA	Signed by: Alex Mayer E2EEF3D60ED447C...	3/10/2026

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Name (Print)	Address	Signature	Date
RANDY SPENCER	71 DORCESKA COFFEE CR	Randy Spencer	3-7-26
Pam Schifano	Coffee Cr.	Pam Schifano	3-7-26
Hazel Spencer	Coffee CR.	Hazel Spencer	3-7-26
Ken Morris	Coffee creek	Ken Morris	3-7-2026
Beverly Morris	Coffee creek	Beverly Morris	3-7-26

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Name (Print)	Address	Signature	Date
Tracy White	Paso Robles/Coffee Creek	[signature]	3-10-26

3/5/2026

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Name (Print)	Address	Signature	Date
STEPHEN M MILOVICH	164 Billy's Peak Dr, TRINITY CENTER, CA 96091		MAR 10, 2026
Dee Cramer	164 Billy's Peak Dr Trinity Center, CA	Dee Cramer	march 10, 202
Michele Taylor	coffee creek		3/10/26
James H. Coleman	1450 Eagle Creek Loop Coffee Creek 96091		3/10/26

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Name (Print)	Address	Signature	Date
Kathleen Jason	Coffee Creek	Kathleen Jason	3-8-26
John S. Jason	Coffee Creek	John S. Jason	3-8-26
Cindy Bowen	Coffee Creek	Cindy Bowen	3-9-26
Holly Anderson	Coffee Creek	Holly Anderson	3-9-26
GEORGE LUNDQUIST	COFFEE CREEK		3/10/26
ANNA C BURKE	COFFEE CREEK	Anna C Burke	3/6/26
Geraldine Fournier	Coffee Creek		3-10-26

Docusign Envelope ID: 33C5A347-9385-8A10-824F-059E094536FE

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Name (Print)	City	Signature	Date
Gregory Hemmen	Portland, OR	Signed by: Gregory Hemmen 08BF08CFDCA4483...	3/9/2026

Docusign Envelope ID: B5542EC8-37C7-8ED3-80BC-FFA248242DCD

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Name (Print)	City	Signature	Date
Gregory J. Ruef	Brentwood	Signed by: 0493E90E91824F8...	3/9/2026

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Name (Print)	Address	Signature	Date
Georgia Lawrence.	1357 sproul ave, Napa ca. 94559		3/9/26
Robert Perman.	1357 sproul ave, Napa ca 94559		3/9/26

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Name (Print)	Address	Signature	Date
CHARLES WALTERS	145 RATTLESNAKE WAY, T.C.		3/10/26

3/5/2026

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Name (Print)	Address	Signature	Date
Marli Walters	415 Rattlesnake Wy. Trinity Center	Marli Walters	3-10-26

3/5/2026

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Name (Print)	Address	Signature	Date
Ted Silver	Coffee Creak	Ted Silver	3-5-2026
~~Jean Casey~~ Jean Casey	Coffee Creak	~~Jean Casey~~ Jean Casey	3-8-20-26
Donna Johnson	Coffee Creek	Donna Johnson	3-8-26
GEORGE LAWRENCE	Coffee Creek		3-8-26
Claudia Lawrence	Coffee Creek		3-8-26
V Thomas Langford	Coffee Creek		3-10-26
Barbara Langford	Coffee CREEK		3-10-26
Cynthia Langford	Coffee Creek		3/10/26

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Name (Print)	Address	Signature	Date
Janelle Johnson	Coffee Creek	Janelle Johnson	3/6/26
Kevin Johnson	Coffee Creek		3/8/26
TONY VALLS	Coffee Creek		3-8-26
STEVE RENTEN	TRINITY CENTER		3/8/26
BARRY BOWEN	COFFEE CREEK	BARRY BOWEN	
BARRY BOWEN JR	SACRAMENTO/COFFEE CREEK	BARRY BOWEN JR	
GARY K. BOWEN	Coffee Creek		
Suzanne Hunig	Coffee Creek	Suzanne Hunig	3-9-26

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Name (Print)	Address	Signature	Date
Lisa Driscoll	288 Lake Ridge Rd Buffalo, WY 82834	L Driscoll	3/9/26
George Driscoll	288 Lake Ridge Rd Buffalo, WY 82834		3/7/26

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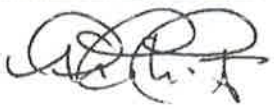
Name (Print)	Address	Signature	Date
TESE GORSZWICK	35 GOLDFIELD COFFE CREEK	Tese Gorszwick	8 MARCH 2026
JOSEPH GORSZWICK	35 GOLDFIELD COFFEE CREEK	Joseph Gorszwick	8 MARCH 2026
Erick GORSZWICK	110 Rne Ln Coffee Creek	Erick Gorszwick	8 march '26

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Name (Print)	Address	Signature	Date
Annemieke Peterson	340 S. Derrick Flat Rd Trinity Ctr, CA 96091		3/7/26

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Name (Print)	Address	Signature	Date
GREGORY ROOSEVELT	361 NORWEGIAN RANCH RD TC.		3/7/26
Norma J. Roosevelt	" " " "	Trinity Center	3-8-26

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Name (Print)	City	Signature
Nate Coleman	Trinity Ctr	DocuSigned by: Nate Coleman 3/8/26 BB055B8C011D47A...

100%

March 5

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Name (Print)	Address	Signature	Date
CURT TAYLOR	5036 DOGWOOD DR LAKE OSWEGO, OR		3/6/2026
Jan Taylor	5036 Dogwood Dr. Lake Oswego, OR 97035		3/7/26
Kara Goldberg	5748 Cartwright Ave. North Hollywood ca 91601		3/7/26
Jessica TAYLOR	18027 Belmore Ave Lake Oswego, OR 97035		3/8/2026
JOE SIMON	18027 BELMORE AVE LAKE OSWEGO, OR 97035		3/8/26
MICHAEL GOLDBERG	5748 CARTWRIGHT N. HOLLYWOOD, CA 91601		3/6/26

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

We the undersigned residents and visitors of Trinity Center and Coffee Creek want to preserve the community's opt-out provisions. We acknowledge the importance of honoring established commitments and ensuring that decisions reflect the voices and values of Trinity Center and Coffee Creek residents.

Cannabis opt-outs are legal in California. Under the Medicinal and Adult-Use Cannabis Regulation and Safety Act and Proposition 64, cities and counties have the authority to prohibit the establishment of cannabis businesses, including retail, cultivation, and delivery services, within their jurisdictions.

Name (Print)	Address	Signature	Date
Linda Cunningham	11957 Logans Run Ct Grass Valley, CA 95945	Linda L. Cunningham	3/8/26
Robert Cunningham	11957 Logans Run Ct. Grass Valley, CA 95945	Robert J Cunningham	3/8/26

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To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
Catharine Berglund	2611 Bear Creek loop Trinity Center CA 96091	Catti Berglund	03/8/26
Richard Berglund	2571 Bear CR Loop TC CA 96091		3/8/26
Joann Berglund	2571 Bear CR Loop TC CA 96091		3/9/26
Shawna McDonald	Redding CA		3/8/26
Brad Berglund	Trinity Center, Ca.		3/8/26
Judy Gibson	2571 Bear Creek Loop Trinity Center CA. 96091		3/8/26
Sue Springer	90 Poole Rd TC 96091		3-8-26
Owen Springer	Coffee Creek		3-8-26

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
Suzanne Conrad	1601 Oakmont Dr. #4 H Walnut Creek, CA	Suzanne Conrad	03/11/26
LAURENCE FitzSimons	1601 OAKMONT DR #4 WALNUT CREEK, CA 94595	Laurence FitzSimons	3/11/26

3/5/2026

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
CHARLOTTE J. SCOTT	TRINITY CENTER	Charlotte J Scott	March 11, 2026

I opt-out our area back in 2017 and I want it to stay that way as we live in the forest. I also do not like the stench from the weed, and we are a subdivision not area to grow weed without a lot of damage to the forest. I hope the Board of Supervisors continue to HONOR the constitutes that put this into effect back in 2017. Charlotte J Scott 3/5/2026

Extra Names

From: **Concerned Trinity Center and Coffee Creek residents**

To: **The Trinity County Planning Commission**

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Name (Print)	Address	Signature	Date
James Holmes + Joe Polselli	530 9759		
Matt + Nicci Belter	530 520-5548		
Hugh + Charlene Tucker	360-638-0555		
Gayle + Jonathan Nolley	206.898-3052 (Gayle Tucker Nolley)		
Jenny Luoma	530-286-2260		
John + Jean Moore	925-935-1393		
Mike + Linda White	831-706-5556		
Jennifer + Janet Pulliam	408 219-4232		

3/5/2026

TRINITY COUNTY COMMUNITY DEVELOPMENT SERVICES
PLANNING DEPARTMENT
530 MAIN ST., PO BOX 2819
PHONE – 530-623-1351
WEAVERVILLE, CALIFORNIA 96093

MEMORANDUM

DATE:	March 12, 2026
TO:	Members of the Trinity County Planning Commission
FROM:	Deborah Rogge, Administrative Coordinator
SUBJECT:	Agenda Item: A Additional Study Session Trinity County Zoning Code Update Parts 2, 4, and 7

Comments received from 2 pm March 10 to 12 pm March 12, 2026.

Deborah Rogge

From: noreply@civicplus.com
Sent: Thursday, March 12, 2026 9:57 AM
To: webmaster; info.planning; Rory Barrett; Duncan McIntosh; Dan Harper
Subject: Online Form Submittal: Contact the County Planning Commissioners

Contact the County Planning Commissioners

Your Name:	Steve Lyon
Your Email Address:	stevelyon1975@gmail.com
The staff member you wish to contact:	Rory Barrett, Planning Commissioner District 3, Duncan McIntosh, Planning Commissioner District 4, Dan Harper, Planning Commissioner District 5
Subject:	Microbusinesses and other zoning issues
Message:	Please make microbusinesses feasible for local cultivators. There are several roadblocks in the regulations- the most specific one is requiring a microbusiness to be in the correct zone for a full-blown distribution. This totally defeats the purpose of a microbusiness. Not being able to distribute my own product causes a lot of money to leave the county and go to southern CA distros, packaging etc. It's a total waste of money that could stay in this county. There are several parts in the regulations that impact this and I don't know every single one. But the gist of it is: Let me run my business. Quit putting up county roadblocks to me simply running my simple farm. It's beyond absurd. Also- I'm still not happy about losing the automatoc AG designation. This feels like a complete bait and switch. When there was involvement and concern- the cultivators were told that they would automatically be given an AG zoning for their obvious AG operations. There was a big map sent out that showed all of our parcels as AG and this satisfied many of the concerns from the cultivators. Then quietly that got changed. There are a LOT of farmers who still think they are going to be zoned AG. This feels pretty slimy to me. And it totally continues with all of the problems that have plagued to county thus far- the dreaded RR problems. So far, it seems like I am getting squeezed even further on my 5acre RR parcels to grow a 1/4acre of cannabis. Please do the best you can to help my business and the other similar businesses of Trinity County. Thank you

Email not displaying correctly? View it in your browser.



Deborah Rogge

From: [redacted]
Sent: Wednesday, March 11, 2026 6:51 PM
To: info.planning
Cc: Sam Monteleone
Subject: Asking for your help, again,

Thank you both for sharing your opinions. I forwarded it to the correct email!

From: sam monteleone <[redacted]
Sent: Wednesday, March 11, 2026 3:38 PM
To: [redacted]
Subject: Re: Asking for your help, again,

My husband and I are writing to respond to the issue of cannabis growers and their effect on the area around Lewiston. We have family in the area and over the last 30 years have visited many, many times. The bright lights from the hoop houses and stench of "skunk" in the air result in a constant unbearable odor that permeates the air and finds it's way to the indoors also. We look forward to the beautiful landscape around all of Trinity County and the wonderful sights we like to visit. In addition, during harvest the atmosphere becomes somewhat frightening and we are not comfortable being out and about for shopping or meals or visiting friends. It is such a shame to ruin the wonderful countryside and atmosphere that we so enjoy visiting. The results of the cannabis influence can only further damage the areas of all of Trinity County. We, and for sure, many others, would appreciate the return of the beautiful country and the plethora of wonders it holds. We would hate to have this area ruined for generations to come. Please look ahead to what will come and think of what our families need for the future.

Sincerely

Sam and Glenda Monteleone
Reno, Nevada
Sam Monteleone
[redacted]

Why is there Something, rather than Nothing?

On Thu, Mar 5, 2026 at 1:00 PM <[redacted] wrote:

> Hi Friends and Family,

I am so tired of fighting this issue, but the cannabis growers are pushing, again, to remove the OPT-OUT from large cannabis grows in Lewiston. Meaning that when you visit us, the night lights from hoop houses on the property next to us and the stench of skunk will permeate the air. Views will be spoiled, air quality will be compromised, and we anticipate an increased level of violence, including robberies, during harvest times.

If you could take a few minutes to send an email to infor.planning@trinitycounty.org

It would help. Believe it or not, the last time I asked, they got 40 letters from out of towners that helped immensely!

You can mention how you enjoy your visits to Lewiston and Trinity County and you come for the pristine air quality, and the natural beauty. Use AI if you have to. It doesn't have to be a long note, but enough to let them know that your tourist dollars matter to the local economy.

Thank you. I am on my way down to the Bay Area for quick trip and probably will not be available by email, but if you have questions, call me on my cell 530-949-0075.

You have my sincere gratitude. And, isn't it about time for a visit?? Katie

Deborah Rogge

From: Katie Quinn [redacted]
Sent: Wednesday, March 11, 2026 12:37 PM
To: info.planning
Subject: Fwd: Asking for your help, again!

Sent from my iPhone

Begin forwarded message:

> **From:** Joseph Neil <j[redacted]
> **Date:** March 11, 2026 at 10:38:50 AM PDT
> **To:** [redacted]
> **Subject: Re: Asking for your help, again, against neighborhood cannabis grows**
>
> Dear Representatives of the Public
>
> I am a former resident of Trinity County who visits frequently and often encourages friends to enjoy the peaceful serenity to be found there. I lived in Lewiston during the days when large grow operators destroyed that serenity, stole water, intimidated neighbors and polluted our ground water. Opting out from large grows reversed that, so I am dismayed to learn that you are considering changing the county's policy of OPT-OUT from large grows. Please consider carefully the this time irreversible environmental, social and economic costs of doing so. Suzan Neill

Deborah Rogge

From: Carol Fall
Sent: Wednesday, March 11, 2026 1:06 PM
To: info.planning
Subject: Fw: Trinity Opt Out Provisions

From: CCR [redacted]
Sent: Tuesday, March 10, 2026 6:59 PM
To: Carol Fall <CFall@trinitycounty.org>
Subject: Trinity Opt Out Provisions

Our family lives in the City of Los Angeles. On several occasions we have visited the Trinity Alps area for hiking, swimming, fishing, and simply to enjoy nature. As you might imagine, these trips provide a very welcome respite from the chaos of city life. We truly love this area - the mountains, the trees, the water, the fresh air and the peacefulness of this region.
It has been brought to our attention that cannabis growers are attempting to change current local opt out provisions in order to build cannabis operations in Trinity County. Please do not allow this degradation to occur. It is the opt out provisions that help keep the Trinity Alps area so pristine. No doubt such a change in the regulations will negatively impact this beautiful land as it has damaged other areas particularly in Northern California. We are not against cannabis, but it is not our desire to see and smell large cannabis operations take over the beautiful nature of Trinity. If such a change were to occur, we would sadly seek other options to commune with nature.
We appreciate your thoughtful consideration,
Camille Carr-Ramirez & Family
[redacted] Tennyson Place
Granada Hills, CA. 91344

Deborah Rogge

From: Catherine Sidman [redacted]
Sent: Wednesday, March 11, 2026 2:42 PM
To: info.planning
Subject: Cannabis Opt out Zones

Please add these comments to the public comment for this matter.

It is important to develop a process for both opting out and OPTING BACK IN to participation in commercial cannabis. There is currently no way for those communities to support small businesses by opting back into participation. As time moves on, this will become increasingly necessary to reflect the feelings of the people who live in these areas. Any areas of ambiguity in opt out zones that were ram-rodded through in the beggining should be reviewed and voted on by those communities to best reflect the neighbors' desires.

I am troubled by the Planning Commission chair's strong advocacy for a certain position. I hope that the comments, both written and presented in person, are considered fairly.

Thank you,

Catherine Sidman
[redacted] Lewistion Road

Catherine Sidman
cell: [redacted]

Subject Re: Impact on Trinity KOA - Potential loss of Cannabis Opt-Out Designation

From Prichard Properties LLC [redacted]

To: Linda (Swart) Burch [redacted]

Cc: Chet Blotske [redacted]

Date Today at 1:39 PM

Hi Linda,
You have our full support.

From what we understand, we are one of the larger economic engines and hospitality hosts in the area. When we purchased the campground after the 2022 season, it was struggling. Since then, we have revitalized it into a thriving business by reinvesting significantly into infrastructure, facilities, and our staff—creating jobs and strengthening payroll.

We also make a point to support local businesses in Coffee Creek and Weaverville by purchasing and featuring their products. We genuinely love this place and the people here, and our goal is to make the campground the very best it can be for

surrounding communities and families.

Our efforts have been recognized by KOA Inc with their prestigious KOA Icon Award, placing us in the top 10% of more than 500 KOA campgrounds. In addition, we have raised our Guest Satisfaction NPS score to 83, which is considered "World Class Service."

We feel an expansion of the Cannabis business in Trinity County could affect the positive momentum we have been able to achieve, nor does it align with the values of the family friendly KOA Brand.

Fred Prichard
Trinity Lake KOA

Show trimmed content

Planning Commission
Trinity County
March 11, 2026

My husband and I discovered the North Lake when we arrived to write our vows in 1986. We came once and usually twice a year for 24 years, staying at Ripple Creek Cabins, hiking, walking, biking and swimming at the bridge and the Mann Hole, and eventually bought the adjacent 4 acres and built our dream log home at 1364 Eagle Creek Loop, where we lived from 2010 until August of 2025, when health issues forced us to leave.

During our time there, we participated in the opt out process, and suffered when the Feeling Groovy folks at Eagle Creek Ranch decided to dry their cannabis across from Ripple Creek Cabins. It triggered my asthma/COPD.

We were very involved during our 15 years there. I served on the CC School Board, was treasurer of the Fireflies and put out the phone directory as well as helped run the auction for many years with my husband, Larry Fitzsimons, who served 9 3/4 yrs on CCVFD, as a Firefighter and First Responder, President of the Board, and head of the auction fund raiser.

So, we are very aware that Trinity County is the poorest county in California and relies heavily on tourism, for which Ripple Creek Cabins is a prime destination, where people schedule years in advance to ensure a spot. People come from all over, especially in the fall, just to walk or drive on Eagle Creek Loop to enjoy the beauty.

I am sure that other places in the North County are as special for all they have to offer. People visit generation after generation to the same places they have grown to love as part of their memories. I cannot stress this enough. I would not be able to visit our sweet loop if it becomes a cannabis drying area. Do not destroy the North Lake for all of the people who value it.

Suzanne Conrad
Laurence Fitzsimons

Deborah Rogge

From: Pat Ash [redacted]
Sent: Wednesday, March 11, 2026 12:15 PM
To: info.planning
Subject: proposed change of cannabis zone code

Good Afternoon,

I am writing as a full time resident of Coffee Creek to voice my concerns about the possible change of cannabis zoning.

My husband and I bought a home here in April to live full time. This will be my 78th year on Coffee Creek and my husband's 43. My family settled on Coffee Creek in the late 1880's and we have had a home here up until the fire that ravaged the Coffee Creek drainage.

Over the years I have seen many changes our little community has endured and we would like to see the zoning stay the same. It feels like we are finally settling in again. There's a reason why we chose to buy here aside from our family ties. I would hate to think that the already struggling tourist business takes another hit with gardens closing in on their properties.
My husband and I lived for twenty years in Fort Bragg and know what that's like.
Please consider those of us who provide a good tax base here in Trinity County, and keep the zoning as is.

Thank you,

Patricia and Kevin Ash
[redacted] Coffee Creek Road
Trinity Center 96091

Deborah Rogge

From: Pam and Erik <[redacted]
Sent: Tuesday, March 10, 2026 6:44 PM
To: info.planning
Subject: Comments for March 12 Planning Commission Meeting regarding opt-out areas

Dear Trinity County Planning Commissioners,

We would like to provide comments for your consideration at the March 12, 2026 meeting concerning the role of the "cannabis opt-out" areas. We participated in numerous cannabis-related planning commission and board of supervisor meetings starting in 2016. During those meetings, there was a wide array of opinions on the best ways to separate incompatible land use concerning commercial cannabis operations. Some proposed large setbacks to mitigate odor while others proposed small setbacks to allow a more productive use of property. During this time of widely divergent views, the idea of having specific "opt-out" areas became acceptable to the participants. We presented these comments to the planning commission years ago and they still hold true today.

Separating incompatible land use between commercial cannabis production and residential areas is a difficult task. Opt-Out areas are perhaps an imperfect means for separating incompatible activities but no more so than other methods such as setbacks. Opt-Out areas are quite effective in protecting the included communities from the negative impacts of commercial cannabis production. Further, the Opt-Out provisions are quite popular within the included communities.

I support continued use of Opt-Out areas as an effective method to separate incompatible land use with respect to commercial cannabis production and residential areas.

Sincerely,

Erik Anderson and Pam Augspurger

Dear Members of the Planning Commission,

We are writing to express our deep concern regarding the loss of our community's cannabis opt-out status in Trinity County. Many residents worked extremely hard over the years to establish and protect this opt-out. It was not created lightly; it reflected the will of the community and the desire to maintain the character, safety, and environmental integrity of our county.

For many, this effort involved countless meetings, public comments, and community organizing. Residents spent years advocating for policies that respected rural lifestyles, protected natural resources, and addressed concerns about large-scale commercial cannabis activity. Losing the opt-out status feels like the voices and work of those community members are being set aside.

This issue goes beyond cannabis itself. It is about community trust and honoring the decisions residents have previously fought to establish. Policies that significantly change the direction of our county should involve meaningful public engagement and careful consideration of the long-term impacts on neighborhoods, water resources, law enforcement, and quality of life.

We respectfully ask the Planning Commission Members to reconsider the removal of the opt-out status or, at minimum, ensure that residents have a transparent and meaningful opportunity to weigh in before such a major change moves forward. The people of Trinity County deserve to have their concerns heard and their past efforts respected.

Our community has always valued responsible governance and thoughtful decision-making. We hope the Planning Commission will take the time to fully consider the implications of this decision and the message it sends to the residents who worked so hard to protect their community.

Thank you for your time and consideration.

Sincerely,

Mark and Laura Butler

Trinity Center

Deborah Rogge

From: Trisha Fernandes <[redacted]
Sent: Tuesday, March 10, 2026 3:34 PM
To: info.planning
Subject: Support to continue cannabis opt out for Trinity Center community service district and coffee Creek volunteer fire district
Attachments: Scanned Document.pdf

To Trinity County planning commission,
This letter is in support of continuing to opt out of the Cannabis industry for Trinity Center. As a long time, visitor, guest, and hiker/tourist to Trinity County and coffee Creek, we have witnessed many negative impacts of cannabis farming in the community. The amount of debris and dumped cars has grown in the 20 years we've been visiting. The last place I would want to visit to enjoy the great outdoors is a place that invites the marijuana industry into its community. This letter is to strongly encourage you to continue to opt out for Trinity Center, so it can stay the idyllic community it is.
Sincerely,
Trisha and Larry Fernandes

Sent from my iPhone

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

We the undersigned residents and visitors of Trinity Center and Coffee Creek want to preserve the community's opt-out provisions. We acknowledge the importance of honoring established commitments and ensuring that decisions reflect the voices and values of Trinity Center and Coffee Creek residents.

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Name (Print)	Address	Signature	Date
Trisha F. Fernandes	[redacted] Hove ct WC CA 94598	Trisha F Fernandes	3/9/26
Larry Fernandes	[redacted] Hove ct WC CA 94598	Larry Fernandes	3/9/26

3/5/2026

Deborah Rogge

From: noreply@civicplus.com
Sent: Wednesday, March 11, 2026 10:11 PM
To: webmaster; info.planning; Carol Fall; Amelia Fleitz; Rory Barrett; Duncan McIntosh; Dan Harper
Subject: Online Form Submittal: Contact the County Planning Commissioners

Contact the County Planning Commissioners

Your Name:	Veronica Kelley-Albiez
Your Email Address:	[redacted]
The staff member you wish to contact:	Carol Fall, Planning Commissioner District 1, Amelia Fleitz, Planning Commissioner District 2, Rory Barrett, Planning Commissioner District 3, Duncan McIntosh, Planning Commissioner District 4, Dan Harper, Planning Commissioner District 5, General Inquiry
Subject:	03/12/26 Planning Commission Meeting Comments
Message:	Good Afternoon Chair and Commissioners, Veronica Kelley-Albiez, Douglas City. Thank you for the opportunity to speak. I'd like to briefly address the importance of keeping cannabis opt-out areas in place as the county reviews its General Plan. Trinity County is unique because it contains a wide range of landscapes and communities—rural residential neighborhoods, agricultural lands, tribal areas, and remote off-grid homesteads. These areas function differently, and a one-size-fits-all land-use approach does not work for everyone. Cannabis opt-out areas recognize that reality. First, opt-out areas protect compatibility between land uses. In small rural neighborhoods where parcels are close together and infrastructure is limited, intensive cannabis cultivation can create conflicts related to odor, water use, traffic, noise, and generator operation. Opt-out zones give communities a way to maintain the character and livability of those neighborhoods. Second, they support responsible planning. The General Plan is meant to guide long-term land use. Maintaining opt-out areas ensures cannabis cultivation is directed toward locations where it is more appropriate—places with better road access, water availability, and fewer conflicts with residential uses. This helps the county focus enforcement and infrastructure planning where it makes the most sense. Third, opt-out areas respect community choice. Many residents

moved to specific parts of Trinity County because of the quiet rural character and low-intensity land use. Keeping opt-out zones acknowledges that different communities have different priorities and preserves local trust in the planning process.

Trinity County has already recognized that the cannabis industry is struggling and created a support option. The Board of Supervisors recently approved reductions in cannabis taxes owed to the county to help cultivators survive a market that has bottomed out. That decision acknowledges an important reality: cannabis is not currently a stable or reliable economic driver for the entire county.

Because of that, it would not be sound planning to assume cannabis cultivation should expand into every area of Trinity County. The General Plan should instead support a balanced economy and protect the industries that are already working.

Tourism is one of those industries. Trinity Lake is one of the county's strongest draws for visitors and generates significant Transient Occupancy Tax revenue through local lodging, campgrounds, and vacation rentals. Maintaining cannabis opt-out areas around the lake helps protect that family-friendly tourism environment by preventing conflicts related to odors, increased traffic, generator noise, and other public nuisances that can come with intensive cultivation.

Visitors come to Trinity Lake for clean air, natural scenery, and a quiet outdoor recreation experience. Preserving that atmosphere protects one of the county's most dependable revenue sources.

Other opt-out areas across the county also support tourism, recreation, and local economic opportunities that depend on maintaining rural character and quality of life. These areas contribute to the county's economy in ways that extend beyond cannabis.

Trinity County already has locations where cannabis cultivation is viable and accepted. Communities like Hayfork are actively building a model for cannabis farming and cannabis-related tourism. Concentrating cannabis activity in areas that support it—rather than dispersing it everywhere—creates better planning outcomes, reduces land-use conflicts, and allows those communities to develop the industry more successfully.

Good planning means recognizing that different parts of the county serve different purposes. Maintaining cannabis opt-out areas helps protect tourism, supports community choice, and allows the cannabis industry to operate in locations where it makes the most sense.

Having a cannabis farm in every part of Trinity County is not smart planning. Strategic placement and clear boundaries are.

Finally, maintaining these areas does not prevent the cannabis industry from operating in Trinity County. It simply creates clear

boundaries so that cultivation can coexist with other land uses without unnecessary conflict. Unfortunately, the three minute time limit prevents me from commenting on the full spectrum of questions presented by Staff tonight; however, I hope these comments guide your smart planning processes for the future. As the General Plan update moves forward, I encourage the Commission to keep cannabis opt-out areas in place as an important planning tool that protects neighborhood compatibility, community character, and balanced land use. Thank you for your time.
Veronica Kelley-Albiez

Email not displaying correctly? View it in your browser.



Deborah Rogge

From: Veronica Kelley-Albiez <[redacted]
Sent: Wednesday, March 11, 2026 10:12 PM
To: info.planning; info.cannabis; Trent Tuthill; Rory Barrett; Duncan McIntosh; Dan Harper; Amelia Fleitz; Drew Plebani
Subject: 03/12/26 Planning Commission Meeting Comments

Good Evening,

I hope to attend tomorrow's Planning Commission Meeting at 2:00 pm. However, just in case, please share the following comments with the full Planning Commission Board.

Thank you! Veronica

Good Afternoon Chair and Commissioners,

Veronica Kelley-Albiez, Douglas City. Thank you for the opportunity to speak. I'd like to briefly address the importance of keeping cannabis opt-out areas in place as the county reviews its General Plan.

Trinity County is unique because it contains a wide range of landscapes and communities—rural residential neighborhoods, agricultural lands, tribal areas, and remote off-grid homesteads. These areas function differently, and a one-size-fits-all land-use approach does not work for everyone. Cannabis opt-out areas recognize that reality.

First, opt-out areas protect compatibility between land uses. In small rural neighborhoods where parcels are close together and infrastructure is limited, intensive cannabis cultivation can create conflicts related to odor, water use, traffic, noise, and generator operation. Opt-out zones give communities a way to maintain the character and livability of those neighborhoods.

Second, they support responsible planning. The General Plan is meant to guide long-term land use. Maintaining opt-out areas ensures cannabis cultivation is directed toward locations where it is more appropriate—places with better road access, water availability, and fewer conflicts with residential uses. This helps the county focus enforcement and infrastructure planning where it makes the most sense.

Third, opt-out areas respect community choice. Many residents moved to specific parts of Trinity County because of the quiet rural character and low-intensity land use. Keeping opt-out zones acknowledges that different communities have different priorities and preserves local trust in the planning process.

Trinity County has already recognized that the cannabis industry is struggling and created a support option. The Board of Supervisors recently approved reductions in cannabis taxes owed to the county to help cultivators survive a market that has bottomed out. That decision acknowledges an important reality: cannabis is not currently a stable or reliable economic driver for the entire county.

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As the General Plan update moves forward, I encourage the Commission to keep cannabis opt-out areas in place as an important planning tool that protects neighborhood compatibility, community character, and balanced land use.

Thank you for your time.

Veronica Kelley-Albiez

Deborah Rogge

From: Samantha Kirkland [redacted]
Sent: Wednesday, March 11, 2026 10:19 AM
To: Trinity2050; info.planning; info.cannabis; Duncan McIntosh; Amelia Fleitz; Dan Harper; Rory Barrett
Subject: Planning Commission Meeting 3/12/26

Dear Planning Commissioners and Staff,

I am writing to comment on the 3/12/2026 planning commission meeting. Specifically about the cannabis ordinance update and the Trinity Center/Coffee Creek opt out zones. I find them inappropriate and too broad. I support the removal of the TCCSD and the CCVFD cannabis opt out zones. I support legal cannabis farmers in the rural areas of our beautiful north lake.

Thank you for you time and commitment to our county,

Samantha Kirkland
Trinity Center, CA

Deborah Rogge

From: Sandy [redacted]
Sent: Wednesday, March 11, 2026 3:43 PM
To: info.planning; info.cannabis; Rory Barrett; Dan Harper; Amelia Fleitz; Duncan McIntosh; Trinity2050
Subject: North Lake Cannabis Farmers

Hello Planning Commissioners & Staff,

I am writing to comment on the 3/12/2026 planning commission meeting. Specifically, regarding the cannabis ordinance update and the Trinity Center\ Coffee Creek opt-out zones. I believe in environmental stewardship and small business development. The areas in Trinity Center and Coffee Creek currently have limited opportunities for economic development. Supporting legal cannabis farming in the rural areas of north lake, can be a net win for the overall county. (https://www.brookings.edu/articles/building-resilient-rural-places-strategies-from-local-leaders-to-strengthen-rural-assets-diversity-and-dynamism/)

I support the removal of the TCCSD and the CCVFD cannabis opt out zones.

Thank you for your time and attention to this matter.

Sandra Laska
Trinity Center, CA

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

We the undersigned residents and visitors of Trinity Center and Coffee Creek want to preserve the community's opt-out provisions. We acknowledge the importance of honoring established commitments and ensuring that decisions reflect the voices and values of Trinity Center and Coffee Creek residents.

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Name (Print)	Address	Signature	Date
TESE GORSZWICK	[redacted] GOLDFIELD COFFE CREEK	Tese Gorszwick	8 MARCH 2026
JOSEPH GORSZWICK	[redacted] GOLDFIELS COFFEE CREEK	Joseph Gorszwick	8 MARCH 2026
Erick GORSZWICK	[redacted] Pine Ln Coffee Creek	Erick Gorszwick	8 march '26

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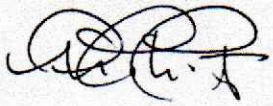
Name (Print)	Address	Signature	Date
David P. Wilson	100/50 Eleanore Lane	David P. Wilson	9 MAR 26
Kathryn Wilson	100/50 Eleanore Ln.	Kathryn Wilson	3/9/26
Cynthia Day-Wilson	100/50 Eleanore Ln	Cynthia Day-Wilson	3/9/26

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Name (Print)	Address	Signature	Date
Annemieke Peterson	340 S. Derrick Flat Rd Trinity Ctr, CA 96091		3/7/26

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Name (Print)	Address	Signature	Date
GREGORY ROOSEVELT	361 NORWEGIAN RANCH RD T.C.		3/7/26
Norma J. Roosevelt	" " " " Trinity Center		3-7-26

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Regulation and Safety Act and Proposition 64, cities and counties hav authority to prohibit the establishment of cannabis businesses, incluc retail, cultivation, and delivery services, within their jurisdictions.

Name (Print)	City	Signature
Nate Coleman	Provien RT	DocuSigned by: Nate Coleman BB055BBC011D47A... 3/8/26

100%

March 5

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Name (Print)	Address	Signature	Date
CURT TAYLOR	5036 DOGWOOD DR LAKE OSWEGO, OR		3/6/2026
Jan Taylor	5036 Dogwood Dr. Lake Oswego, OR 97035		3/7/26
Dara Goldberg	5748 Cartwright Ave. North Hollywood ca 91601		3/7/26
Jessica Taylor	18027 Belmore Ave Lake Oswego, OR 97035		3/8/2026
JOE SIMON	18027 BELMORE AVE LAKE OSWEGO, OR 97035		3/8/26
MICHAEL GOODER	5748 CARTWRIGHT N. HOLLYWOOD, CA 91601		3/6/26

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Name (Print)	Address	Signature	Date
Linda Cunningham	11957 Logans Run Ct Grass Valley, CA 95945	Linda L. Cunningham	3/8/26
Robert Cunningham	11957 Logans Run Ct. Grass Valley, CA 95945	Robert J Cunningham	3/8/26

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Name (Print)	Address	Signature	Date
Catharine Berglund	2611 Bear Creek loop Trinity Center CA 96091	Cathi Berglund	03/8/26
Richard Berglund	2571 Bear Ck Loop TC CA 96091		3/8/26
Joann Berglund	2571 Bear Ck loop TC CA 96091		3/9/26
Shawna McDonald	Redding CA		3/8/26
Brad Berglund	Trinity Center, Ca		3/8/26
Judy Gibson	2571 Bear Creek Loop Trinity Center CA. 96091		3/8/26
Sue Springer	90 Poole Rd TC 96091		3-8-26
Owen Springer	Coffee Creek		3-8-26

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Name (Print)	Address	Signature	Date
RANDY SPENCER	[redacted] DORIESKA COFFEE CR	Randy Spencer	3-7-26
Pam Schifano	Coffee Cr.	Pam Schifano	3-7-26
Hazel Spencer	Coffee CR.	Hazel Spencer	3-7-26
Ken Morris	Coffee creek	Ken Morris	3-7-2026
Beverly Morris	Coffee creek	Beverly Morris	3-7-26

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Name (Print)	Address	Signature	Date
Tracy White	Paso Robles/Coffee Creek	[signature]	3-10-26

3/5/2026

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Name (Print)	Address	Signature	Date
STEPHEN M MILOVICH	164 Billy's Peak Dr, TRINITY CENTER, CA 96091		MAR 10, 2026
~~Dee~~ Cramer	164 Billys Peak Dr Trinity Center, CA	Dee Cramer	march 10, 2026
Michele Taylor	coffee creek	mitt	3/10/26
James H. Coleman	1450 Eagle Creek Loop Coffee Creek 96091		3/10/26

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Name (Print)	Address	Signature	Date
Kathleen Jason	Coffee Creek	Kathleen Jason	3-8-26
John S. Jason	Coffee Creek	John S. Jason	3-8-26
Cindy Bowen	CoffeeCreek	Cindy Bowen	39-26
Holly Anderson	CoffeeCreek	Holly Anderson	3-9-26
GEORGE LANDQUIST	COFFEE CREEK		3/10/26
ANNA C BURKE	COFFEE CREEK	Anna C Burke	3/6/26
Geraldine Fournier	Coffee Creek		3-10-26

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Name (Print)	City	Signature	Date
Gregory Hemmen	Portland, OR	Signed by: Gregory Hemmen 08BF08CFDCA4483...	3/9/2026

Docusign Envelope ID: B5542EC8-37C7-8ED3-80BC-FFA248242DCD

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Name (Print)	City	Signature	Date
Gregory J. Ruef	Brentwood	Signed by: 0493E90E91824F8..	3/9/2026

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Name (Print)	Address	Signature	Date
Georgia Lawrence.	1357 sproul ave, Napa ca. 94559		3/9/26
Robert Perman.	1357 sproul ave, Napa ca 94559		3/9/26

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Name (Print)	Address	Signature	Date
CHARLES WALTERS	415 RATTLESNAKE WAY, T.C.		3/10/26

3/5/2026

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Name (Print)	Address	Signature	Date
Marla Walters	415 Rattlesnake Wy. Trinity Center	Marla Walters	3-10-26

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Name (Print)	Address	Signature	Date
Ted Silver	Coffee Creak	Ted Silver	3.5.2026
Jean Casey	Coffee Creak	Jean Casey	3-8-20-26
Donna Johnson	Coffee Creek	Donna Johnson	3-8-26
GEORGE LAWRENCE	Coffee Creek		3-8-26
Claudia Lawrence	Coffee Creek		3-8-26
V Thomas Langford	Coffee Creek		3-10-26
Barbara Langford	Coffee CREEK		3-10-26
Cynthia Langford	Coffee Creek		3/10/26

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Name (Print)	Address	Signature	Date
Janelle Johnson	Coffee Creek	Janelle Johnson	3/6/26
Kevin Johnson	Coffee Creek		3/8/26
TONY VALLS	COFFEE CREEK	Tony Valls	3-8-26
STEVE RENTEN	TRINITY CENTER		3/8/26
BARRY BOWEN	COFFEE CREEK	BARRY BOWEN	
BARRY BOWEN JR	SACRAMENTO/COFFEE CREEK	BY BARRY BOWEN	
GARY K. BOWEN	COFFEE CREEK		
Suzanne Hunig	Coffee Creek	Suzanne	3-9-26

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Name (Print)	Address	Signature	Date
Lisa Driscoll	288 Lake Ridge Rd Buffalo, WY 82834		3/9/26
George Driscoll	288 Lake Ridge Rd Buffalo, WY 82834		3/7/26

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Name (Print)	Address	Signature	Date
Carrie Elisarraras	[redacted] John Way Templeton, CA 93465	Carrie Elisarraras	3/6/26
Clay Glenn Elisarraras	[redacted] Mustard Creek Rd Paso Robles, CA 93446	Clay Glenn Elisarraras	3/9/2
Cameron Elisarraras	[redacted] Mustard Creek Rd Paso Robles, CA 93446	Cameron Elisarraras	3/9/2
Taylor Elisarraras	[redacted] John Way Templeton, CA 93465	Taylor Elisarraras	3/9/26
Kelly Elisarraras	[redacted] John Way Templeton, CA 93465	Kelly Elisarraras	3/6/26

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Name (Print)	City	Signature	Date
Tom Hockin	Mill Valley	DocuSigned by: Tom Hockin 04FCB1C89C1C42E...	3/9/2026

Docusign Envelope ID: 80702AA4-775F-8DD8-8389-5F7A8EEA3F55

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Name (Print)	City	Signature	Date
Rebecca Ramirez	Los Angeles	Signed by: Rebecca Ramirez 5CCADC678F1847D...	3/10/2026

Docusign Envelope ID: D180CBAF-C0FE-8E98-8096-7CB13546BD41

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Name (Print)	City	Signature	Date
Nick beaucage	Contra costa	Signed by: C438B26C2011447...	3/10/2026

Docusign Envelope ID: C79F1366-FAAC-8368-805B-C630D5D0284B

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Name (Print)	City	Signature	Date
Marcelo macedo	Pacifica	DocuSigned by: Marcelo Macedo 2D919942B90A449...	3/10/2026

Docusign Envelope ID: B0CB9F6B-A1C0-8967-81DB-16E0822FCB5E

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Name (Print)	City	Signature	Date
Jesse Hemmen	Portland, OR	DocuSigned by: Jesse Hemmen 42E3B8A31263404...	3/9/2026

Docusign Envelope ID: 83B1B0C1-6815-8B23-823F-77F939459561

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Name (Print)	City	Signature	Date
Jenya Meydbray	Mill Valley	Signed by: Jenya Meydbray 3C7EDA7C981C440...	3/10/2026

Docusign Envelope ID: E3383638-AF24-821D-82BE-5058659C5CB1

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Name (Print)	City	Signature	Date
Jefferson silver	Berkeley	Signed by: 695E2E4FD1B949C...	3/10/2026

Docusign Envelope ID: 7EC408A5-E0DC-80B9-83B2-EA7B54E184E7

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Name (Print)	City	Signature	Date
Eric johnson	San francisoc	Signed by: AEB84361C8A0487...	3/10/2026

Docusign Envelope ID: 6EF7A36E-8FDA-8B64-8331-04728D065B1D

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Name (Print)	City	Signature	Date
Daniel Flanigan	Petaluma, CA	DocuSigned by: Daniel Flanigan 61588949DFE544B...	3/9/2026

Docusign Envelope ID: 8A358B34-C5E4-85B3-8220-8EED51AFB2FA

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Name (Print)	City	Signature	Date
Brian Flaherty	Lahaina	DocuSigned by: Brian Flaherty 4549222FA6994AD...	3/10/2026

Docusign Envelope ID: DF0A9F65-2406-8360-8138-62CA02940CC9

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Name (Print)	City	Signature	Date
Brian Atchley	Petaluma	DocuSigned by: Brian Atchley 9A02DD0C5C084DE...	3/10/2026

Docusign Envelope ID: 0A6F94CA-3E30-85E6-8061-C9F9C942FAD3

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Name (Print)	City	Signature	Date
Alex Mayer	Mill Valley, CA	Signed by: Alex Mayer E2EEF3D60ED447C...	3/10/2026

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Name (Print)	Address	Signature	Date
Trinity Lake KOA Fred Prichard	[redacted] State Hwy 3	Fred Prichard	3/11/26

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

We the undersigned residents and visitors of Trinity Center and Coffee Creek want to preserve the community's opt-out provisions. We acknowledge the importance of honoring established commitments and ensuring that decisions reflect the voices and values of Trinity Center and Coffee Creek residents.

Cannabis opt-outs are legal in California. Under the Medicinal and Adult-Use Cannabis Regulation and Safety Act and Proposition 64, cities and counties have the authority to prohibit the establishment of cannabis businesses, including retail, cultivation, and delivery services, within their jurisdictions.

Name (Print)	Address	Signature	Date
Kathleen Hall	425 Cedar R Trinity Center	Kathy Hall	3/11/26
Dulcie Pacifini	360 Azalea Trinity Center		3/11/26 * Opt out review Please

From: Concerned Trinity Center and Coffee Creek residents

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Name (Print)	Address	Signature	Date
Laura Butler	229 Airport Rd	Laura Butler	3/5/26
Annemarie Bryant	190 Guy Covington Drive	Annemarie Bryant	3/5/26
ROGER F. CHATTERTON	441 LAKEVIEW DR.		3/6/26
Robert Bryant	190 Guy Covington dr		3/6/26
Anne Gates	390 Mtn Aire		3/8/26
Glenn Gates	390 Mtn Aire	Glenn A Gates	3/8/26
Diane Brown	51000 St Hwy 3	Diane Brown	3/8/26
Mark Butler	229 Airport Rd	Mark Butler	3/8/26
Susan D CHATTERTON	441 Lakeview DR	Susan D Chatterton	3/11/26

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Name (Print)	Address	Signature	Date
Kim James	111 Airport	Kim James	3.9.26
Mary S. Hamilton	Maude Ave	Mary S. Hamilton	3/9/26
Craig Pasquini	360 Azalea Drive	C Pasquini	3/9/26
EDWARD BURCH	25 MARILYN LN	Edward Burch	3/9/26
Linda Burch	25 marilyn Ln.	Linda Burch	3/9/26
Patricia M. McDonald	250 Scott Blvd.	Patricia M. McDonald	3/10/26
John VANDERBECK	975 COTT BLVD	John C Vanderbeck	3-10-26
JEREMY WARDRIP	96 SCOTT BLVD.	Jeremy Wardrip	

March 2026

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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AMELIA ARMSTRONG	60 ELIAPOME HTS WEAVERVILLE, CA 96093		

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
Steve Finley	14 Marilyn Ln. Trinity Center	Steve Finley	3/9/26
Melissa Finley	14 Marilyn Ln. Trinity Center	Melissa Finley	3/9/26
SUSAN CLAIRE CARR	LAKEVIEW DR TRINITY CENTER	Susan Claire Carr	3/10/26
LEROY R. MOHR	191 CEDAR RD TRINITY CENTER	Leroy R. Mohr	3/10/26
DIANE C. TIBBETS	108 Eleanore Lane Trinity Center, CA	Diane C. Tibbets	3-10-26
CHUCK TIBBETS	108 Eleanore Lane TRINITY CENTER, CA	Charles E. Tibbets	3-10-26
Allen Cerofsky	111 Eleanore Ln.	Allen Cerofsky	3/10/26
JOY CEROFSKY	111 Eleanore Ln.	Joy Cerofsky	3/10/26

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
Martha Mullen	300 Cedar Trinity Center Ca	Martha Mullen	3/9/27
DONALD MULLEN	300 CEDAR TRINITY CENTER	Donald Mullen	3-9-2026
Raymond Dennis Haywood	Trinity Center	Ray Haywood	3-09-2026
Pam + Phil Johnson	Trinity Center		3-9-2026
Philip Johnson	229 Azalea Dr. TRINITY CENTER		3-9-2026
Marianne Leesee	100 Fairway Dr. Weaverville		3-10-26
Lynn Hartley	100 Fairway Dr. Weaverville		3-26
CHRISTINE ST. ONGE	#3 SENIOR APTS WEAVERVILLE	Christine St. Onge	3-10-26,
Jennifer Lemke	193 Reservoir Rd. Weaverville, CA 96093		10 Mar 2026

From: Concerned **Trinity Center** and **Coffee Creek residents**

To: The Trinity County **Planning Commission**

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Name (Print)	Address	Signature	Date
Dennis Roberts	205 Airport Rd Trinity Center CA	D Rob	3/10/26
Valerie Roberts	205 Airport Rd Trinity Center CA	Valerie Roberts	3/10/26

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
John P. Wilson	100/50 Eleanore Lane	John Wilson	9 MAR 26
Kathyn Wilson	100/50 Eleanore Ln.	Kathyn Wilson	3/9/26
Cynthia Day-Wilson	100/50 Eleanore Ln	Cynthia Day-Wilson	3/9/26

From: **Concerned Trinity Center and Coffee Creek residents**

To: **The Trinity County Planning Commission**

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Name (Print)	Address	Signature	Date
Carl O. Gragg II	130 Lakeview Drive Trinity Center CA 96091	Carl O Gragg II	2026.03.0
Elizabeth Abbe Gragg	130 Lakeview Drive Trinity Center CA 96091	Elizabeth Abbe Gragg	3/09/202
Kathryn E. Gragg	130 Lakeview Drive Trinity Center CA 96091	Kathryn E. Gragg	3/09/26

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
JOHN VAN GROOS	491 LAKEVIEW DR TRINITY CENTER CA 96091		3-6-26
Constance van Groos	491 LAKEVIEW Dr. Trinity Center CA 96091	Constance J. van Groos	3-6-26

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
Glenn Bjorkman	291 Lakeview Dr Trinity Center	G. Bjorkman	3/9/26
Lynette Hansen	291 Lakeview Dr Trinity Center	Lynette Hansen	3/9/26

Cannibus Opt-Out Petition.pdf Open with

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
Sam Sacco	380 Azalea		3/5/26
Denise Naylor	380 Azalea	Denise Naylor	3/5/26
Shirley Arthur	10 Trinity Vista	Shirley Arthur	3/5/26
John Arthur	10 Trinity Vista	John Arthur	3/5/26
Mary Arthur	10 Trinity Vista	Mary Arthur	3/5/26
Greg Casagrande	21 Bonanza Hy.	Greg Casagrande	3/5/26
Lisa Casagrande	21 Bonanza Way	Lisa Casagrande	3/15/26

From: **Concerned Trinity Center and Coffee Creek residents**

To: **The Trinity County Planning Commission**

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Name (Print)	Address	Signature	Date
Suzanne Conrad	[redacted] Oakmont Dr. #4 IH Walnut Creek, CA	Suzanne Conrad	03/11/26
LAURENCE FitzSimons	[redacted] OAKMONT DR #4 WALNUT CREEK, CA 94595	Laurence FitzSimons	3/11/26

3/5/2026

Extra Names

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
James Holmes + Joe Polselli	[redacted]		
Matt + Nicci Belter	[redacted]		
Hugh + Charlene Tucker	[redacted]		
Gayle + Jonathan Nolley	[redacted] (Gayle Tucker Nolley)		
Jenny Lucma	[redacted]		
John + Jean Moore	[redacted]		
Mike + Linda White	[redacted]		
Jennifer + Janet Pulliam	[redacted]		

3/5/2026

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

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Name (Print)	Address	Signature	Date
CHARLOTTE J. SCOTT	TRINITY CENTER	Charlotte J Scott	March 11, 2026

I opt-out our area back in 2017 and I want it to stay that way as we live in the forest. I also do not like the stench from the weed, and we are a subdivision not area to grow weed without a lot of damage to the forest. I hope the Board of Supervisors continue to HONOR the constitutes that put this in effect back in 2017. Charlotte J Scott 3/5/2026

TRINITY COUNTY COMMUNITY DEVELOPMENT SERVICES
PLANNING DEPARTMENT
530 MAIN ST., PO BOX 2819
PHONE – 530-623-1351
WEAVERVILLE, CALIFORNIA 96093

MEMORANDUM

DATE:	March 10, 2026
TO:	Members of the Trinity County Planning Commission
FROM:	Deborah Rogge, Administrative Coordinator-Planning
SUBJECT:	Agenda Item: A Additional Study Session Trinity County Zoning Code Update, Parts 2, 4 and 7

Comments received after publication on March 6, 2026, and by 2:00 pm on March 10, 2026.

Deborah Rogge

From: RICHARD NEWELL <[redacted]
Sent: Saturday, March 7, 2026 2:52 PM
To: info.planning
Subject: Lewiston opt- out

My name is Rich Newell. Cyndi and i live at [redacted] Gibson Rd, Lewiston. We want to protect Lewiston and have the current opt-out restrictions remain in effect. Thank you Sent from my iPhone

Deborah Rogge

From: Jason Pescia <[redacted]
Sent: Friday, March 6, 2026 6:12 PM
To: Trinity2050; info.planning; info.cannabis
Subject: Comment for March 12th Planning Commission

Hello Planning Commissioners and Staff,

I am writing in regard to the March 12, 2026 Planning Commission meeting and the proposed cannabis ordinance updates, particularly the opt-out zones affecting the Trinity Center and Coffee Creek areas.

I support the removal of the TCCSD and CCVFD cannabis opt-out zones. Trinity County has a long history of agriculture, and cannabis farming is now a regulated part of that tradition. Many responsible farmers are working hard to operate legally and follow the county's rules.

The North Lake communities are rural and sparsely populated. Broad opt-out zones in these areas make it difficult for small, legal agricultural operators to continue their work, even when they are following all regulations and being good neighbors.

I fully support farmers who have legally sustained their properties through cannabis cultivation in Trinity County. These farmers have followed the guidelines and regulations previously established by the county, and that commitment should be respected moving forward. Eliminating the opt-out zones in rural, low-population communities such as Coffee Creek and Trinity Center would be an important step toward ensuring fairness and supporting responsible agricultural livelihoods in Trinity County.

Thank you for your time and consideration. I fully support legally grown cannabis and cultivation in Trinity County.

Sincerely,

Jason Pescia

Deborah Rogge

From: Mike Pirie <[redacted]>
Sent: Saturday, March 7, 2026 5:14 PM
To: info.planning
Subject: Against Open Cannabis Growing

Hi Trinity County Planners,

I am emailing to voice my concerns about an ordinance up for vote to allow open cannabis growing.

I am opposed to this ordinance.

My family and I have been visiting Trinity for many years to enjoy its natural beauty, my wife and I were married at Ripple Creek cabins. To think a field of cannabis will grow right next door is appalling. This has negative consequences for our children, my family and others, and tourism to Trinity County.
Please do not allow open cannabis growing.
Thank you,
Mike Pirie

Deborah Rogge

From: Apebrains <[redacted]
Sent: Saturday, March 7, 2026 12:42 PM
To: Trinity2050; info.planning; info.cannabis; Duncan McIntosh; Amelia Fleitz; Dan Harper; Rory Barrett
Subject: On the Trinity County Cannabis Exclusionary Zone

To the esteemed county commissioners and their diligent staff to whom this matter concerns,

Good afternoon.

I'm addressing you each this Saturday on the 7th of March, 2026 in the interests of Mr. Matthew Jefferson and Rhoda Cain, as well as in the interest of myself, Andrew Pfaff, a recent resident and property owner in the North Lake district of Trinity Center, specifically, on East Fork Road.

I am an immediate neighbor of Mr. Jefferson and Ms. Cain (the properties between us are modest in size and undeveloped), and it is my understanding that the arm of their modest organic farm that cultivates cannabis as its principal crop has been encountering complications at the county level as they pursue the growth of their small business. This troubles me as an individual who is interested not only in the wellbeing and success of my community, but also in the economic and social interests of this beautiful county I now call home.

It is no secret that Trinity County, for all of its resplendent scenery and bountiful natural resources, struggles mightily at the financial level, durably earning the dubious honor of most impoverished county in the generally well-heeled state of Califonia. As such, it strikes me as essential logic that any opportunity to improve economic opportunity and an inflow of financial resources, especially from outside of the county (as opposed to circulated from within it) should be not only welcomed, but actively encouraged with considerable gusto.

As I'm sure each of you is aware, and though it is a polarizing honor to be sure, Trinity County does fall within what is colloquially referred to as "the Emerald Triangle," a trifecta of California counties world-renowned for its cultivation of commercial cannabis. This is not a new phenomenon, and the level of recognition this region has achieved in many parts of the world has been painstakingly developed for many years in hostile conditions prior to California voters' recreational legalization of the crop in November of 2016. It should, however, be noted that, independent of political opinion or social stigma, this is a considerable economic moat, and one that remains relatively latent and poorly exploited in Trinity County, especially when compared with its neighbors in "the Triangle."

To be clear, I am not personally a user of cannabis, recreationally or otherwise, and I have no particular vested interest in its cultivation or success. That said, as a student of political science, I can see clearly the economic interests and certainly the economic struggles of my community, and it certainly **is** within my vested interest to see the people around me succeed. As the preeminent Alexander deTocqueville observed in his seminal work "Democracy in America" in 1835, it is not simply the pursuit of narrow self-interest on the part of individuals that creates a community's (or nation's) success, but the broader sacrifices, no matter how minute, made by individuals in the interest of what he called "self-interest, rightly understood." We need not agree with or adopt each

individual cultural perspective or economic interest in order to benefit from their provincial successes collectively, in much the same way that taxes funding public schools or police departments need not necessarily benefit the children or homes of individuals to improve those inhabitants' overall quality of life - the success and its concomitant qualitative improvements are collective. In short, an individual benefitting from small sacrifices made in the collective interest of others in their community is, in fact, in one's self-interest, when rightly understood.

Consequently, I'd like to address the difficulties faced by my neighbors, and to offer some perspective on their struggle. Mr. Jefferson and Ms. Cain are decent people. As their neighbor, they have always offered me nothing but kindness, made me feel welcomed, and provided assistance with anything I've needed at any time of day. Their operation has caused me zero inconvenience. As their neighbor I cannot smell, hear, or discern any effect from their enterprise. I count them among the best of my neighbors.

I present this character witness not as any personal justification for the overturn of statute, but rather as a contradiction to the prevailing concerns that I observe throughout the presently adopted draft of the Commercial Cannabis Cultivation (Chapter 17.43) in the Trinity County Code of Ordinances. I am perfectly aware of the reasons for the tight regulation of this industry, and as a property owner and non-consumer of cannabis, I am generally in agreement with the overall spirit of preserving the residential quality of life in, the historical significance of, and the economic interests of the enchanting county that we all call home. What I maintain herein, however, is that the present regulatory approach to this industry is wrong-headed and counterproductive. People like Mr. Jefferson and Ms. Cain are positive, active contributors to our vibrant community, regularly organizing lively community events that spur economic activity, and are producers of healthy produce that sustains our community. They run an agricultural operation that contributes positively to every facet of our quality of life in the Trinity Center and Coffee Creek area. Their organic farming produces healthy vegetables and fruits that are in short supply in an area as isolated as ours, but it is their cannabis cultivation exclusively that brings in desperately needed capital to a capital-starved region from outside the region itself - that is to say, Mr. Jefferson and Ms. Cain are contributing a net financial **gain** to our community, independent of any of their more noble organizational merits at the community level.

In my estimation, it is self-interest, rightly understood, to vigorously encourage any such enterprise, as opportunity is presently in short supply here in Trinity. Concerns surrounding marijuana cultivation are legitimate, justified, and pertinent, but I am here to bear witness that it can be a boon to local economies without the much-dreaded drawbacks that stereotypically follow suit. The obnoxious conditions that prove detrimental to communities that see cannabis cultivation in their midst are failures in the regulation and policing of standard human or agricultural concerns, and normative solutions exist and are employed at every level in communities around the country where legal cannabis cultivation exists.

Plainly stated, I am voicing my opposition to the Cannabis Exclusionary Zone around the Coffee Creek and Trinity County area, or the very least, to its impediments to the business expansion and improvement of Mr. Jefferson and Ms. Cain and agricultural entrepreneurs like them. I proffer on solid economic and political ground that we should be encouraging the development of opportunity and resources here in Trinity County, not cobbling together convoluted, time-intensive, and costly impediments and roadblocks to be placed in their way.

I support legal cannabis farmers in the rural areas of North Trinity Lake.

I am available for questions or comments at any time, day or night, and welcome dialogue on how to improve our community and expand opportunities for our residents.

Thank you in earnest for your time and attention to this matter, and may we all have a peaceful and prosperous 2026 in this wonderfully unique and picturesque place.

Warmest regards,

-Andrew Pfaff
Trinity Center, California
[redacted]

Deborah Rogge

From: Carol Fall
Sent: Monday, March 9, 2026 1:37 PM
To: info.planning
Subject: Fw: trinity alps

From: Rebecca Ramirez <[redacted]
Sent: Monday, March 9, 2026 1:28 PM
To: Carol Fall <CFall@trinitycounty.org>
Subject: trinity alps

Hello!

I wanted to reach out because my family has historically loved visiting the Trinity Alps; the sense of peace and untouched beauty is unrivaled. Our family comes here to enjoy nature—hiking the trails, swimming in the rivers, and fishing in the lakes. It's a place where we can breathe clean air and experience the refuge of the mountains. Seeing cannabis greenhouses in open meadows or smelling cannabis while enjoying the outdoors would take away from that experience. If this becomes widespread, we would sadly look elsewhere for our family trips.

Thanks so much for taking the time to read this message, and for forwarding it to the right person.

Warmly,
Rebecca Ramirez

Deborah Rogge

From: gswfan76 <[redacted]
Sent: Sunday, March 8, 2026 8:49 PM
To: info.planning

To whom it may concern:

It's come to my attention that Trinity county is considering allowing cannabis greenhouses in open meadow areas amid the beautiful, natural wilderness of the area. This is incredibly disappointing to hear that this activity would be allowed by local government.

My family has enjoyed coming to the area for years and value it as a respite from the SF Bay Area, where the smell of marijuana seems to be omnipresent wherever one goes. I do not appreciate this activity encroaching on natural areas, not to mention it being a terrible example for the many children who enjoy visiting Trinty county, my own included.

I ask that local government please reconsider any measure that would allow this activity in Trinity county.

Respectfully,

Greg Ruef

Sent from my Galaxy

Deborah Rogge

From: Bob Self <[redacted]
Sent: Sunday, March 8, 2026 5:21 PM
To: info.planning

Please don't agree to the proposed Opt-Out changes concerning Cannabis. Views will be spoiled and air quality will be impacted.

Our family has always enjoyed Lewiston when we have visited our friends there. The natural beauty is breathtaking. That precious beauty needs to be appreciated and enjoyed to the fullest, and shared with others who treasure such beauty.

Robert and Carole Self

[redacted] West Montecito Way
San Diego, CA 92103

Deborah Rogge

From: joe simon <[redacted]
Sent: Monday, March 9, 2026 12:21 PM
To: info.planning
Subject: Proposed marijuana farm

I am writing to formally express my opposition to the proposed cannabis cultivation operation adjacent to my families property. I am concerned about the potential impacts on their quality of life, and the quality of our many days a year me,my partner and our kids spend there, including odor, increased traffic, security concerns, and potential effects on property values. I respectfully request that the application be denied or that the location be reconsidered to better protect neighboring residential properties.
Regards,
Joseph Simon

Deborah Rogge

From: John and Jan Smith [redacted]>
Sent: Sunday, March 8, 2026 6:23 PM
To: info.planning
Subject: opt outs

Our property was added to an opt-out. Neighbors circulated a petition asking for support of the opt-out, which we did not sign. We were aware that the opt-out was being considered, but we never received a formal notice from the county. You are supposed to send notices to properties within 300 feet of an application for a use permit or a rezone, subdivision, etc. The opt-out was effectively a rezone of our property. In the future, all properties that will be affected by an opt-out should be formally notified and invited to comment, like you would do for any other rezone or land use decision, especially since it directly affects properties besides those of the applicant.

Jan and John Smith
Lewiston

Deborah Rogge

From: Susan Springer <[redacted]
Sent: Monday, March 9, 2026 11:32 AM
To: info.planning
Subject: Concerned citizen

Planning Commissioners;

I was a farmer from birth until my retirement to Coffee Creek. It is an understatement to say I support the small farmer and sympathize with the cannabis growers wanting to make a living from their crops. But to keep the peace between growers and residents there needs to be guidelines to allow mutual respect between growers, residents and businesses. I believe the opt out was a reasonable compromise.

The census reports that Coffee Creek has 124 households and approximately 280 residents. The few cannabis growers who want to expand will likely adversely affect many Coffee Creek residents and tourism. I support the opt out areas.

Thank you,
Susan Springer
Coffee Creek

Deborah Rogge

From: Curt Taylor <[redacted]>
Sent: Monday, March 9, 2026 10:58 AM
To: info.planning
Subject: Cannabis Farm at Ripple Creek

The Trinity Alps represent one of the last places where our family can truly disconnect from the city and experience nature. We come to hike the trails, swim in the rivers, and fish in the lakes while enjoying fresh air and quiet mountain scenery. The sight of large cannabis grow operations and the smell associated with cultivation detract from the peaceful outdoor experience families come here for. Beyond aesthetics, we are deeply concerned about runoff, water use, and pollution affecting streams, meadows, and wildlife. These ecosystems are fragile and deserve careful protection. If these impacts become visible and widespread, we would reconsider returning.

Curt Taylor
cuwitay@gmail.com

Deborah Rogge

From: Jan Taylor <[redacted]
Sent: Monday, March 9, 2026 10:25 AM
To: info.planning
Subject: Cannabis Growers

To whom it may concern,

Our family has visited Ripple Creek Cabins for over 20 years. We come to get away from city life. We love the beauty of the area. We love how quiet it is. We love not having to smell pot being smoked on every street corner. Please do not allow Cannibas to be grown right up to the property lines of established homes and cabins. I beg you to vote no. Let's keep the community family friendly and beautiful.

Thank you, Jan Taylor. [redacted].

Sent from my iPad

Deborah Rogge

From: Jessica Taylor [redacted]
Sent: Monday, March 9, 2026 10:51 AM
To: info.planning
Subject: Ripple Creek Cannabis Farm

To whom it may concern,

I recently found out that there is a possibility of a cannabis farm to be established near Ripple Creek Cabins. This greatly upsets me because of what it will do to the serenity and peace of the area.

I have been visiting Ripple Creek Cabins for more than 20 years and it is one of my favorite destinations in California because you can completely escape to an untouched piece of heaven. I am able to leave everything behind and recharge in the clean air, quiet forests and beautiful mountain landscape. To think that cannabis cultivation would intrude on this landscape breaks my heart. I am concerned about the effect of the visible greenhouses, strong orders and potential pollution of nearby streams and rivers. I do not want my 10 year son and 6 month old baby exposed to this environment while exploring nature.

Please don't ruin this family tradition and force us to try and find a comparable destination. Ripple Creek needs to remain untouched.

Thank you,

Jessica Taylor

Deborah Rogge

From: Michele Taylor <[redacted]
Sent: Sunday, March 8, 2026 6:27 PM
To: info.planning
Subject: Fwd: Trinity Center and Coffee Creek Cannabis Opt Outs

Please see letter below

---------- Forwarded message ---------
From: **Michele Taylor** <[redacted]>
Date: Sun, Mar 8, 2026 at 6:26 PM
Subject: Fwd: Trinity Center and Coffee Creek Cannabis Opt Outs
To: John & Kathy Jason <[redacted]>

---------- Forwarded message ---------
From: **Michele Taylor** <[redacted]>
Date: Sun, Mar 8, 2026 at 6:25 PM
Subject: Re: Trinity Center and Coffee Creek Cannabis Opt Outs
To: Linda Cunningham <[redacted]

Wow great letter. I will forward onto the planning commission. Think good thoughts on March 12 th, the next Planning Commission meeting which will decide our fate.

Michele

On Sun, Mar 8, 2026 at 2:10 PM Linda Cunningham <[redacted] wrote:

> We are Bob and Linda Cunningham, former owners of Eagle Creek Ranch. We owned the property for 25 years, ending in 2017. We believe that our 25 years at Eagle Creek Ranch gives us a unique perspective as to the nature and character of the ranch and the surrounding community. Throughout our time in Trinity County we both served as firefighters and EMT's. We are still deeply connected to the community. During our time in Trinity County we personally saw the negative impact of cannabis growing and marketing. While there may be a legitimate place for well regulated and appropriately taxed cannabis, we urge you to consider the rights of existing residents and businesses as well as the recreational value of the surrounding area and the value of wildlife to the greater area.
>
> It is a well established fact that the growth of cannabis cultivation and marketing has heavily increased the rate of violent crime and has had a negative impact on the safety and well being of the local residents. When we first moved to Trinity County there was less than 1 murder per year county-wide. By the time we left the murder rate was 7 for the first half of the year. One of the seven was a part time employee at our ranch. We believe that the Board of Supervisors previously, in their wisdom, created the Coffee Creek and Trinity Center opt out areas in recognition of the rights of local citizens and local

businesses to live without the multiple negative infringements on their rights, lives and businesses that marijuana cultivation and marketing in the opt out areas would create.

We specifically want to point out Ripple Creek Cabins, a long term, well run tourist accommodation as a prime example of why the opt outs were originally created. If marijuana cultivation at Eagle Creek Ranch is permitted, you will guarantee the demise of this thriving and long term business. We strongly believe that the rights of existing residents and businesses should take precedence over the establishment of any new business that creates a negative impact for their neighbors. The current owners of Eagle Creek Ranch are lobbying for the right to expand growing into contiguous parcels adjacent to those that are already in the existing area approved for growing. The current owners are trying to justify this extension based on the fact that their grow must be much closer to their residence in order to provide adequate security for the grow. This is a prima facie proof that such a grow will greatly increase the potential for illegal activity.

A further consideration is the consumption of water required by such grows. Eagle Creek Ranch, to the best of our knowledge, is the only property north of the lake with historic rights to the Trinity River. In a state that is deeply concerned about having enough water to supply the existing statewide demand we should carefully consider if expenditure of this precious resource on cannabis cultivation is justified.

Letter #1.docx Open with Google Docs

March 9, 2026

To: The Trinity County Planning Commission

It has come to my attention that changes to the existing opt out provisions for cannabis operations in Trinity County are currently under consideration at the request of local cannabis growers.

I am strictly opposed to any proposed changes to opt out provisions that take away the ability of neighbors and property owners to have a say in what is allowed in their neighborhoods.

Property owners and neighbors in Trinity County should have the right to prevent any change to opt outs that run the risk of increasing crime, lowering property values, causing environmental degradation and impacting tourism.

People travel to Trinity County from out of town because they want to experience untouched nature and enjoy the rivers, meadows, forests, lakes, fishing, hiking, camping, etc.

No one coming to Trinity County with their families wants to see greenhouses and other growing operations easily from the road or near resorts or campsites.

Changing opt out provisions to benefit growers in Trinity County at the expense of all other surrounding property owners and neighbors is a terrible, fascist and un-American idea that should never be considered or allowed.

If these proposed changes to opt out provisions are allowed to occur in Trinity County you can be assured that the media and Sacramento will be made aware of the public's vocal opposition to this.

Thank you,

Mike Thomas

Deborah Rogge

From: Colleen Thompson <[redacted]
Sent: Sunday, March 8, 2026 7:18 AM
To: info.planning
Cc: Bob Thompson
Subject: OPT OUT IN LEWISTON COMMUNITY

Hello,
Bob and I live off Goose Ranch Road at [redacted] River Rock Road. We have two properties here and have two Airbnb rentals. We bought these properties in this area as we knew that both properties with in an OPT OUT area. We DO NOT want this to change as it would impact our personal lives/health, family ranch and our rentals. We once lived across from a property where they were allowed to grow marijuana. It was awful in the fall when we had to breath in the smell of marijuana for months. Please DO NOT change what the OPT OUT map of Lewiston, many of us bought properties where we live because we knew we were safe from cannabis grows.
Sincerely,
Colleen Thompson
PPS School Counselor
LMFT #86224
[redacted]

Be the person you needed when you were a child.

Confidentiality Notice: This email message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message

Deborah Rogge

From: [redacted]
Sent: Friday, March 6, 2026 5:48 PM
To: info.planning
Subject: FW: Cannabis grow

Here is another letter that was forwarded to me because I used the incorrect address. Please use it as well.

Thanks, Katie

-----Original Message-----
From: Mary Trainor [redacted]
Sent: Friday, March 6, 2026 11:01 AM
To: infor.planning@trinitycounty.org
Cc: Katie Quinn <mskatiequinn@gmail.com>
Subject: Cannabis grow

Hello, my name is Mary Trainor and I live in Rhode Island. I was fortunate to have been able to visit Lewiston in May 2024. I am writing to request that the OPT-OUT for large cannabis grows NOT be removed. During my amazing and memorable trip to Lewiston, I enjoyed the clean air and nature at its magnificent best. What I especially remember was sitting by the clean, pure Trinity River during the day and gazing at the stars with minimal ambient light at night. Please preserve this idyllic area, not only for the people who live there but for the many tourists who will continue to visit. Thank you.

Mary Trainor
[redacted] Gibbs
Newport RI 02840

Sent from my iPhone Sent from my iPhone
Sent from my iPhone

Deborah Rogge

From: marisa murrish <[redacted]
Sent: Sunday, March 8, 2026 9:18 PM
To: info.planning
Subject: March 12th planning commission meeting

Hello Planning Commissioners and Staff,

I am writing to comment on the 3/12/2026 planning commission meeting. Specifically about the cannabis ordinance update and the Trinity Center Coffee Creek opt out zones. I find them inappropriate and too broad. I support the removal of the TCCSD and the CCVFD cannabis opt out zones.I support legal cannabis farmers in the rural areas of north lake.

Thank you for your time and commitment to our county,

Brad Vogel

Coffee Creek

Deborah Rogge

From: info.cannabis
Sent: Monday, March 9, 2026 9:16 AM
To: Jorge Martinez; Deborah Rogge
Subject: FW: 3/12/2026 planning commission meeting

Deb and Jorge,

Please see below.

Thank you,

Melanie

From: bret wells <bretwells@gmail.com>
Sent: Thursday, March 5, 2026 8:27 PM
To: info.cannabis <info.cannabis@trinitycounty.org>
Subject: 3/12/2026 planning commission meeting

Hello Planning Commissioners,

I am writing about the 3/12/2026 planning commission meeting. I find the cannabis ordinance and the cannabis opt-out zones to be inappropriate. I support the removal of the TCCSD and the CCVFD cannabis opt out zones. **/ support legal cannabis growers in the rural areas of north lake.**

Bret Wells,
Trinity Center Resident

March 7, 2026

Dear Trinity County Planning Commission Board,

I am writing in regards to a change in the commercial cannabis ordinance opt-out designation currently being requested by some members of the community for areas of Trinity County. I am both surprised and saddened that anyone would propose changing the cannabis opt-out status of these beautiful and peaceful areas that are enjoyed by so many people, including and especially children.

As someone who does not currently own property in the area and only vacations there and visits family and friends, I am able to separate myself from some of the stressors this proposed change has inflicted on property owners in the affected areas, including devaluation of property, additional difficulty selling property, and the well-documented adverse effects on the environment caused by cannabis production. Why anyone would want to bring this kind of negative impact on this beautiful area and the people who live, vacation, and visit to enjoy the beauty, smells of pine trees, and serenity provided by the natural state of the land is difficult for me to understand. It does appear that the suggested changes are very self-serving of those wanting the change and that they are showing zero consideration of the environment and people who have loved and enjoyed it for generations and who want it preserved in its current state for generations to come.

I myself, am a third generation Coffee Creek vacationer. It has been my favorite place to visit for my entire life and has also been the same special place for my 11 year old son. Unfortunately, we have already seen negative impacts and changes to our experiences there over the past 10 years or so with the change of ownership of several properties to people who desire to use the area for profit from cannabis farming, rather than only enjoyment of the beauty of the mountains and making memories as we do. It has been heartbreaking to see these people come and destroy what so many of us have cherished and appreciated for so many years.

I understand the benefits of cannabis and am in full support of cannabis farming in areas already designated for it that do not infringe upon the lifestyles of established communities, businesses, and families. I sincerely hope that the board, as well as those who desire to change the opt-out status of these areas, reconsiders their position, acknowledges that this change is not worth the damage it will cause to the community, and finds another area already designated for cannabis farming to pursue their goals.

Respectfully,



Tracy White
Daughter of John and Kathy Jason of Eagle Creek Loop
Granddaughter of Hank and Gloria Jason of Ridgewood Rd

Gmail Search mail

Compose

Inbox 2
Starred
Snoozed
Sent
Drafts 5
Purchases
More

Labels

2 of 2

Fw: Carpinteria Canibis Issues. [redacted]

Linda (Swart) Burch 4:15 PM (8 minutes ago)
to me

Begin forwarded message:

On Monday, March 9, 2026, 2:14 PM, Glenn Bjorkman <[redacted]> wrote:

> Linda,
> Here is what we are fighting in Carpinteria.
> I hope that you can use this information to keep a stop to this.
> Thanks,
> Glenn Bjorkman
>
> The Carpinteria Valley has faced significant issues related to cannabis cultivation, particularly concerning odor complaints from residents. A recent odor-control pact between local cannabis growers and community advocates has broken down, leading to lawsuits and calls for stricter regulations on odor control technology in greenhouses.
> https://duckduckgo.com/?q=carpinteria+canibis+issues&t=osx&ia=web&assist=true

Reply Forward

Upgrade

New Message

Fw: Trinity County Cannabis OPT OUT

Inbox ×

Linda (Swart) Burch 4:18 PM (5 minutes ago)
to me

Begin forwarded message:

On Monday, March 9, 2026, 2:42 PM, Glenn Bjorkman <glennbjorkman@gmail.com> wrote:

> Dear Ric and Jill,
>
> It has come to my attention that there is a renewed effort to undo the opt out Cannabis situation in Trinity County. I challenge each of you to take a look at the battles going on in Carpinteria CA as an example of what to expect after they allowed this industry into their community. It is high time that someone step forward to put a stop to this and hope that you will agree and do so!
>
> I have added a link to help in your research. Please do not open this terrible door in our county! I am asking that you join the fight not to let this destructive industry into our communities!
>
> Please feel free to give me a call to discuss if you like.
>
> Thank you for you attention to this matter,

Reply Forward

DW LAW

CYNDY DAY-WILSON, ESQ. • LL.M. ENVIRONMENTAL LAW
KAITLYN M. WILSON, ESQ.
627 H STREET, EUREKA, CA 95501 • (707) 798-5048
CDAYWILSON@DAYWILSONLAW.COM
KWILSON@DAYWILSONLAW.COM

March 9, 2026 **VIA EMAIL and US Mail**

Trinity County Planning Commission
530 Main Street
Weaverville, CA 96093
info.planning@trinitycounty.org

RE: Objection to Proposed Reversal of Trinity Center and Coffee Creek Cannabis Opt-Out Designations (March 12, 2026 Study Session)

Dear Chair and Members of the Trinity County Planning Commission:

I write on behalf of myself and family, property owners in Trinity Center, California to formally object to any proposal to remove, reverse, or weaken the existing cannabis opt-out designations applicable to the Trinity Center Community Services District and the Coffee Creek Volunteer Fire District. This objection is submitted in advance of, and for inclusion in, the administrative record for the Planning Commission's March 12, 2026 zoning code study session.

While I understand the County is engaged in a broader zoning code rewrite and consolidated cannabis ordinance effort, the community has not been provided clear notice of the precise action under consideration as to these opt-out areas, nor the materials necessary for meaningful public participation. For that reason, the threshold issue at this time is procedural: the Commission should not advance any recommendation affecting the Trinity Center and Coffee Creek opt-outs unless and until the County has publicly released the specific proposal and supporting materials.

At present, the community has not been able to locate a clear description of whether the Commission is being asked to consider a specific draft ordinance amendment, provide direction to staff, or make a recommendation to the Board of Supervisors regarding reversal of the opt-out designations. To ensure an orderly process and meaningful public participation, we respectfully request that the County/Commission identify on the record:

- Whether a specific amendment has been proposed to reverse or modify the opt-out designations, and if so, the exact text proposed.

- Whether a staff report, draft ordinance, map(s), and any supporting materials exist, and if so, that they be made publicly available before any recommendation, vote, or other action is taken.

Community communications indicate Trinity Center and Coffee Creek are at risk of losing their opt-out designations, and that there is pressure to delete opt-out areas. If any change is being contemplated, the County should specify with precision:

- Whether the change would eliminate the opt-outs entirely or modify them in part.
- The geographic scope of any change and the types of cannabis activity implicated (e. g. , cultivation, retail, delivery).

Absent that clarity, the Commission should not advance any recommendation.

Background, reliance, and community impacts

The Trinity Center and Coffee Creek opt-outs were adopted through a documented public process: the County included these areas in the Cannabis Urgency Ordinance adopted in 2017, readopted the ordinance in 2019 with opt-out amendments, and adopted an Environmental Impact Report in 2020 that codified the cannabis ordinance. Given this history, any reversal should be approached with caution and only after a transparent process that meaningfully accounts for community reliance and the County's prior commitments reflected in its adopted framework.

Residents have articulated specific concerns about impacts to quality of life and the local economy, including odor, crime concerns, property values, and tourism and business impacts in the North Lake area. For example, residents have expressed concern that tourism-dependent businesses could be harmed if visitors are exposed to persistent cannabis odor in close proximity to lodging and recreation areas. Community members have also specifically raised concerns about impacts to the KOA and surrounding businesses if visitors are forced to endure cannabis odor.

To the extent the County believes it is appropriate to consider reliance interests in more detail, we request that the County provide a clear process and timeline for submitting evidence of reliance, including (by way of example) property purchases made in reliance on the opt-outs, business investments and staffing decisions, and tourism marketing and event planning.

Environmental review and timing of public participation

The County previously adopted an Environmental Impact Report in 2020 that codified the cannabis ordinance. Before any amendment that would remove or materially change the opt-out designations is recommended or adopted, the County should confirm what environmental review will be performed for the proposed change and when the public will have an opportunity to review and comment on that analysis. If any environmental review materials exist for the current

proposal, they should be circulated sufficiently in advance of any recommendation or vote to allow meaningful review and comment.

Compliance with Trinity Center Community Plan

The County is also considering revisions to the Trinity Center Community Plan. The current draft dated September 2025 does not contemplate the cultivation or harvesting of cannabis whether recreational or commercial. The Community Vision states:

> Trinity Center is a vibrant community where residents can enjoy and afford a fulfilling life in a friendly, rural, small-town setting surrounding by world-class recreation and the natural beauty of Trinity Lake and the Trinity Alps. The community offers divers recreational and cultural activities that promote education, ant, and entertainment, accessible to people of all ages, backgrounds, and abilities. Trinity Center fosters strong partnerships with State and Federal agencies to ensure the preservation of natural resources , economic opportunity, and safety of residents. The community prioritizes the house and employment needs of its full-time residents while still support a strong tourism industry.

The Goals and Policies section further provides:

> The Trinity Center community depends heavily on the surrounding natural resources including Trinity Lake and the Trinity Alps. Residents have expressed a strong need to develop a stronger and more productive relationship with the U.S. Forest Service to help preserve and maintain these natural resources in a way that promotes recreational accessibility and reduces wildfire risks.

Nowhere is the introduction of cannabis into the local community mentioned. See Table 8 included with this correspondence which highlights the community's focus on its rural, natural resources, and recreational character.

For the many reasons above, I respectfully request that the Planning Commission:

- Decline to recommend any reversal or removal of the Trinity Center and Coffee Creek opt-out designations at the March 12, 2026 study session.
- At minimum, continue/defer the matter unless and until the County has publicly released the draft ordinance language, maps, staff report, and any environmental review materials, and has provided adequate time for community review and comment.
- Confirm on the record that public comment will be taken at the March 12 meeting.

Sincerely,

Cyndy Day-Wilson, Esq.

cc: Trinity Center Community/Coffee Creek Community

Enclosures

- Petition to Preserve Community Opt-Out Provisions
- Table 8 from Trinity County Community Plan (Draft dated September 2025)

COMMUNITY VISION

The following vision statement for the Trinity Center community was created with extensive community input and discussion about residents' vision for the future.

Trinity Center is a vibrant community where residents can enjoy and afford a fulfilling life in a friendly, rural, small-town setting, surrounded by world-class recreation and the natural beauty of Trinity Lake and the Trinity Alps. The community offers diverse recreational and cultural activities that promote education, art, and entertainment, accessible to people of all ages, backgrounds, and abilities. Trinity Center fosters strong partnerships with State and Federal agencies to ensure the preservation of natural resources economic opportunity and safety of residents. The community prioritizes the housing and employment needs of its full-time residents while still supporting a strong tourism industry.

GOALS AND POLICIES

As of 2024, there is an existing need in Trinity Center for more affordable housing options, regulations on vacation rentals, and additional public and community services and facilities to help attract and support the needs of long-term/permanent residents of the community, including but not limited to community centers, internet/phone services, and improved infrastructure. Additionally, Trinity Center residents expressed the need to bolster and diversify the local economy by encouraging new businesses, attracting larger events, and creating recreational and community activities and spaces beyond Trinity Lake. The Trinity Center community depends heavily on the surrounding natural resources including Trinity Lake and the Trinity Alps. Residents have expressed a strong need to develop a stronger and more productive relationship with the U.S. Forest Service to help preserve and maintain these natural resources in a way that promotes recreational accessibility and reduces wildfire risk. While these issues are specific to Trinity Center, the Land Use Element, Economic Development Element, Public Facilities, Services, and Infrastructure Element, Conservation and Open Space Element, Circulation Element, Community Health Element, Hazards and Safety Element of the Trinity County General Plan 2050 includes several policies which address these unique needs in Trinity Center, as shown in Table 8~~X~~.

It is important to note that Table 8~~X~~ does not include all General Plan policies that may be relevant to the Trinity Center community, but highlights policies relevant to issues specifically identified by community members during the community outreach process for the development of the Community Plan.

TABLE 8
TRINITY COUNTY GENERAL PLAN 2050 COUNTYWIDE POLICIES
Which Aim to Solve Known Issues and Deficiencies in Trinity Center Plan Area

Element	Number	Title	Policy
Land Use Element	LU 2.1	Rural Character	Support the county rural character, which is predominantly a visual landscape of open spaces, mountains, forests, and farms, by ensuring that new development occurring in rural communities is in character with those communities and consistent with the community plan if one is applicable.
	LU 3.1	Diversify Atmosphere	Support the quality of life and civic pride through encouraging a diverse range of development types that create distinctive places to live, work, and play.
	LU 4.1	Range of Housing Types	Encourage the creation of a variety of housing types that meet the needs of all residents.
	LU 9.1	Leadership in Land Use Planning	Due to the large amount of land in public ownership, establish closer communication and coordination between all county, State, and Federal agencies engaged in land planning.
Economic Development Element	ED 1.1	Resource Protection	Protect important timber, agriculture, recreation, scenic, mineral, and wildlife resources to support and enhance the resource production and tourism economy.
	ED 1.2	Regulatory Environment	Promote a business-friendly regulatory and permitting environment throughout Trinity County through collaboration with the business community, exchange of ideas and best practices, improvement in clarity and efficiency in the permitting process, and taking advantage of opportunities for streamlining in the development process.
	ED 2.1	Diverse Tourism Attractions	Support business community efforts to promote the many tourist attractions in the County such as: • Recreation, including but not limited to mountain biking, trails, water sports; • Niche recreation, such as recreational gold mining; • Non-timber forest products, such as mushroom hunting; • Historical and cultural sites; • Recreation resorts; • Restaurants; • Wineries and breweries; • Art venues; and • Community events.
	ED 2.3	Sports Facilities and Events	Support and promote the enhancement of youth and adult sports facilities and events that can attract tournaments to the County.

TABLE 8 TRINITY COUNTY GENERAL PLAN 2050 COUNTYWIDE POLICIES Which Aim to Solve Known Issues and Deficiencies in Trinity Center Plan Area			
Element	**Number**	**Title**	**Policy**
	ED 3.4	Range of Businesses	Encourage the development of a range of commercial uses that fulfill the daily needs of residents and visitors, including but not limited to food retail, pharmacies, and other general merchandise stores.
	ED 3.5	Creative Economy	Encourage the expansion of the local creative economy, including arts businesses, creative and performing arts, and non-profit organizations, as well as professional service sectors built around the creative arts.
	ED 4.1	Small Business Resources	Coordinate with regional and local small business centers and economic development organizations such as the Shasta Cascade Small Business Development Corporation and Superior California Economic Development to ensure that Trinity County small businesses have access to the technical and financial resources they need to expand and thrive.
	ED 5.1	Broadband and Cell Service	Work with communications service providers to ensure that all communities in the County have sufficient broadband and cell service capacity to conduct business.
Public Facilities, Services, and Infrastructure Element	PFSI 4.1	Broadband Service Access	Support service providers efforts to expand service areas and provide high quality access to fiber optic and broadband (high-speed internet) and cellular mobile communications services to residents and businesses, including unserved and underserved areas.
	PFSI 5.1	Community Facilities Maintenance	Work with non-profit organizations, schools, special districts, and other community service providers to maintain and support public community facilities and lands throughout the county.
	PFSI 7.1	Trail Network	Support the continued maintenance and expansion of a network of trails to meet the needs of all trail user groups, such as equestrians, bicyclists, off-highway vehicles (OHVs), and hikers.
	PFSI 7.4	Park and Recreational Facility Accessibility	As funding allows, locate and design facilities to be accessible and inclusive for all users.
	PFSI 7.6	Partnerships for Recreational Programming	Develop partnerships with, and encourage efforts by, service clubs, civic groups, schools, special districts, non-profits, and individuals wishing to provide recreational programs in the county.

TABLE 8
TRINITY COUNTY GENERAL PLAN 2050 COUNTYWIDE POLICIES
Which Aim to Solve Known Issues and Deficiencies in Trinity Center Plan Area

Element	Number	Title	Policy
	PFSI 8.6	Individual Readiness Educational Programs	Support the Fire Safe Council, Fire Wise Communities, and other educational programs that empower individuals to prepare for self-sufficiency in emergencies through an understanding of risk reduction, and emergency response protocols and procedures.
	PFSI 9.3	Fuel Reduction	Support coordinated efforts between State, Federal, and local agencies; nonprofit organizations; and local fire districts to plan, obtain funding for, and implement fuels reduction projects to protect residents in and around fire hazard areas.
Conservation and Open Space Element	COS 3.2	Diversified Recreational Uses	Ensure that land uses and project approval practices allow for diverse array of outdoor recreational, scientific, and educational activities that rely on thriving ecosystems and resilient fish and wildlife populations.
	COS 4.2	Climate Change Adaptation	Consider the potential impacts of climate change on water resources, such as changes in precipitation patterns, increased frequency of droughts, and rising temperatures and develop adaptation strategies in coordination with Community Service Districts to mitigate these impacts, such as investing in water recharge, expanding water storage capacity, enhancing flood management infrastructure and designing new infrastructure based on potential future climate change impacts.
	COS 12.2	Recreational Resource Protection	Protect existing recreational resources on public and private land.
	COS 12.5	Recreation Planning	Evaluate recreational areas to ensure they have maximum flexibility and adaptability to the constantly changing recreational needs and interests of residents and visitors of the county.
	COS 12.6	Water-oriented Recreation Uses	Encourage the development of lake front and river front property clear of all flood plain areas, where not in conflict with established conservation plans, for suitable types of water-oriented recreational uses.
Circulation Element	CIR 1.5	Critical Infrastructure Investments	Prioritize critical infrastructure projects, such as bridge reinforcements and roadway stabilization, to bolster the network's resilience against climate change and natural disasters.
	CIR 6.8	Airport Availability for Fire Suppression	Improve airport facilities to support wildfire suppression efforts, and related activities, by State and Federal agencies and supporting organizations.

TABLE 8
TRINITY COUNTY GENERAL PLAN 2050 COUNTYWIDE POLICIES
Which Aim to Solve Known Issues and Deficiencies in Trinity Center Plan Area

Element	Number	Title	Policy
Community Health Element	CH 1.2	Community-based Health Services	Support the expansion of telehealth, mobile, and satellite health services in isolated communities, including services providing transportation between healthcare facilities and remote areas.
	CH 6.2	Inviting Public Spaces	Ensure that public spaces are designed to provide inviting, convenient, and pleasant gathering places for residents to meet and congregate.
	CH 9.4	Hazards Resiliency	Continue to assess and monitor risks from local environmental (e.g., wildfire, flooding) and man-made hazards and work with community groups and State and regional agencies to prepare residents, business, and visitors in the event of an incident.
Hazards and Safety Element	SAF 1.2	Collaborative Wildfire Protection Planning	Support and participate in the collaborative development, maintenance, and implementation of local, County, and regional plans and tools that address wildfire protection and landowner objectives, including the Trinity County CWPP, hazardous fuels reduction plans, County-wide HMP objectives, and Trinity County Fire Safe Council evacuation guides and resources.
	SAF 1.4	Firewise Communities	Encourage communities to participate in Firewise Communities recognition program (or its functional equivalent) through the Trinity County Fire Safe Council and emphasize the importance of individual landowner responsibility.
	SAF 1.8	Fuel Break Maintenance	Coordinate with Federal, State, and local agencies and other partners to maintain fuel breaks and complete fuel reduction projects as identified in and implemented by the Trinity County CWPP.
	SAF 1.14	Reduce Wildfire Air Quality Impacts	Support and encourage programs such as fuel reduction, prescribed fires, landscape-scale vegetation management, and sustainable silvicultural practices as recommended in the Trinity County CWPP to reduce air quality impacts of wildfires.
	SAF 8.6	Emergency Response and Evacuation Routes	Coordinate across public and private land ownerships to protect and maintain a transportation network that provides adequate ingress and egress routes for emergency response and evacuation under a range of scenarios.
	SAF 8.7	Emergency Evacuation Locations	Coordinate with local, regional, and State agencies to ensure sufficient emergency evacuation locations to serve the needs of the County's population under a range of scenarios.

The following goals, policies, and programs, as well as other in the Trinity County General Plan 2050, implement the community's vision for Trinity Center. Some programs implement related General Plan policies and are so noted.

Goal TC 1: Strengthen Trinity Center's stability and vibrancy by increasing the number of long-term residents through policies that promote housing affordability.

Policy TC 1.1 **Increase Number of Long-Term Residents.** Attract more long-term/year-round residents of different ages, backgrounds, and incomes to live in Trinity Center.

Policy TC 1.2 **Availability of Rental Units.** Encourage housing affordability by increasing the number of housing units available for rent in Trinity Center.

Goal TC 2: Invest in neighborhood amenities and infrastructure that promote a strong sense of community.

Policy TC 2.1 **Community Placemaking.** Encourage the development of parks, community centers, and public gathering spaces that foster community interaction and support local events and culture.

Policy TC 2.2 **Community Identification.** Install community identifier and wayfinding signs that create a sense of cohesiveness throughout the community and connection between community neighborhoods (Ridgeville, Covington Mill, Trinity Center).

~~Policy TC 2.2~~Policy TC 2.3 **Community Infrastructure.** Encourage the expansion and maintenance of community infrastructure and services, including electrical, water services, phone and internet services, school infrastructure, and other services needed to ensure adequate utilities and public facilities for residents. *(Source: New Policy)*

Goal TC 3: Promote stability and diversity of the local economy to support long-term residents.

Policy TC 3.1 **Local Jobs.** Attract local businesses and industries that provide stable, well-paying, year-round jobs to support long-term residents.

Policy TC 3.2 **Resident Oriented Businesses.** Increase local access to basic goods and services to meet the needs of Trinity Center residents and diversify the local economy, including but not limited to cottage industry and small scale agriculture.

3-48 **Goal TC 4: Enhance and diversify recreational opportunities around Trinity Lake and throughout the Trinity Center community.**

Policy TC 4.1 **Enhance Trinity Lake Amenities.** Encourage continued recreational use of Trinity Lake by maintaining and expanding available facilities and amenities for a variety of lake users.

Policy TC 4.2 **Expand Non-Lake-Based Recreation.** Support and invest in the development and maintenance of non-lake-based recreational facilities including, but not limited to, off-highway vehicle (OHV) trails, mountain biking routes, hiking and walking trails, and hunting zones (specifically, B2 Deer Hunting Zone, excluding residential areas) in Trinity Center.

Policy TC 4.3 **Seasonal Event and Educational Programming.** Encourage the development of seasonal programs, events, and festivals that highlight Trinity Center's natural resources and promote environmental education.

IMPLEMENTATION PROGRAMS

Program TC-1. Short-Term Vacation Rental Impact Study.

Prepare a study that identifies neighborhoods most affected by short term vacation rentals and explore ways to mitigate the negative impacts of short-term rentals on the availability and affordability of long-term housing for existing and current residents.

Related Policies: *TC 1.1, TC 1.2*
Responsibility: *Community Development Department*
Time Frame: *2025-2030*
Funding: *General Fund, State grant funding programs (e.g., Community Development Block Grant)*

Program TC-1. Conversion of Short-Term Rentals.

Encourage property owners who are currently renting their housing unit(s) as short-term vacation or seasonal rentals to rent their home or units to long-term tenants by offering an incentive program to offset lost income. This program will include research into potential funding sources, types of incentives offered, program eligibility, and program duration. *Related Policies: TC 1.1, TC 1.2*

Responsibility: *Community Development Department*
Time Frame: *2030-2035*
Funding: *General Fund*

Program-TC-2. Community Gathering Spaces.

Prepare a study to identify potential sites in each neighborhood in Trinity Center where community facilities can be located to provide a centralized gathering space for residents. In addition to sites, the study should identify the type community facility(ies) would be best suited for each neighborhood (i.e., community park/playground, community center, sports facilities) and sources of funding for facility development. The study should include extensive community engagement throughout the effort.

3-49

Related Policies: *TC 2.1, CH 6.2*
Responsibility: *Community Development Department*
Time Frame: *2030-2035*
Funding: *General Fund*

Program-TC-3. Trinity Center Marina Feasibility Study.

~~Coordinate with~~Support appropriate State and Federal agencies to assess the feasibility of a new Trinity Center Marina including potential sites, size, amenities, and costs of development and maintenance.

Related Policies: *TC 4.1*
Responsibility: *Community Development Department*
Time Frame: *2030-2035*
Funding: *G~~eneral Fund~~rants and other funding sources*

Program-TC-4. Non-Lake Based Tourism Strategy.

Coordinate with the hospitality industry, Visitors and Development Bureau, chambers of commerce, regional tourism agencies, and the U.S. Forest Service to identify existing and potential recreational facility marketing opportunities in Trinity Center oriented towards non-lake-based recreational activities. This program may include, but is not limited to:

- Expanding biking trail facilities in and around Trinity Lake and throughout the Plan Area, including clearly marked routes and connections;
- Identifying appropriate OHV routes in and around the community and developing OHV related amenities (i.e., loading/unloading areas, rental and repair services, clear signage and maps);
- Identifying opportunities for recreational events that can be hosted in Trinity Center;~~.~~
- Supporting the development and maintenance of historic resources, such as Bowerman Barn and Scott Museum; and
- Identifying and encouraging improvements to USFS campgrounds, including electrical and water service, a dump station, internet access, and offering larger RV pull-through sites.

Related Policies: *TC 4.2, TC 4.3, ED 2.1, PFSI 7.1, COS 3.2, COS 12.5,*
Responsibility: *Community Development Department*
Time Frame: *2028-2030*
Funding: *~~General Fund~~Grants and other funding sources*

Program-TC-5. Expanding Airport Related Services and Amenities.

Work with private companies, regional tourism agencies, and local, State, and Federal agencies to explore the expanded use of the Trinity Center Airport and the provision of additional services and amenities associated with the airport, including, but not limited to:

- Developing an aviation tourism industry in Trinity Center that markets scenic flights, air tours, and observation decks;
- Fueling stations, aircraft maintenance and repair areas and services, and other businesses or amenities that support aircraft operation and maintenance;
- Identifying opportunities for recreational events that can be hosted in Trinity Center.

Related Policies: *TC 4.2, ED 2.1, ED 3.4*

Responsibility: *Transportation Department, Community Development Department*
Time Frame: *2030-2035*
Funding: *General Fund*

Program-TC-6. Nature-Based Tourism and Education.

Partner with regional schools and universities, non-profit organizations, and local, State, and Federal agencies to identify funding sources and develop nature-based learning and tourism opportunities in Trinity Center to make the community a destination for environmental education, eco-tourism, and outdoor learning opportunities. Programs may include, but are not limited to:

- Learning centers, classes, or workshops available to the public on topics such as conservation, native species, water management, and environmental science;
- Interpretive signs and other interactive elements along nature trails and other natural areas about the local flora, fauna, and ecosystems;
- Events such as environmental festivals, wildlife days, or eco-fairs;
- Guided tours and outings that provide educational opportunities about local ecosystems

Related Policies: *TC 4.3, COS 3.2*
Responsibility: *Community Development Department*
Time Frame: *2028-2030*
Funding: *General Fund*

Program-TC-7. Early Warning System.

Install additional early warning system siren towers and offer periodic training for ham radio use as a redundant warning system during times of potential or emergent hazards, including, but not limited to wildfire and extreme weather hazards. The siren towers should be spaced throughout the community in a manner that ensures the alarm is audible to all residents in the community. The early warning system shall follow all applicable Federal Emergency Management Agency (FEMA) standards.

Related Policies: *PFSI 8.6, SAF 1.2, SAF 1.4*
Responsibility: *Office of Emergency Services*
Time Frame: *2030-2035*
Funding: *General Fund, FEMA Preparedness Grants, and other grant funding*

Program-TC-8. Trinity Lake Evacuation Location.

Explore opportunities and feasibility of establishing an evacuation location on Trinity Lake that can be used by residents in the event of a wildfire. A publicly organized evacuation location on Trinity Lake can be used as a secondary evacuation location, especially if there are impediments to evacuate via SR 3. This program should include public outreach and education about using Trinity Lake as an evacuation location option in case of a wildfire.

Related Policies: *PFSI 8.6, SAF 1.4, SAF 8.6, SAF 8.7*

Responsibility: *Office of Emergency Services*
Time Frame: *2030-2035*
Funding: *General Fund, FEMA Preparedness Grants, and other grant funding*

Program-TC-9. Interagency Coordination.

Establish a better working relationship between the U.S. Forest Service, Bureau of ~~Land Management~~Reclamation, County, and Trinity Center community to coordinate on issues regarding forest management, wildfire prevention, and recreational opportunities. This program aims to promote more open and regular dialogue between agencies and Trinity Center residents about identified fuel break projects, lake levels, and opportunities to expand recreational opportunities in public lands within the Trinity Center Plan Area.

Related Policies: *TC 4.1, TC 4.2, ED 1.1, PFSI 9.3, SAF 1.2. SAF 1.8*
Responsibility: *Community Development Department, Office of Emergency Services*
Time Frame: *2025-2030*
Funding: *General Fund and other grant funding*

**Note: Some programs implement related General Plan policies and are so noted.*

From: Concerned Trinity Center and Coffee Creek residents

To: The Trinity County Planning Commission

We the undersigned residents and visitors of Trinity Center and Coffee Creek want to preserve the community's opt-out provisions. We acknowledge the importance of honoring established commitments and ensuring that decisions reflect the voices and values of Trinity Center and Coffee Creek residents.

<u>Cannabis opt-outs are legal in California</u>. Under the Medicinal and Adult-Use Cannabis Regulation and Safety Act and Proposition 64, cities and counties have the authority to prohibit the establishment of cannabis businesses, including retail, cultivation, and delivery services, within their jurisdictions.

Name (Print)	Address	Signature	Date
John P. Wilson	100/50 Eleanore Lane	John Wilson	9 MAR 26
Kaitlyn Wilson	100/50 Eleanor Ln.	KWilson	3/9/26
Cyndy Day-Wilson	100/50 Eleanore Ln	Cyndy Day-Wilson	3/9/26

Deborah Rogge

From: Nancy Anderson <[redacted]
Sent: Saturday, March 7, 2026 11:19 AM
To: info.planning
Subject: Opt-Out of Additional Commercial Cannabis in Lewiston

Please maintain all Opt-Outs in Lewiston! We fought hard for these changes and many people have moved here specifically for this reason. Decisions were made back in 2015-16 to allow as many licenses as were requested (up to the total of 500?) county-wide, but without having the foresight to limit the number per community or per square mile. This led to the belief that densely packed areas of commercial grows were somehow desirable for all of the residents! The county should have limited the density and not left communities fighting over this. The Opt-Outs were a natural consequence of this lack of foresight.

Please listen to the voices of those who have already made their community's wishes known. And please proactively monitor the density of additional licenses being granted in areas that already have several licensed grows.

SIncerely,
Nancy Anderson
"My candle burns at both ends; It will not last the night; But ah, my foes, and oh, my friends— It gives a lovely light!"

Deborah Rogge

From: Brian Atchley <[redacted]
Sent: Friday, March 6, 2026 6:47 PM
To: info.planning
Subject: Greenhouse Opt Out

Hi There Trinity County Planner,
I'm a huge nature fan. I was up in the Trinity Alps this last summer and heard about an ordinance change to allow greenhouses.
As a tourist that visits the area I'm not a fan. I feel like in the last 30 years more drugs and meth have penetrated into this beautiful area and this hurts. I want people to have opportunities and jobs in the area but I suspect trading tourism for grow houses is the wrong approach.
I'm working on plans for my next trip up and was reminded of this issue and wanted to share my thoughts.

Best Regards,

--
Brian
530 521 9386

Deborah Rogge

From: nick beaucage [redacted]
Sent: Saturday, March 7, 2026 9:40 AM
To: info.planning
Subject: A vote Against! -cannabis cultivation expansion.

To Trinity County Planning Dept,

Our family has always viewed the Trinity Alps as a sanctuary from the pressures of city life. We visit to hike, swim in clear rivers, fish in mountain lakes, and enjoy the peace and quiet of the forest.

The visible expansion of cannabis cultivation and the odors associated with it would diminish the very qualities that bring families here.

In addition, we are concerned about possible environmental impacts, including pollution of waterways, degradation of meadows, and harm to wildlife. These natural areas should remain protected and preserved for recreation and future generations. If they are not, we will take our family trips elsewhere.

Other counties are already having problems with unwanted cannabis properties. All nearby properties will decrease in value in direct proportion to cannabis properties proliferation. Where is the money to cleanup the fertilizer left over from abandoned grow operations? Direct pollution of concentrated volumes of nitrogen and phosphorus run off will harm the clean nutrient limited creeks and rivers.

Trading tourist tax dollars for cannabis tax dollars is a losing strategy for trinity county.

Thank you for considering my objection.
Nick Beaucage

Deborah Rogge

From: noreply@civicplus.com
Sent: Monday, March 9, 2026 2:27 PM
To: webmaster; info.planning; Carol Fall; Amelia Fleitz; Rory Barrett; Duncan McIntosh; Dan Harper
Subject: Online Form Submittal: Contact the County Planning Commissioners

Contact the County Planning Commissioners

Your Name:	Glenn Bjorkman
Your Email Address:	[redacted]
The staff member you wish to contact:	Carol Fall, Planning Commissioner District 1, Amelia Fleitz, Planning Commissioner District 2, Rory Barrett, Planning Commissioner District 3, Duncan McIntosh, Planning Commissioner District 4, Dan Harper, Planning Commissioner District 5
Subject:	Canibis Opt out.
Message:	It has come to my attention that there is a renewed effort to undo the opt out Cannabis situation in Trinity County. I challenge each of you to take a look at the battles going on in Carpinteria CA after they allowed this industry into their community. It is high time that someone step forward to put a stop to this and hope that you will agree and do so! I have added a link to help in your research. Please do not open this terrible door in our county! https://duckduckgo.com/?q=carpinteria+canibis+issues&t=osx&ia=web&assist=true

Email not displaying correctly? View it in your browser.

Deborah Rogge

From: Kimberly Briggs <[redacted]
Sent: Monday, March 9, 2026 9:34 AM
To: info.planning
Subject: Opt out

We vehemently oppose any pot grows or sales in Lewiston. Pot growers destroy the environment. We come to Lewiston for a family friendly good time. Keep Lewiston safe for families and visitors.

Sent from my iPad

Deborah Rogge

From: Karen Collins <[redacted]>
Sent: Saturday, March 7, 2026 8:16 AM
To: info.planning

Opt out

Get Outlook for Android

Deborah Rogge

From: lorrac craig <[redacted]
Sent: Saturday, March 7, 2026 7:03 PM
To: Duncan McIntosh; Trinity2050; info.planning; info.cannabis; Amelia Fleitz; Dan Harper; Rory Barrett
Subject: Cannabis opt out ordinance

To the Planning Commission and Staff:

It is our understanding that you are meeting in a attempt to resolve issues within the County Cannabis Ordinance as it relates to the Trinity Center and Coffee Creek opt out zones. We believe there are sufficient laws on the books to protect the residents of these communities from both legal and illegal grows. We believe the opt out zones are inappropriate and too broad of scope for the North Lake area. We support the removal of the cannabis opt out zones for Trinity Center and Coffee Creek. We support the legal cannabis farmers here in the rural areas of the North Lake.

As residents of Trinity County for over 45 years, living in one of the contested rural areas of the north lake, we have yet to observe a negative impact of legal grows.

Thank you for your time,
Lorrac Craig
Sheriff, Retired

Lori Denise Craig

Deborah Rogge

From: Linda Cunningham <[redacted]
Sent: Sunday, March 8, 2026 2:11 PM
To: info.planning
Subject: Trinity Center and Coffee Creek Cannabis Opt Outs

We are Bob and Linda Cunningham, former owners of Eagle Creek Ranch. We owned the property for 25 years, ending in 2017. We believe that our 25 years at Eagle Creek Ranch gives us a unique perspective as to the nature and character of the ranch and the surrounding community. Throughout our time in Trinity County we both served as firefighters and EMT's. We are still deeply connected to the community. During our time in Trinity County we personally saw the negative impact of cannabis growing and marketing. While there may be a legitimate place for well regulated and appropriately taxed cannabis, we urge you to consider the rights of existing residents and businesses as well as the recreational value of the surrounding area and the value of wildlife to the greater area.

It is a well established fact that the growth of cannabis cultivation and marketing has heavily increased the rate of violent crime and has had a negative impact on the safety and well being of the local residents. When we first moved to Trinity County there was less than 1 murder per year county-wide. By the time we left the murder rate was 7 for the first half of the year. One of the seven was a part time employee at our ranch. We believe that the Board of Supervisors previously, in their wisdom, created the Coffee Creek and Trinity Center opt out areas in recognition of the rights of local citizens and local businesses to live without the multiple negative infringements on their rights, lives and businesses that marijuana cultivation and marketing in the opt out areas would create.

We specifically want to point out Ripple Creek Cabins, a long term, well run tourist accommodation as a prime example of why the opt outs were originally created. If marijuana cultivation at Eagle Creek Ranch is permitted, you will guarantee the demise of this thriving and long term business. We strongly believe that the rights of existing residents and businesses should take precedence over the establishment of any new business that creates a negative impact for their neighbors. The current owners of Eagle Creek Ranch are lobbying for the right to expand growing into contiguous parcels adjacent to those that are already in the existing area approved for growing. The current owners are trying to justify this extension based on the fact that their grow must be much closer to their residence in order to provide adequate security for the grow. This is a prima facie proof that such a grow will greatly increase the potential for illegal activity.

A further consideration is the consumption of water required by such grows. Eagle Creek Ranch, to the best of our knowledge, is the only property north of the lake with historic rights to the Trinity River. In a state that is deeply concerned about having enough water to supply the existing statewide demand we should carefully consider if expenditure of this precious resource on cannabis cultivation is justified.

Deborah Rogge

From: Gene Dangel <[redacted]
Sent: Monday, March 9, 2026 12:07 PM
To: info.planning
Subject: Fwd: Opt Out Zones

Begin forwarded message:

From: Gene Dangel <sngdangel@gmail.com>
Subject: Opt Out
Date: March 9, 2026 at 12:04:42 PM PDT
To: infor.planning@trinitycounty.org

Dear Supervisors and Planners of Trinity County,

It is unbelievable that this issue has surfaced yet again. The concerned citizens of Lewiston have spoken numerous times regarding the negative impacts that commercial cannabis cultivation will have on their community. The Supervisors listened and wisely established Opt Out zones for Lewiston and other areas within the county. The residents of Lewiston care deeply about their quality of life and public safety for themselves, their children, and visitors who come to enjoy all that Trinity County has to offer.

We are not residents of Trinity County but have been loyal visitors beginning in 1974 camping and boating on Trinity Lake. Many summers were spent with our children and now our grand children enjoying those same experiences and creating life long memories. We are no longer campers but continue to visit Lewiston and the surrounding area several times a year. The thought of commercial cannabis being allowed to infiltrate established Opt Out zones is unconscionable. The stench, light pollution, and potential to increased crime and violence are reasons enough to reject any proposals for the expansion of commercial cannabis cultivation within Opt Out zones.

Those wishing to expand commercial cannabis operations do not care about the community like the residents, your constituents, or those who frequent the area for all the natural beauty it has to offer. Your responsibility as elected public officials is to protect what nature has given so that people will continue to return year after year. We strongly urge you to reject any and all proposals that would expand commercial cannabis within Opt Out zones. Perhaps it is time to figure out a way to make Opt Out zones permanent and put an end to this recurring issue.

Respectfully,
Gene & Sue Dangel
Walnut Creek California

Deborah Rogge

From: Lisa Driscoll <[redacted]
Sent: Monday, March 9, 2026 3:54 PM
To: info.planning
Subject: Support to Continue Cannabis Opt-Outs for Trinity Center Community Service District and Coffee Creek Volunteer Fire District
Attachments: Trinity Opt-Out.pdf

Trinity County Planning Commission,

This letter is in support of continuing Opt-Outs for Trinity Center Community Service District and Coffee Creek Volunteer Fire District. As a long-time visitor, guest, tourist to Trinity County and Coffee Creek, we have witnessed the negative impacts of cannabis farming on the community. In order to preserve the unique neighborhoods, it is very important that further expansion of cannabis cultivation be stopped. We have enjoyed attending family events at the Carrville Inn and would not feel the same level of comfort and community should the cannabis industry become more prevalent in the vicinity.

The marijuana industry is largely unregulated at best, and frankly gets little enforcement or regulatory attention. Further, this industry is famous for attracting persons who do not have the best interest of the community in mind. This is especially true in the Emerald Triangle. Discontinuing the Opt-Outs will invite persons into a small, cohesive, and idyllic community, who clearly do not have the same goals and commitments as current residents and visitors.

Please continue the Opt-Outs for Trinity Center Community Service District and Coffee Creek Volunteer Fire District.

Sincerely,

Concerned Trinity Center Visitors
George and Lisa Driscoll

March 5, 2026

Dear Members of the Planning Commission,

My name is Cameron Elisarraras, and I am the grandson of second-generation Trinity County residents. Trinity County has always been an important part of my life through the many years I spent visiting family and vacationing here. Trinity holds my most meaningful memories growing up. I love to fish and have been to many different mountain areas and lakes and have not experienced anything like what Trinity offers. I also now have a daughter and look forward to her experiencing Trinity the way that I was able to growing up.

I strongly believe that the cannabis opt-out provisions are an important way to preserve this area. Commercial cannabis facilities will not allow for this area to remain in its current beautiful state. There are more appropriate areas for these facilities. I respectfully ask the Planning Commission to preserve the opt-out provisions so that this area can continue to be protected.

Thank you for your time and consideration.

Respectfully,

Cameron Elisarraras

Cameron Elisarraras
Paso Robles, CA

March 7, 2026

Dear Trinity County Planning Commission,

My name is Taylor Elisarraras, and I am the grandson of second-generation Trinity County residents. I didn't grow up in Trinity, but it has always been a part of my life since my family has lived there, and I've spent a lot of time there growing up. This is a very special place for me, my family, and my family's friends in the community. I have also brought friends for some of my visits, and they are always so impressed by the beauty of the area.

The cannabis opt-out provisions are important because they help protect the natural beauty and rural feeling that make this area so special. I am asking for the Planning Commission to preserve the opt-out provisions so that Trinity can keep its special qualities.

Thank you for your time.

Respectfully,

Taylor Elisarraras
Templeton, CA

March 5, 2026

Dear Members of the Planning Commission,

My name is Cloey Gouin-Elisarraras, and my husband is the grandson to second-generation Trinity County residents. Over the past eight years, I have been able to experience Trinity County the way my husband did growing up.

Although I did not grow up here myself, Trinity County has become meaningful to me through my husband's family and the time we spend visiting. I've come to understand why this place holds such a special place in their lives. I have traveled a lot throughout my childhood and have found Trinity County to be one of the most quiet, beautiful places I have ever been.

Now that we have a child of our own, we hope that she will grow up making the same kinds of memories here—spending time outdoors, visiting family, and experiencing the peaceful character that draws us back to Trinity.

I respectfully ask the Planning Commission to preserve the opt-out provisions so that this beautiful county can continue to be protected for our family, the community, and families like ours.

Thank you for your time and consideration.

Respectfully,

Cloey Gouin-Elisarraras

Paso Robles, CA

March 8, 2026

Dear Member of the Planning Commission-

My name is Kacy Elisarraras, and I am married into a family of second-generation Trinity County residents. My wife's grandparents first came to Trinity over 50 years ago, and through them, I have been fortunate to experience this remarkable place. Growing up, my wife spent a lot of time each year there, and now our three children have had the opportunity to visit and vacation in Trinity multiple times each year.

Though I grew up enjoying the Sierras and Yosemite, I have found that Trinity's beauty is truly one-of-a-kind. If commercial cannabis facilities are allowed in this area, they will destroy where generations of families live and visit. The natural beauty will be destroyed, along with other obvious negative effects, such as smells, environmental impacts, etc. I understand that there are attempts to minimize these effects, but they will still destroy the character and beauty. It is surprising that this would be considered in an area like this when there are more appropriate locations for facilities like these.

I hope that the Commission will please take these things into consideration and continue the opt-out status for this area. Thank you for your time.

Respectfully,



Kacy Elisarraras

Templeton, CA

March 7, 2026

Dear Members of the Planning Commission,

My name is Carrie Elisarraras, and I am the daughter of second-generation Trinity County residents. My grandparents first came to Trinity over 50 years ago. Growing up, I had the luxury of being able to spend months during summers vacationing there, as well as other times throughout the year. My three children have also been able to spend their lives visiting and vacationing there multiple times a year as well. I have always referred to Trinity as "the best kept secret." Of all the places I have traveled, Trinity and its forests, lakes, rivers, etc., are unlike any other area. It has not been commercialized and its beauty compromised as a result.

I do not have negative feelings towards cannabis itself. However, I am certain that commercial cannabis facilities will not preserve this area but will negatively impact it for multiple reasons. These reasons include, but are not limited to, the destruction of the beauty of the land, the smells, the devaluing of properties, environmental effects, and possible safety issues. There are so many other areas that are more appropriate for establishments like these. Trinity is not one of them.

Thank you for your time, your service to the County, and your thoughtful consideration of the perspectives of long-time residents and their family members.

Respectfully,

Carrie Elisarraras

Carrie Elisarraras
Templeton, CA
Third-Generation to Trinity County Residents

Deborah Rogge

From: [redacted]
Sent: Friday, March 6, 2026 5:37 PM
To: info.planning
Subject: FW: Cannabis Growers OPT-OUT

Please accept this email I am forwarding. I gave the incorrect address to many people ☹

Thanks, Katie

From: Phil Fay [redacted]
Sent: Friday, March 6, 2026 4:56 PM
To: Katie Quinn <[redacted]
Subject: Fwd: Cannabis Growers OPT-OUT

Hi Katie, I sent this with the email you provided and it bounced back as address not found, can't deliver ??
Did I get it wrong ??
I'm OK resending with another email
Phil

Begin forwarded message:

> **From:** Phil Fay <philfay42@gmail.com>
> **Date:** March 6, 2026 at 4:50:12 PM PST
> **To:** infor.planning@trinitycounty.org
> **Subject: Cannabis Growers OPT-OUT**
>
> I am against giving Cannabis growers any more space or any ability at all to grow more crops. The negative impact on air quality, plus the already disregard for the land and disregard for surrounding neighbors has already pressed the limits.
> My wife and I started traveling to Trinity County in 1964 for camping with our family and two, sometimes three other families with children of like ages.
> Once our kids aged, out my wife and I have camped yearly with six other couples.
>
> We now spend most of our time in Lewiston. We like the clean air, free of cannabis smells. Please keep it that way and do not allow the OPT-OUT initiative
>
> Long time enjoyer of Trinity County and Lewiston in particular
> Phil Fay

Deborah Rogge

From: Brian Flaherty <[redacted]>
Sent: Saturday, March 7, 2026 9:15 AM
To: info.planning
Subject: Trinity County Grow Ordinance

To whom it may concern,

I started visiting the Trinity Alps in the 90s.
For me, the Trinity Alps are about pristine nature—clean air, quiet mountains, and beautiful meadows. Our family visits to hike, swim, fish, and spend time outdoors away from city life. The sight of cannabis production facilities or the smell associated with cultivation would make these areas feel far less natural. We also prefer that our children not encounter this while exploring the outdoors. If this becomes common, we would likely stop visiting our favorite places here.
Please help keep the Alps the natural beauty we love.

Thank you,

Brian Flaherty

Sent from AT&T Yahoo Mail on Android

Deborah Rogge

From: Daniel Flanigan [redacted]
Sent: Sunday, March 8, 2026 8:54 PM
To: info.planning
Subject: Objections to Cannabis Cu

Dear Trinity County Planning Department,

I'm writing to express concern about potential expansion of cannabis greenhouse cultivation near recreation and tourism areas in the Trinity Alps region. I oppose any changes to County ordinances that would facilitate such expansions.

I went to college at HSU from 1991 to 1996 and fell in love with the Trinity Alps region then. Since then, I have visited numerous times, included to a family owned resort that could be negatively impacted by cannabis cultivation operations in the vicinity of their tourist-serving operations. Visitors come for the same reasons I do: hiking, fishing, swimming, and experiencing the clean air and quiet landscapes that make the Trinity Alps special. The natural character of the area is the foundation of the tourism economy that supports many local businesses.

I have also lived in communities in Nevada County where large-scale cannabis cultivation became widespread. In those areas, the cumulative impacts were significant—strong odors, visible greenhouse structures in rural landscapes, and ongoing conflicts between cultivation activities and businesses that rely on tourism and outdoor recreation. Over time, those impacts changed how both residents and visitors experienced the area and affected businesses that depend on people seeking a clean and natural environment.

Allowing greenhouse cultivation in highly visible natural areas or near recreation destinations risks creating similar conflicts in Trinity County. In addition to aesthetic and odor concerns, there are legitimate questions about water use, runoff, and potential impacts to streams, meadows, and wildlife habitat in a sensitive mountain ecosystem.

The Trinity Alps region is valuable precisely because it still offers something increasingly rare: intact landscapes, clean water, and a true outdoor recreation experience. Policies that could undermine those qualities should be approached very cautiously.

I encourage the county to carefully consider the long-term impacts on recreation, tourism, and environmental resources before allowing expanded greenhouse cultivation in areas that are closely tied to the region's outdoor economy.

Thank you for your time and consideration.

Sincerely,

Daniel Flanigan

Petaluma, California

To: Planning Commission
c/o Trinity County Planning Department.
P.O. Box 2819
Weaverville, CA 96093

I want to commend the Staff and consultants for the time and energy they have dedicated to the General Plan Update process. It is long overdue & much appreciated. That said, I do have to say it has been a challenge to sort through & try to find what and where to make comments. This continuation of the "Study Session" was not very clearly advertised. The advertisement in the Trinity Journal (attached) seems flawed, out-of-date and silent to the study session. I realize that the noticing requirements for a study session are not the same as they are for a Commission meeting, but it would have been more transparent to have specifically advertised the meeting at 2:00 PM on March 12th.

To further confuse the situation, you will find below a copy from the agenda. It shows the Special Study Session starting at 2 PM, but has no Zoom link. The information for the Zoom Link only invites the public to join at 6:00 PM

Special Study Session 2 - 6 pm Meeting
March 12, 2026 At 2:00 PM
Trinity County Library Conference Room
351 Main Street, Weaverville, CA
Chair Comm'r Dist. 4 Duncan McIntosh
Vice-Chair Comm'r Dist. 2 Amelia Fleitz
Commissioner Dist 1 Carol Fall
Commissioner Dist 4 Rory Barrett
Commissioner Dist 5 dna Harper
AGENDA
Zoom Information
The Trinity County Planning Commission is inviting you to attend this meeting via Zoom.
Topic: Trinity County Planning Commission Meeting
Time: Month Day, 2025, at 6:00 PM Pacific Time (US and Canada)
Zoom Meeting
Link:https://zoom.us/j/5950072851?pwd=RHp6TDhNajNJMVJHZFJlRmhacmJjUT09
Meeting ID: 595 007 2851
• Passcode: 267684
• One tap mobile
• +1 669 900 9128,,7338092685# US (San Jose)
• +1 346 248 7799,,7338092685# US (Houston)

I would like to offer the following comments in writing, but also intend to try to participate with comments during the Study Session.

First let me turn to the un-dated staff report that also has no pagination. It is quite detailed. Thank you. At what I believe is Page 3 at the very bottom and continued on the top of Page 4 is the following statement in reference to the original Cannabis Opt-out Zones:

"Based on the understanding of County staff, these provisions were reached as a political compromise in order to adopt Chapter 17.43 in October 2017 and create a commercial cannabis licensing program. The zoning districts and geographic areas listed in 17.43.050, are not currently included in the draft COO document. Staff is requesting, a review of the proposed provisions contained in the COO, combined with a review of the existing provisions from17.43.050, and recommendations from the Planning Commission"

There is a subtle implication in this statement that a "political compromise" is somehow deleterious. The fact is that all of the deliberations of the Planning Commission have a political aspect – planning commissioners are appointed by their respective members of the elected Board of Supervisors. Furthermore, the review and subsequent actions on the Commission's recommendations by the Supervisors are again made in the political arena of the public meetings of the Board of Supervisors and more-likely than not involve some level of compromise.

The above statement also seems to say that those Opt-out-areas are not included in the Staff recommendations and that staff is asking for the Commission to review them anew. On the other hand, the excerpt from the draft document, as shown below, seems to indicate that Staff are working on a new overlay zone that includes the existing Opt-out areas.

17.45.03017.45.040 Cannabis Opt-Out Overlay Zone (-COO)

******Placeholder section for a potential new overlay zone that recognizes the established opt-out a reason the Zoning Map. County staff is still working through concepts with the consultant team and will have updates to this Section in pending drafts******

I strongly encourage you to direct Staff to complete this effort and include the existing Opt-out areas in a new Overlay Zone. It is the fair thing to do at this juncture and embraces that political compromise that resulted in a commercial cannabis licensing program in Trinity County. Since 2017, people have made decisions on where to buy property, based on the Opt-out areas. It seems to me that to not honor that Opt-out areas from that compromise puts the entire program at risk. I would also like to add that my recollection is that the EIR that was ultimately adopted by the Board of Supervisors used the original opt-out areas as mitigation for potential adverse effects of the program's implementation. Why cast doubt over the program and raise a red flag for potential litigation on a settled issue.

At this point it becomes difficult to make further, more detailed comments on the draft when what I mostly find are "placeholders" for language to still be developed as shown below from the draft.

Sections ***Placeholder
17.85.10 Purpose and Intent
17.85.20 Applicability
17.85.30 Application Standards
17.85.40 Cannabis Retail
17.85.50 Cannabis Cultivation
17.85.60 Cannabis Manufacturing
17.85.70 Performance Standards
17.85.10 Purpose and Intent
****Placeholder. Revised standards are currently being prepared****
17.85.20 Applicability
****Placeholder. Revised standards are currently being prepared****
17.85.30 Application Standards
****Placeholder. Revised standards are currently being prepared****
17.85.40 Cannabis Opt-Out Overlay Zone Consistency
****Placeholder. Revised standards are currently being prepared****
17.85.50 Cannabis Retail
****Placeholder. Revised standards are currently being prepared****
17.85.60 Cannabis Cultivation
****Placeholder. Revised standards are currently being prepared****
17.85.70 Cannabis Manufacturing
****Placeholder. Revised standards are currently being prepared****
17.85.80 Performance Standards
****Placeholder. Revised standards are currently being prepared****

I also would like to recommend that a process for amending Opt-out areas be included to acknowledge the dynamic nature of land use planning over time. I apologize for the length of this letter and thank you for your thoughtful consideration of my comments.

Most sincerely,

Patrick M Frost
PO Box 466/1[redacted]Grizzly Lane
Trinity Center CA 96091
[redacted]

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that on January 22, 2026 at 6:00 p.m., or as soon thereafter as may be heard, in the Trinity County Library Conference Room located at 351 Main Street, Weaverville, California, the Trinity County Planning Commission will hold public hearings regarding the following items:

ABANDONMENT HEARING for the Rattlesnake Mine, located on Assessor Parcel Number (APN): 003-090-006-000

GENERAL PLAN EIR PUBLIC SCOPING MEETING: An opportunity for the public, as well as responsible and trustee agencies, to submit comments on the scope of the EIR. The programmatic EIR will evaluate the potential impacts associated with the development of the preferred land use scenario that may occur within the Plan Area through the year 2050. (County Wide)

CONDITIONAL USE PERMIT (P-24-14): A request to place an unmanned 100 ft. monopine wireless communication tower in a 900 sq. ft. fenced compound with a 30kw DC generator with a 125-gallon diesel tank. To improve coverage and capacity in and around the town of Hayfork and surrounding area. The project is located on 6.20 acres in the unincorporated community of Hayfork CA, in Trinity County. Physical address: 320 Reservoir Rd., Hayfork CA. Assessor Parcel Number (APN): 014-330-036. Zoning: Public Facility (PF).

ALL INTERESTED PARTIES are encouraged and invited to submit written comments regarding the proposed actions or be present at the public hearing. A copy of the staff report will be available on the Trinity County Agendas & Minutes website at: https://www.trinitycounty.org/Agendas-Minutes-Staff-Reports and will be available for review at the Planning Division office at least 72 hours prior to the hearing. Written comments may be submitted to Trinity County Planning Department at 530 Main St. Weaverville, by mail to PO Box 2819 Weaverville, CA 96093, or by email to info.planning@trinitycounty.org. Written comments must be received by the close of business on **Wednesday, January 21, 2026** or they may not be considered by the Commission.

Please note that any challenge 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.

March 4, 2026

Dear Trinity County Officials,

The reason people come to the Trinity Alps is simple - it offers a true wilderness experience. Clean air, quiet forests, and pristine water are increasingly rare.

Introducing visible cannabis cultivation into these landscapes undermines the sense of wilderness that makes the area special. The smell alone can travel far beyond the grow site, affecting trails, campsites, and recreation areas. Add to that the potential impacts to streams, forests, and wildlife, and it becomes clear this type of development does not belong in these environments.

If opt out provisions are removed in Trinity County, I will plan to travel elsewhere with my family to enjoy the outdoors so I can avoid having to look at ugly greenhouses destroying picturesque meadows.

Thanks,

Jackie Gibson

San Francisco

Deborah Rogge

From: Carl Gragg <[redacted]
Sent: Monday, March 9, 2026 2:01 PM
To: info.planning
Subject: Trinity Center Cannabis Opt-Out

To whom it may concern:

It is extremely alarming that we again have to discuss preserving the Opt-Out status for Trinity Center and the surrounding communities.

As a residential and resort area we need to preserve the beauty that is such a draw for visitors to our local tourism based economy.

Allowing cannabis farming would literally stink, detering visitors and driving residents away.

The community has repeatedly preserved the Opt-Out with overwhelming support. That support has not wavered.

It is vital to Trinity Center that we continue the Opt-Out.

Sincerely
Carl Gragg

Deborah Rogge

From: Kathryn Gragg <[redacted]
Sent: Monday, March 9, 2026 1:50 PM
To: info.planning
Subject: Trinity Center Cannabis Opt-Out

To whom it may concern:

Farming marijuana within the community would literally stink.

It is a residential community, farming in the immediate area would create runnoff destroying the streams, lake, and fishing.

Citizens of Trinity Center and the surrounding areas should be able to determine what's best for their own communities. Opting out of having marijuana farms is a huge part of that.

As a small town dependent on seasonal tourism disturbing the pristine enviroment is tantamount to a death sentence for the local economy. It would deter visitors, lower property values, and close local businesses.

Please preserve Trinity Center's autonomy and continue the opt out status.

Sincerely,
Kathryn Gragg

Deborah Rogge

From: Libby Gragg <[redacted]
Sent: Monday, March 9, 2026 1:45 PM
To: info.planning
Subject: Please Continue Cannabis Opt-Out for Trinity Center

To whom it may concern,

I'm strongly in favor of continuing the Cannabis Opt-Out designation for Trinity Center and surrounding residential and resort areas.

The designation is vital to preserving our local businesses who are already in a tenuous economic situation, since they are so seasonal.

Allowing Cannabis to be grown locally would destroy the calm relaxing environment that draws so many to our area. It would depress tourism, damage our natural resources (i.e. local streams, lakes, forests, fish and wildlife), and kill our community.

I urge you to preserve the Cannabis Opt-Out in perpetuity.

Sincerely,
Libby Gragg

Deborah Rogge

From: Gregory Hemmen <[redacted]>
Sent: Monday, March 9, 2026 12:44 AM
To: info.planning
Subject: Timeless Trinity Alps

Dear Trinity County,

Places like the Trinity Alps are becoming increasingly rare. Families like mine travel here because they offer something that cannot be replaced—quiet landscapes, clean air, healthy rivers, and intact ecosystems. The expansion of visible cannabis cultivation threatens to change the character of these areas permanently. Greenhouses in natural meadows, strong odors, and the risk of environmental pollution are incompatible with the experience people seek when they visit. If these changes occur, many families will simply stop coming. I strongly urge the county to protect these landscapes before the damage becomes irreversible.

Thank you for your consideration,
Greg
[redacted]

Deborah Rogge

From: Sharon Hiney [redacted]
Sent: Tuesday, March 10, 2026 12:55 PM
To: info.planning
Subject: Concern about our favorite Trinity getaway spot

My husband and I are frequent visitors to the Lewiston area, enjoying local attractions such as River Rock Gardens and the Trinity Fly Shop. We deeply value the region for its clean air, clear night skies, and excellent fishing.

I am writing to express my concern regarding reports that there is pressure to remove the opt-out for large-scale cannabis cultivation in Lewiston. As we find the odor associated with cannabis highly offensive, I urge you not to allow this activity to proceed in the vicinity of short-term rentals. Travelers choose "Loved by Guests" properties on platforms like VRBO and Airbnb for the quality of the environment, which would be significantly compromised by proximity to large marijuana grows.

Thank you for considering our feedback as you evaluate this decision.

Best regards,

Sharon and William Hiney
Humboldt County

Deborah Rogge

From: Thomas Hockin <[redacted]
Sent: Sunday, March 8, 2026 2:17 PM
To: info.planning
Subject: Objection to Cannabis growing next to Ripple Creek

Dear Trinity County Planners -

I am writing to express our objection to the planned cannabis growing operation next to Ripple Creek Cabins.

For our family, trips to the Trinity Alps are about experiencing clean air, quiet forests, and untouched landscapes. We hike, fish, and swim here to reconnect with nature and to give our children the opportunity to appreciate the outdoors. Cannabis cultivation operations—especially when visible across natural meadows or noticeable by smell—fundamentally change that experience. We are also concerned about the environmental impacts that can accompany large-scale grows, including pollution to streams and rivers and disruption to wildlife habitats. These landscapes should be preserved in their natural state. If they are not, we will sadly stop visiting the places we love.

We have visited Ripple Creek many times over the years and appreciate the Coleman family and their efforts to be stewards of the natural environment as they run a modest retreat for nature lovers in this historic location.

There are plenty of locations that are out of sight and out of mind for Cannabis growing and Ripple Creek is simply not a fit.

Thank you

Tom Hockin

Sent from Yahoo Mail for iPhone

Deborah Rogge

From: Gale and Theresa [redacted]
Sent: Sunday, March 8, 2026 5:42 PM
To: info.planning
Subject: opt outs

I feel the county has given the marijuana growers plenty. They have been given zone changes, building code exemptions, grand fathered from illegal grows to legal grows.

Now they want opt out areas to be lessened . Opt out areas should be left alone even increased enforcement.

If Trinity County thinks dope growers are the answer to all of it's downfalls we are in a lot of trouble, look how much it has already cost the County to support this disaster that's been allowed .

Gale and Theresa Ickes

Dear Planning Commission,

We are writing to formally express our opposition to the proposed cannabis cultivation operation near our home.

We chose to live in this area because of its rural character, clean environment, quiet atmosphere, and the sense of safety it provides. Introducing commercial cannabis cultivation in close proximity to our residence threatens those qualities in several important ways.

First, odor is a significant concern. Cannabis plants produce a strong and persistent smell during flowering, which can travel long distances in rural areas. We are concerned that this would interfere with our ability to enjoy our property, spend time outdoors, and maintain the peaceful environment we moved here for.

Second, water usage is a serious issue in our region. During drought conditions and dry seasons, additional agricultural demand could place strain on groundwater wells and local streams. We are concerned about the long-term sustainability of our shared water resources.

Third, there are safety and environmental concerns. Increased traffic, security lighting, noise from generators or equipment, and potential fire risks are all factors that could negatively affect neighboring properties. Even with regulations in place, enforcement can be inconsistent, and nearby residents often bear the consequences when problems arise.

Finally, the introduction of commercial cannabis cultivation changes the character of a rural residential area. I believe this type of commercial activity is not compatible with homes in close proximity and could impact property values and overall quality of life.

We respectfully request that you consider the rights and concerns of existing residents when evaluating this proposal.

Sincerely,

John & Kathy Jason 3/8/26

John & Kathy Jason

Trinity County Residents

Deborah Rogge

From: Trinity alps canna craft [redacted]
Sent: Friday, March 6, 2026 2:39 PM
To: Trinity2050; info.planning; Duncan McIntosh; Rory Barrett; Amelia Fleitz; Dan Harper
Subject: comments for the 3/12/2026 planning commission meeting
Attachments: TRINITY UNIT map of north lake federal recreation area.pdf; Trinity center and coffee creek opt out zones.jpeg; Trinity County opt out zones.jpeg; coffee creek area map no opt out with regulation.png

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Trinity County planning commissioners, Minter Harnish and staff,

My name is Matthew Jefferson. Owner of Trinity Alps Canna Craft and full time resident in Trinity Center and Coffee Creek.
Below are my comments for the 3/12/2026 planning commission special meeting. Thank you for your time and consideration.

Cannabis Zoning code tables-.

Cannabis micro business is allowed meaning other uses must be allowed or micro business isn't possible. It is showing that only cultivation and micro business is allowed and all other cannabis activities are not allowed.. Distribution, manufacturing type 6 non volatile, non store front retail need to also be allowed to make micro business possible. Micro business is a cultivation license and 2 other licences.

Chapter 17.85 Cannabis Ordinance Update-

I'm not finding any section explaining how an appeal on a permit goes. There should be thresholds to meet that determine if a complaint or appeal has any validity or if it qualifies as frivolous. Is this in another county code?

Definitions-

Under legal parcel "Where contiguous legal parcels are under identical ownership by an individual or an entity, such legal parcels shall be counted as a single parcel for purposes of this chapter" should be retained. We have all worked, participated, and commented for almost a decade to have this definition. Previous boards have also come to the agreement and conclusion that this needs to be a part of the "legal parcel" definition.The public has also commented heavily in support of this. The topography of Trinity County is very unique. Many farms and homesteads here consist of 2 or more contiguous parcels with the home on one parcel and the garden on another for example.

17.85.50 Cannabis Opt-Out Overlay Zone Consistency

It states "All cannabis-related land uses shall comply with the established Cannabis Opt-Out Overlay Zone, as designated on the Zoning Map and further codified in Section 17.85.050. Parcels located within the Cannabis Opt-Out Overlay Zone are expressly excluded from the establishment of **new, operation, or expansion of cannabis-related facilities, including cultivation".** We have had years and years, almost a decade of meetings and workshops all about opt outs. About every single one and every single one had different restrictions that were voted on and passed by the boards and agreed upon by communities. They all had

different restrictions. Some blocked expansion, some blocked any other use but grandfathered cultivation, some only addressed cultivation and other uses were of no worry. This entire section needs to be removed or modified to reflect the actual decisions made. There should not be special rules for only some participants. If this was to be the cause there needs to be specific factual findings as to why with supporting data. Simply not liking cannabis is not a finding it's an opinion. If this is litigated the county will lose.
This will directly affect my farm and my family. Our second cultivation site is grandfathered in with current water board paperwork established prior to November 2017. Due to the current market struggles we have not yet been able to license this site. This will make it so we cannot ever license that site. We are diverse homestead farmers. We live off our land. Cannabis is an integral crop on our farm in order to keep the doors open. This will also block any ability for me to expand my current licensed facility into a micro business or even add an auxiliary structure, solar panels, or water tank. It basically is going to chop me at the knees. We have circulated a petition years ago in this fight with close to 300 local signatures supporting that we should have the same rights and responsibilities as the rest of the licensed farmers in the county. The petition is in many, many county meeting minutes. I will have a copy of it at the meeting. This addition is not supported by my community nor wanted.This entire section needs to be removed or modified to reflect the actual decisions made.
As this is referring to consistency. This also addresses that if you have opt outs at all you must have findings with supporting data as to why.
The opt outs are not consistent with the general plan or the cannabis ordinance.
What are the findings as to why Trinity Center and Coffee Creek a small mountain area, with a population of 348 covering almost 100,000 square acres can't have cannabis but in identical areas of the county you can? If it is allowed in other identical areas you must prove why north lake is so drastically different that it doesn't fit with the community in order to make consistency.
The fact being north lake is not different and cannabis has been grown there multi generationally so in order to make the ordinance consistent Trinity Center and Coffee Creek should be removed from the limitation on location. Any exclusion zone that remains need to be based off of factual findings with supporting data.

D. Odor Control Plan

I feel that the aroma control plan is entirely inappropriate. The terpenes myrcene, caryophyllene, pinene, limonene, ocimene, and terpinolene are the primary terpenes in the cannabis plant. All of these terpenes are present in native plants across Trinity County. The coyote mint in particular contains all of them. Coyote mint grows across every inch of Trinity County. It also has been shown to have terpene levels exceeding cannabis, cannabis terpene levels vary from 1-6% generally. The data I attached below shows coyote mint can reach terpene percentages of 27%. So how can it be possible to quantify that the terpenes that are present in nature are coming from me and my cannabis specifically. It was stated that the inspector would go down the road to get a base reading and then go back to the farm to see if the aroma of the farm is 7 times greater therefore creating a violation. The intensity of the coyote mint is different from one location to another. I could find two places on my road that show a 7 to 1 aroma difference of the same terpenes that come from cannabis where ZERO cannabis is grown. If we need an aroma control plan for cannabis then we need an aroma control plan for nature. If cannabis has an aroma control plan than all other agricultural activities must have odor control plans. If this was litigated it would lose instantly.
Below are details of the terpenes present in native Trinity County plants.

Native Trinity County plants documented to contain myrcene + (E)-caryophyllene + pinene + limonene + ocimene + terpinolene

SOURCE: Monardella odoratissima Calflora Essential Oil Composition and Enantioselective Profile of Agastache urticifolia (Lamiaceae) and Monardella odoratissima (Lamiaceae) from Utah - PMC

1) Mountain monardella / coyote mint (Monardella odoratissima)

- **Native + recorded in Trinity County:** Calflora county distribution for *Monardella odoratissima* includes Trinity.

- **All six terpenes reported in its essential oil profile:** the GC/FID table for *M. odoratissima* includes **α-pinene**, **β-pinene** (pinene), **myrcene**, **limonene**, **cis-β-ocimene** and **trans-β-ocimene** (ocimene), **terpinolene**, and **(E)-caryophyllene**.

Here are **Trinity County–native (or locally occurring native) plants** that have been documented to contain **β-myrcene** (usually reported from their essential oils / volatile profiles): SOURCE: https://www.calflora.org

1. **California bay laurel (Umbellularia californica)**
   - Trinity occurrence/native: Calflora shows records for **Trinity County**.
   - Myrcene: listed as a β-myrcene–containing plant source in an NTP background document (includes Umbellularia californica with reported ppm ranges).
2. **Douglas-fir (Pseudotsuga menziesii)**
   - Trinity occurrence/native: Calflora has Trinity Alps Wilderness observations in **Trinity County**.
   - Myrcene: leaf essential oil table includes **myrcene** (e.g., ~1.2–1.5%).
3. **Ponderosa pine (Pinus ponderosa)**
   - Trinity occurrence/native: Calflora county distribution includes **Trinity**.
   - Myrcene: reported among needle essential-oil constituents (e.g., quantified myrcene).
4. **Big sagebrush (Artemisia tridentata)**
   - Trinity occurrence/native: Calflora county distribution includes **Trinity**.
   - Myrcene: essential oil reported to contain **myrcene** among components.
5. **Gray pine / foothill pine (Pinus sabiniana)**
   - Trinity occurrence/native: Calflora county distribution includes **Trinity**.
   - Myrcene: paper on leaf oils reports **myrcene** as a constituent (moderate amounts; table includes myrcene).
6. **Western juniper (Juniperus occidentalis)**
   - Trinity occurrence/native: Calflora has **Trinity County** observations.
   - Myrcene: leaf oil table includes **myrcene**, including the Trinity Alps population.
7. **Mountain coyote mint / mountain monardella (Monardella odoratissima)**
   - Trinity occurrence/native: Calflora county distribution includes **Trinity**.
   - Myrcene: essential oil composition includes **myrcene** (reported in the profile/table).
8. **Yarrow (Achillea millefolium)**

Trinity occurrence/native: Calflora county distribution includes **Trinity**.
- Myrcene: horticulture/chemotype literature reports **myrcene** as a component (with reported ranges).

A **peer-reviewed GC/FID–GC/MS study** measured the **essential oil composition of coyote mint (*Monardella odoratissima*)** and reported the **relative percentage of individual terpenes** in the oil. SOUCE: Essential Oil Composition and Enantioselective Profile of Agastache urticifolia (Lamiaceae) and Monardella odoratissima (Lamiaceae) from Utah - PMC

Below is a **simplified table of terpene percentages** reported in that study (values are **average % of the essential oil**).

Terpene composition of coyote mint (Monardella odoratissima)

Terpene / compound	Approx. % of essential oil
Limonene	**27.7%**
Sabinene	**27.1%**

1,8-Cineole (eucalyptol)	**12.1%**
trans-β-Ocimene	**6.9%**
Myrcene	**4.3%**
Pulegone	**4.3%**
β-Pinene	**2.1%**
Citronellol	**2.3%**
Other minor compounds	<1–2% each

Key takeaway:

- The oil is **dominated by monoterpenes**, especially **limonene and sabinene**.
- **Myrcene, ocimene, and pinene** occur at **moderate levels**, while many other terpenes occur in trace amounts.

17.85.80 Cannabis Cultivation

B. Additional Application Requirements for Cannabis Cultivation Land Uses

Section G-This seems to be a new section. Demonstrating compliance is completely reasonable. I totally agree. I don't agree that we should be required to "provide documentation, site management plan, and grading details prepared by a qualified professional". Our water board permits are reviewed and approved by credentialed qualified professionals at the water board. There is no need for the county to inspect their work. This is another new barrier to entry, another goalpost, another cost.The county staff are not water board employees nor are they qualified or credentialed to make decisions for the water board.
As I tell this next story I must say the county employee I'm speaking of was very polite and respectful. Someone I consider a friend. They were put in a bad situation. I'm not going to name them. We had a county inspector come out to verify water board applicability in the early years. We were renewing but they said we couldn't and we were not able to apply per water board code. I told them that was incorrect. They then came out to my property to inform me that I was wrong with CDFW but they were quickly told they were wrong and that I was correct. I knew I was correct, it was determined by the waterboard and CDFW not by me. That employee was not a credentialed qualified professional. The water board employees are. We can not let discretionary decisions be made by uncredentialed and unqualified people. It's not fair to either party. It was extremely unfair to the county employee to be put in that situation. This is a huge waste of county dollars. The new documentation requirement and yearly county inspection should be removed. We show compliance with the water board with our permits.

Section G ,1-

It states
“ If possible, Trinity County will **attempt** to give twenty-four-hour notice of the inspection by posting the notice and/or telephoning the number listed on the application.” This is unacceptable. The "if possible” should be removed. Phones are not reliable in Trinity County email should be added as something they must do to inform an applicant of an inspection. If they can’t try to contact the applicant they should be fired.

D. Limitation on Location to Cultivate Cannabis
I will start by saying I do not oppose op out zones. I don’t oppose a neighborhood wanting to ban cannabis cultivation with legitimate, factual, accurate findings backed with supporting data as to why. I do oppose opt outs that do not have factual findings and present no supporting data. I strongly oppose the county passing an ordinance that clearly violates CA land use code in multiple places.The TCCSD and CCVFD opt out are a clear violation of law and leave the county wide open to litigation.

This section should be entirely replaced with a process on how to opt out or opt in a neighborhood. What the legal requirements are to achieve opt out or opt in. That you must have factual findings with supporting data as to why it will be detrimental that follows the guidelines of California state land use code. Opinion is not a legal finding for an exclusion zone. Making a permanent land use exclusion zone banning only one kind of agriculture based on that people don’t want to smell, see, or hear us is not a legal finding. There are lots of court cases in California that have set precedent that creating an exclusion zone this way is falling into discrimination. You have to ban all agriculture, not just one kind if this is the finding that will be used.

Section f. States cannabis cultivation will not be allowed “ Within the legal boundaries of the Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District”

Section 24, 13, states as to why “which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance. An exception to this limitation is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:
i. Weaverville Community Services District by December 31, 2016;
ii. Lewiston Community Services District by January 15, 2017;
iii. Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.”

We have been fighting this opt out for nine years. We have submitted petitions and participated in every inch of the political process. We have sadly been ignored the whole way. In fact we have been used as a political pawn multiple times to further agendas by individuals in this county. The verbal attacks, property vandalism, theft, and bigotry we have had to endure from board members, planning commissioners, county staff, and a very few residents over the past 9 years for being a legal tax paying business is horrendous, disgusting, and almost unbelievable.

We are asking for the TCCSD and the CCVFD to be removed from the limitation on location to cultivate cannabis based on these findings, data, and statements.

These opt outs violate CA government land use codes : 65008, 65853, 65855, 65863, 65852, and 65852.21 (I have attached the code language and explained in detail how these codes are being violated at the end of this document)
65008-talks about equal treatment of land uses. A county may not treat similarly situated land uses differently without a rational, documented basis. This violates state law.
65853 and 65855-discuss how zoning ordinance shall be consistent with the general plan of the county. Also that zoning decisions (including categorical exclusions) must be supported by findings showing consistency. A permanent geographic exclusion is a zoning decision in effect, even if placed in a cannabis ordinance.

The problem for the opt-outs is that if Trinity County allows cannabis cultivation countywide in principle, but permanently excludes entire communities without findings tying that exclusion to the General Plan, then the opt-outs are vulnerable as inconsistent, unsupported zoning actions.
Legislative land-use decisions must be supported by findings demonstrating a rational connection between facts found and choices made. Here, the County asserts that the excluded districts present heightened nuisance risks due to "high density," but the ordinance:
* Defines no density standard;
* Identifies no parcel-level or district-specific conditions;
* Provides no evidence distinguishing these areas from similarly situated communities; and
* Offers no explanation why existing regulatory tools are inadequate.
Conclusory statements, without evidentiary support, are insufficient to sustain categorical land-use exclusions. There are no findings and no data to support why there should be an opt op up here.They are absent. This violates state law.
Findings must be presented as to why identical areas in the county can allow cultivation but North Lake can't. No findings presented ever. This violates state law.
65863-The boundaries for the opt out are arbitrary , capricious, and aren't based on zoning or land use. Too big and broad covering too many zonings districts. This violates state law.
65852 and 65852.21-talk about objective zoning standards and how they should use no personal judgement and uniform verifiable benchmarks. This code is general about not discriminating in the housing sector. However, I believe the same principles would apply.
In Nevada County there were opt-outs and now there is instead an anti-discrimination clause. The points brought up in that case were that it is discriminatory and potentially illegal based on the fact that other types of commercial AG are allowed in these zones. It was agreed by the Supervisors that it was akin to anti illegal housing and discriminatory housing laws.

While the intent of this opt out was to protect the legacy cultivators it has been used to destroy us and shut us down. As the original intent is not being upheld in any way I have no choice but to make this my life's work until it is removed permanently. I have been cultivating cannabis in the emerald triangle for 21 years. I have learned this beautiful craft from multi generational local family farmers that fought for decades to protect this legacy, heritage, cannabis cultivation region of the emerald triangle. The torch has been passed to our generation to continue this work on cannabis reform. With so much love in my heart I must hold that torch high to continue the decades of work that came before me. Please stand with us in protecting cannabis's place in these communities.

The concerns by our community and government and how they are mitigated are as follows:

In too high of proximity to high population density- This is being used as a finding as to why we should have an opt out. No density calculation has been done or submitted ever. We are some of the lowest population and lowest density in the county. This finding is factually inaccurate and false. This is our population.
Trinity center population(2020 census) -198 coffee creek population(2020 census)-150
This is our area coverage. TCCSD is 18,517 square acres approximately 29 square miles CCVFD is 79,200 square acres 123 square miles
We are in no way "in close proximity to high density population". In fact the complete opposite. If it dosen't work here for this reason then why does it work in other identical areas of the county? These opt outs are too large and broad to have legal standing. This finding violates state law.
Crime- It is stated we will bring crime.
On areavibes.com it gives crime rates and livability scores for small communities. Links attached.
Hayfork (were cannabis is allowed) Hayfork, CA Crime Rates: Stats & Map
Total crime rate **32% below national average**
Violent crime rate **24% below national average**
Property crime rate **34% below national average**
Livability rating-**B**
Trinity Center (no cannabis allowed) Trinity Center, CA Crime Rates: Stats & Map
Total crime rate **68% above national average**
Violent crime rate **88% above national average**

Property crime rate **64% above national average**
Livability rating-**F**
The facts should speak for themselves. I believe this shows that in fact it is the opposite. Cannabis growers don't bring crime. Poverty, meth, and vacant homes bring crime. Running the growers and families out has skyrocketed our crime, shuttered businesses, come close to closing schools and libraries, and even led to a lack of grant funding for local water systems due to a lack of full time residents. Removing the opt out will make our community safer.
Will create a nuisance- We do not create a nuisance. There is no data to support this. There is lots of data to support that legal cannabis does the opposite, it supports the communities they call home. We support our communities. We are the founders and operators of the north lake farmers market. We also grow and sell produce and eggs to the TC store, all the restaurants, and at the farmers market. We volunteer for anything we are allowed to. We founded the free north lake plant and seed exchange to promote and support a more robust local food chain. We love and support this community.
Surface water depletion-legal cultivators cannot use surface water from March to November. Almost all facilities use ground water wells. This is an illegal cultivation problem. Following regulation protects our watersheds and fixes this.
Pesticide runoff contamination-legal cultivators are strictly regulated on any pesticide usage and strongly encouraged not to use them. This is an illegal cultivation problem. Following regulation is the fix for this.
Preserving the community character-I feel the real concern is that folks don't want the area to change to something different. They want to preserve the nostalgic moments that they cherish that they have had at Trinity Lake with their family and friends.They don't want to drive by a big cannabis farm in downtown little Trinity Center. I don't disagree with this. We in no way wish to change this community and take that nostalgia. We also so much love and appreciate this amazing almost back in time community. We wish to encourage the nostalgic times here. I work at the largest local resort and we are the founders and operators of the north lake farmers market. We are farmers. We are families. We are neighbors. We are friends. We are tax paying businesses. We are supporting members of the community.
Besides all of the things above we are also Sun and Earth Certified farmers. This is a beyond organic certification based on 3 pillars : earth care + cultivation , human empowerment, and human engagement. It also requires a community engagement aspect and you must be growing multiple crops not just cannabis. More information here Sun + Earth Cannabis Certification We take a great deal of care and pride in protecting the ecosystems around us and working with nature not against it.
All of the concerns will be mitigated through regulation while preserving the rural property rights of the rest of north lakes residents and families.
We are farmers and families. Cannabis has been a part of north lake multi generationally. Our community deserves the right to participate in the regulated program too.

The benefits we bring-
Jobs , families, economic revenue, full time residents, young able bodied volunteers for our fire departments, a safer community, young people, school kids, and so much more

Removing the opt out in north lake will still protect all of the interests of the community. Regulation will not allow cultivation in the Trinity Center neighborhood or surrounding ones as it is in a federal recreation area and it is within the school setback. Most of the covington mill neighborhood is the same. Coffee Creek neighborhood is not allowed due to school setbacks and village zoning. All of the places where the concern about cultivation exists regulation already prohibits it.
I have attached maps to this email showing
-the opt out countywide showing that all other opt outs are small slivers, not huge broad exclusions
-the trinity center and coffee creek opt outs
-Trinity Unit map showing the federal recreation area (the darker shaded area is the rec area) where no cannabis activity is allowed
-and one showing coffee creek with school setbacks and zoning restrictions
as to very clearly demonstrate the above is accurate. I hope you can see this clearly shows the north lake opt out is not to stop cannabis cultivation in high density areas as all the high density areas already can't get licensed under current and proposed regulation. This is clearly a targeted effort to only take the property rights of people in the unpopulated extremely low density areas of north lake.

The small neighborhoods can stay cannabis free and we should be able to cultivate on our rural mountain properties. It is a travesty to deny north lake a chance at economic viability. Please stand with us in moving forward, coming together, breaking down these walls of division, and finding a truly middle ground policy that supports all residents of north lake. Lets stop making fear based decisions and make thoughtful educated ones. Lets support small business by lowering the barriers to entry. Lets move forward.

17.45.040 Cannabis Opt-Out Overlay Zone (-COO)

I have addressed this section above. All of the previous comments relating to opt out zones apply here. This COO overlay zone is a direct violation of land use code. You cannot ban cannabis an agricultural activity and allow all other agricultural activities. This has been found to be discrimination in CA land use code and court cases. It is stated there are findings contained in this code. No findings exist. There is one thing presented "that we are in too close proximity to high population density therefore create a substantial risk for nuisance". This is factually wrong as shown above from our presented data. This code presents no data on this so called finding. In this case it is not a finding it is an opinion. Opinion cannot be used to determine land use decisions. This is a violation of state law.
In Nevada county they were moving to do the same. They had opt out zones. These zones were found to be discriminatory in CA land use code and they were removed. They then implemented an anti discrimination clause in response.
This cannabis overlay zone-

- Sets dangerous land use precedent
- Policy is not based on actual disturbances since RR and AG zoned land allows for commercial ag businesses, How can one crop be considered for exclusion over another?
- So you really need to ask yourself. Why is policy being proposed to satisfy a few people who just may not like cannabis.

Passing this COO cannabis opt out overlay zone says the county is putting itself in a very precarious situation.

Thank you again for your time and consideration on this issue. Feel free to reach out with any questions.
Matthew Jefferson / owner operator Trinity Alps Canna Craft
530-739-0102 / trinityalpscc530@gmail.com

Detailed CA government land use code language and detailed explanation on how these codes are being violated

There is no single "California land use code section" that says "thou shalt not have cannabis opt-outs." Instead, the vulnerability comes from specific, well-established California statutes and doctrines that the Trinity Center CSD / Coffee Creek VFD opt-outs likely conflict with when no findings or analysis support them.

The opt-outs are inconsistent with Government Code sections 65008, 65852, 65853, 65855 and 65863 because they impose permanent geographic prohibitions without findings, without equal treatment of similarly situated land uses.

This is how I think they are inconsistent and violate state land use law.

1)
GOV Code 65008 talks about equal treatment of land uses. A county may not treat similarly situated land uses differently without a rational, documented basis.

Parcels in the Trinity Center and Coffee Creek opt-outs are categorically prohibited from cultivation, while similarly zoned parcels immediately outside those boundaries may apply. No legitimate findings explain the

distinction. Absent findings justifying this distinction, the ordinance effect unequal geographic treatment contrary to GOV Code 65008 and established land-use principles prohibiting arbitrary line drawing.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 1. General Provisions [65000 - 65010] *(Heading of Chapter 1 amended by Stats. 1956, 1st Ex. Sess., Ch. 33.)*

65008.
(a) Any action pursuant to this title by any city, county, city and county, or other local governmental agency in this state is null and void if it denies to any individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in this state because of any of the following reasons:

(1) (A) The lawful occupation, age, or any characteristic of the individual or group of individuals listed in subdivision (a) or (d) of Section 12955, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955 and Section 12955.2.

2)
GOV Code 65852 and 65852.21 talk about objective zoning standards and how they should use no personal judgement and uniform verifiable benchmarks. This code is general about not discriminating in the housing sector. However, I believe the same principles would apply. In Nevada County there were opt-outs and now there is instead an anti-discrimination clause. The points brought up in that case were that it is discriminatory and potentially illegal based on the fact that other types of commercial AG are allowed in these zones. It was agreed by the Supervisors that it was akin to anti illegal housing and discriminatory housing laws.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65852.
All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones. *(Repealed and added by Stats. 1965, Ch. 1880.)*

3)
In 65852.21 I would like to draw your attention to 65852.21(b) and (d) and (j)(2) talks about objective zoning standards and how they should use no personal judgement and uniform verifiable benchmarks.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65852.21.
(a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.
(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
(5) The development is not located in either the following:

(A) A contributing structure within a historic district included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or historic property or district pursuant to a city or county ordinance.
(B) A parcel individually listed as a historical resource included in the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a property individually designated or listed as a city or county landmark under a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraphs (2) and (3), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding

the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(3) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.
(4) A local agency may adopt objective standards for the purposes of maintaining the historical value of a historic district listed in the California Register of Historical Resources.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.
(f) Notwithstanding Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.
(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.
(h) (1) An application for a proposed housing development pursuant to this section shall be considered and approved or denied within 60 days from the date the local agency receives a

completed application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(2) If a permitting agency denies an application for a proposed housing development pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(i) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.
(j) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.
(2) The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.
(3) "Local agency" means a city, county, or city and county, whether general law or chartered.

(k) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.
(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.
(Amended by Stats. 2025, Ch. 505, Sec. 1. (AB 1061) Effective January 1, 2026.)

4)
GOV Code 65853 and 65855 discuss how zoning ordinance shall be consistent with the general plan of the county. Also that zoning decisions (including categorical exclusions) must be supported by findings showing consistency. A permanent geographic exclusion is a zoning decision in effect, even if placed in a cannabis ordinance.

The problem for the opt-outs is that if Trinity County allows cannabis cultivation countywide in principle, but permanently excludes entire communities without findings tying that exclusion to the General Plan, then the opt-outs are vulnerable as inconsistent, unsupported zoning actions.

Legislative land-use decisions must be supported by findings demonstrating a rational connection between facts found and choices made. Here, the County asserts that the excluded districts present heightened nuisance risks due to "high density," but the ordinance:

* Defines no density standard;

* Identifies no parcel-level or district-specific conditions;
* Provides no evidence distinguishing these areas from similarly situated communities; and
* Offers no explanation why existing regulatory tools are inadequate.

Conclusory statements, without evidentiary support, are insufficient to sustain categorical land-use exclusions.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65853.
A zoning ordinance or an amendment to a zoning ordinance, which amendment changes any property from one zone to another or imposes any regulation listed in Section 65850 not theretofore imposed or removes or modifies any such regulation theretofore imposed shall be adopted in the manner set forth in Sections 65854 to 65857, inclusive. Any other amendment to a zoning ordinance may be adopted as other ordinances are adopted.

5)
GOV Code 65855 This is a piggy-back off number 4. While 65855 governs amendments, courts consistently require that legislative land-use decisions be supported by findings showing a rational connection between facts and action.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
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ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65855.
After the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

6)
GOV Code 65863 Zoning Cannot Be Arbitrary or Capricious
While 65863 is often cited in housing cases, California courts apply the same principle more broadly. Zoning actions must be supported by a rational basis and factual findings. The problem is that the ordinance states the areas are “high density” and a “nuisance risk” but:

* defines no density threshold

* cites no evidence
* explains no parcel-level conditions
* uses service district boundaries as a proxy

That creates arbitrary line-drawing, which 65863 jurisprudence disallows.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65863.
(a) Each city, county, or city and county shall ensure that its housing element inventory described in paragraph (3) of subdivision (a) of Section 65583 or its housing element program to make sites available pursuant to paragraph (1) of subdivision (c) of Section 65583, including sites rezoned pursuant to Section 65584.09, can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584, and any remaining unaccommodated portion of the regional housing need from the prior planning period, except as provided in paragraph (2) of subdivision (c). At no time, except as provided in paragraph (2) of subdivision (c), shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.
(b) (1) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel identified to meet its current share of the regional housing need or any unaccommodated portion of the regional housing need from the prior planning period to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

(A) The reduction is consistent with the adopted general plan, including the housing element.
(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(2) If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(c) (1) If a reduction in residential density for any parcel would result in the remaining sites in the housing element not being adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584, the jurisdiction may reduce the density on that parcel if it identifies sufficient additional, adequate, and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

(2) If the approval of a development project results in fewer units by income category than identified in the jurisdiction's housing element for that parcel and the jurisdiction does not find that the remaining sites in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need by income level, the jurisdiction shall within 180 days identify and make available additional adequate sites to accommodate the jurisdiction's share of the regional housing need by income level. Nothing in this section shall authorize a city, county, or city and county to disapprove a housing development project on the basis that approval of the housing project would require compliance with this paragraph.

(d) The requirements of this section shall be in addition to any other law that may restrict or limit the reduction of residential density.
(e) This section requires that a city, county, or city and county be solely responsible for compliance with this section, unless a project applicant requests in their initial application, as submitted, a density that would result in the remaining sites in the housing element not being adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. In that case, the city, county, or city and county may require the project applicant to comply with this section. The submission of an application for purposes of this subdivision does not depend on the application being deemed complete or being accepted by the city, county, or city and county.
(f) This section shall not be construed to apply to parcels that, prior to January 1, 2003, were either (1) subject to a development agreement, or (2) parcels for which an application for a subdivision map had been submitted.
(g) (1) If the local jurisdiction has adopted a housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3, for purposes of this section, "lower residential density" means the following:

(A) For sites on which the zoning designation permits residential use and that are identified in the local jurisdiction's housing element inventory described in paragraph (3) of subdivision (a) of Section 65583, fewer units on the site than were projected by the jurisdiction to be accommodated on the site pursuant to subdivision (c) of Section 65583.2.
(B) For sites that have been or will be rezoned pursuant to the local jurisdiction's housing element program described in paragraph (1) of subdivision (c) of Section 65583, fewer units for the site than were projected to be developed on the site in the housing element program.

(2) (A) If the local jurisdiction has not adopted a housing element for the current planning period within 90 days of the deadline established by Section 65588 or the adopted housing element is not in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 within 180 days of the deadline established by Section 65588, "lower residential density" means any of the following:

(i) For residentially zoned sites, a density that is lower than 80 percent of the maximum allowable residential density for that parcel or 80 percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.
(ii) For sites on which residential and nonresidential uses are permitted, a use that would result in the development of fewer than 80 percent of the number of residential units that would be allowed under the maximum residential density for the site parcel or 80

percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.

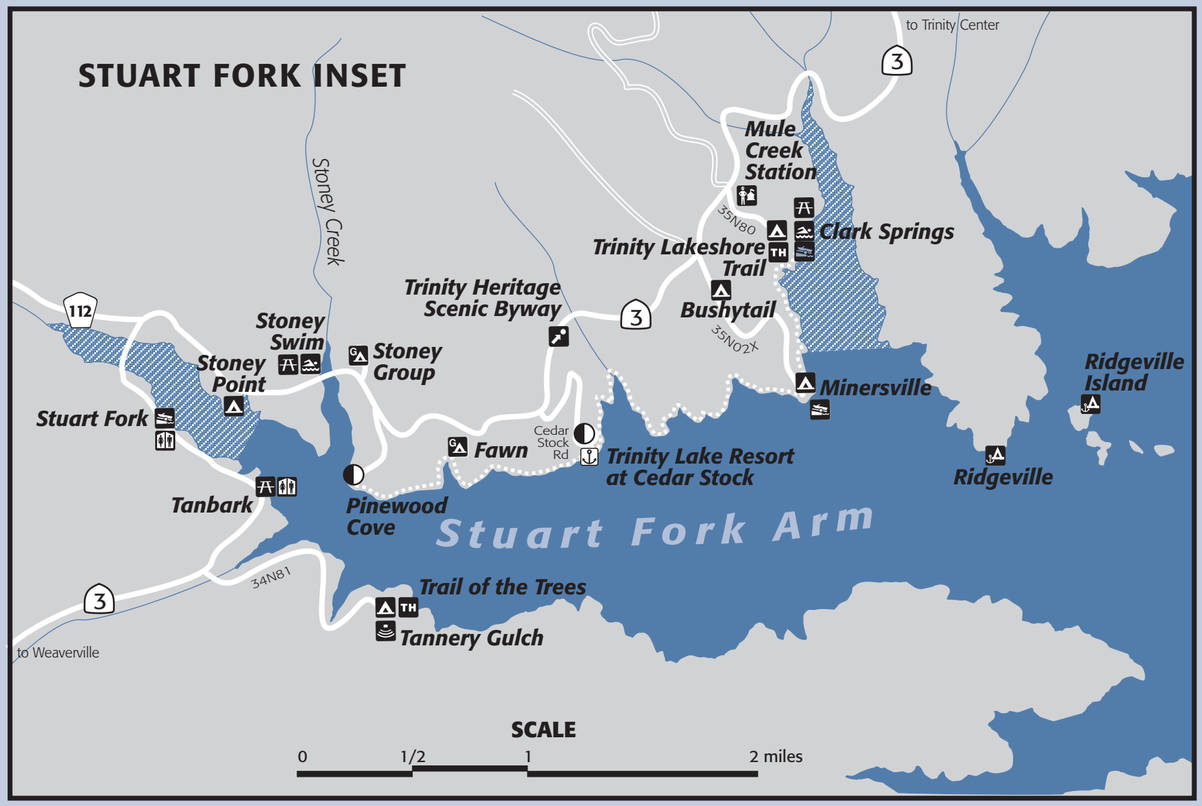
(B) If the council of governments fails to complete a final housing need allocation pursuant to the deadlines established by Section 65584.05, then for purposes of this paragraph, the deadline pursuant to Section 65588 shall be extended by a time period equal to the number of days of delay incurred by the council of governments in completing the final housing need allocation.

(h) An action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to this section creates no obligation under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) to identify, analyze, or mitigate the environmental impacts of that subsequent action to identify and make available additional adequate sites as a reasonably foreseeable consequence of that action. Nothing in this subdivision shall be construed as a determination as to whether or not the subsequent action by a city, county, or city and county to identify and make available additional adequate sites is a "project" for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(i) For purposes of this section, "unaccommodated portion of the regional housing need" means the portion of the local government's regional housing need from the prior planning period that is required to be accommodated onsite zoned or rezoned pursuant to Section 65584.09.

(j) Notwithstanding Section 65803, this section shall also apply to a charter city.

(Amended by Stats. 2022, Ch. 654, Sec. 2. (AB 2339) Effective January 1, 2023.)



Trinity Unit
Whiskeytown-Shasta-Trinity National Recreation Area

- Town
- Forest Service Ranger District
- Forest Service Ranger Station
- CalFire
- Self Service Information
- Restroom
- Forest Service Campground
- Private Campground
- Forest Service Group Camp
- Forest Service Boat-in Camp
- Picnic Area
- Wheelchair Access
- Horse Camping
- Marina
- Resort
- Amphitheater
- Boat Ramp
- Accessible Boat Loading Platform
- Wading Area
- Trailhead
- Point of Interest / Interpretive Stop
- Information
- Wildlife Viewing Area
- Trinity Heritage Scenic Byway
- Public Access Point
- Prominent Peak or Mountain
- Forest Service Fire Lookout

Trinity Unit

Wilderness Boundary

5 mph speed zone

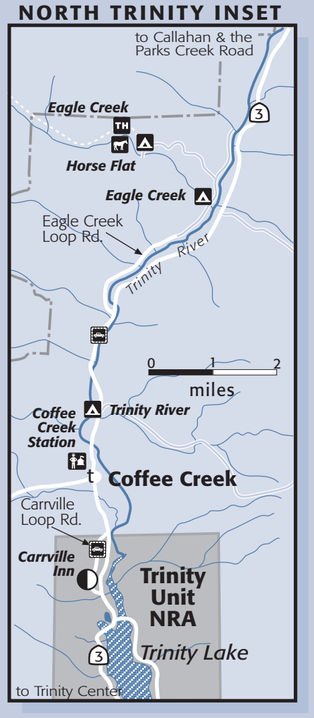
Paved Road

Gravel or Dirt Road

Foot Trail

Scale
0 1 2 3 4 5 miles

Revised June 2014



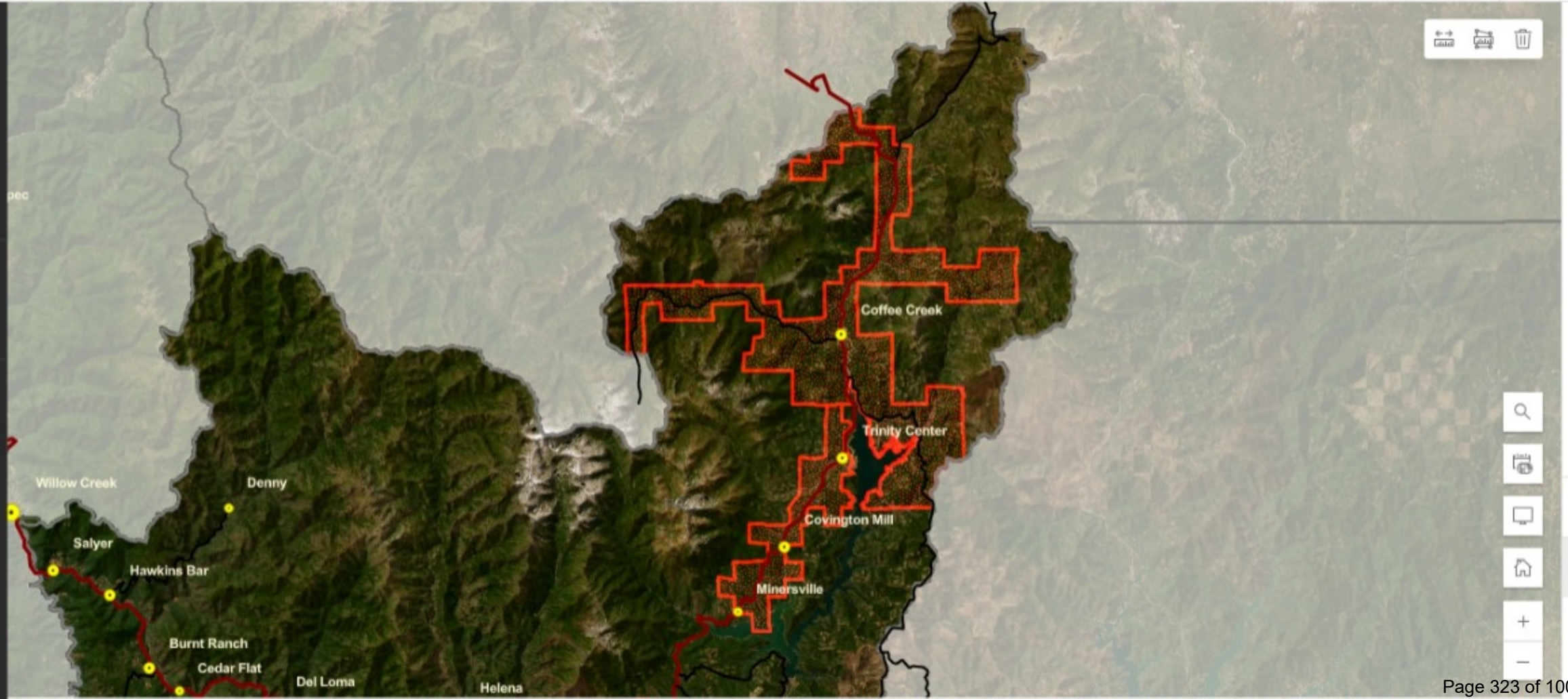
Emergency Phone Number
Ambulance • Fire • Sheriff • Accident

911

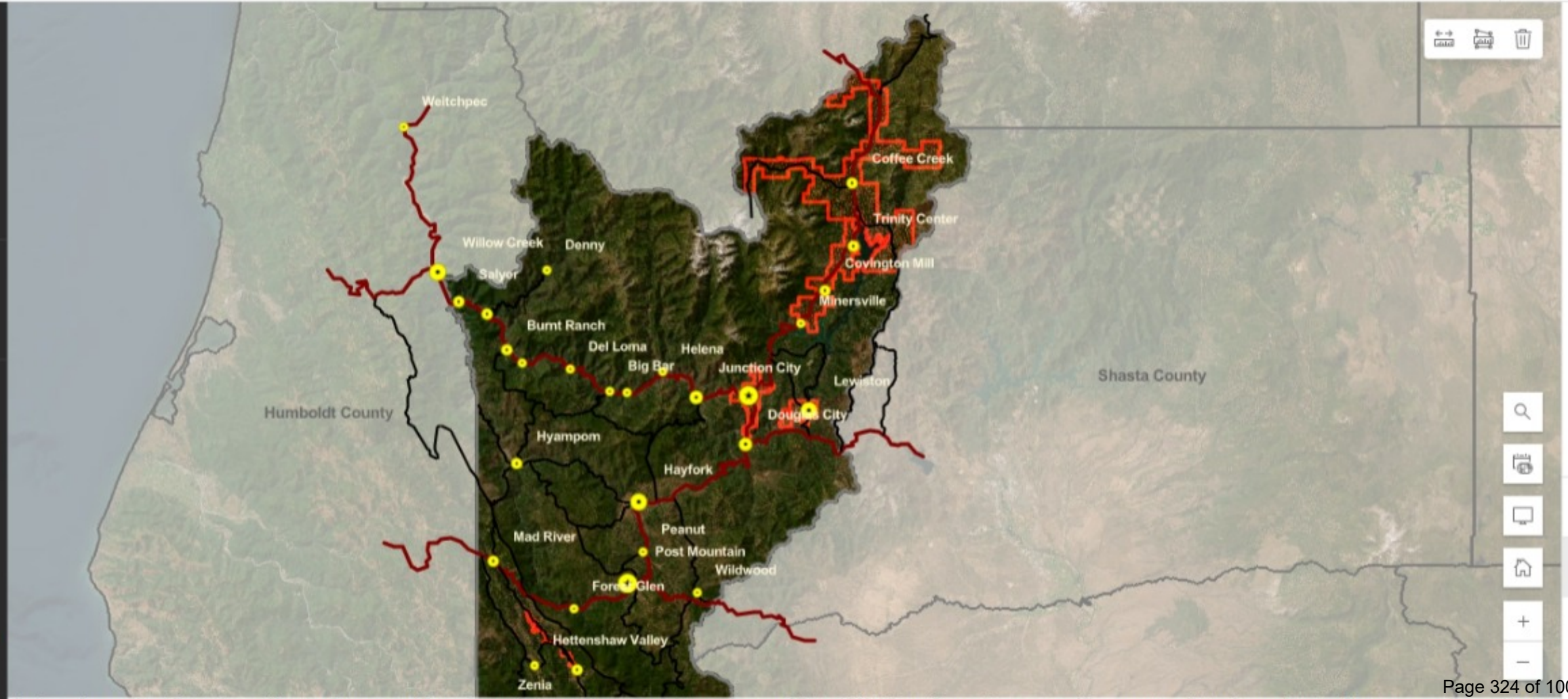
Phone locations from north to south

Trinity Lake
- Coffee Creek
- KOA
- Trinity Center
- Trinity Lake Resort
- Pinewood Cove
- Trinity Alps Resort

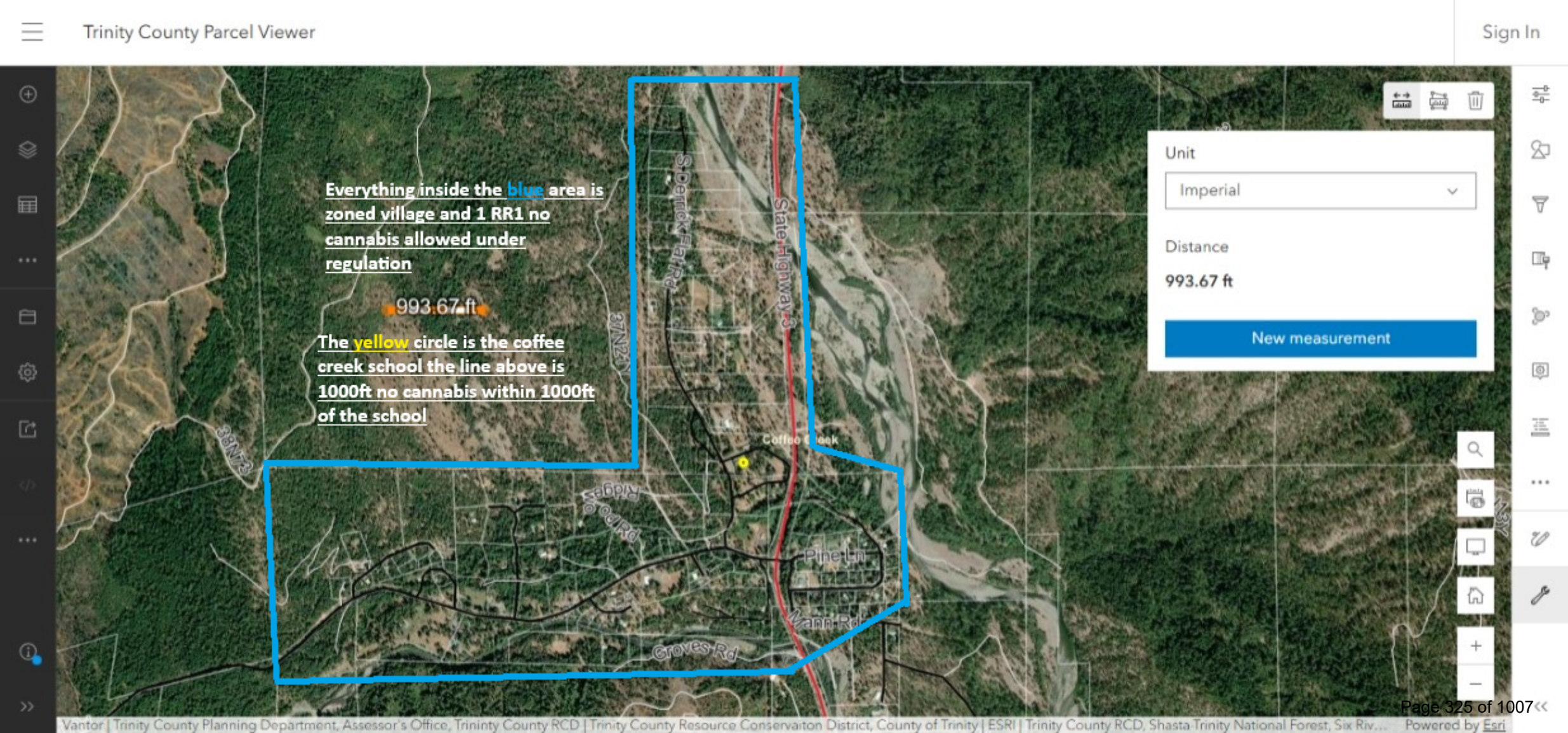
Lewiston Lake
- Lewiston



Earthstar Geographics | Trinity County Planning Department | Trinity County Resource Conservaiton District, County of Trinity | ESRI | Trinity County Department of Transportation, Trinity County Planning Departmen... Powered by Esri



Earthstar Geographics | Trinity County Planning Department | Trinity County Resource Conservaiton District, County of Trinity | ESRI | Trinity County Department of Transportation, Trinity County Planning Departmen... Powered by Esri


Trinity County Parcel Viewer
Sign In
Everything inside the blue area is zoned village and 1 RR1 no cannabis allowed under regulation
993.67 ft
The yellow circle is the coffee creek school the line above is 1000ft no cannabis within 1000ft of the school
Unit
Imperial
Distance
993.67 ft
New measurement
Speaker Flat Rd
State Highway 3
Coffee Creek
Pine Ln
Mann Rd
Groves Rd
Page 325 of 1007
Vantor | Trinity County Planning Department, Assessor's Office, Trininty County RCD | Trinity County Resource Conservaiton District, County of Trinity | ESRI | Trinity County RCD, Shasta Trinity National Forest, Six Riv...
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Deborah Rogge

From: Richard Johnson [redacted]
Sent: Sunday, March 8, 2026 11:30 AM
To: Trinity2050
Subject: Opt out zones

I am writing to comment on the 3/12/2026 planning commission meeting.Specifically about the cannabis ordinance update and the Trinity Center Coffee Creek opt out zones. I find them inappropriate and too broad.I support the removal of the TCCSD and the CCVFD cannabis opt out zones. I support the legal cannabis farmers in the rural areas of Trinity County north lake area.

Sent from my iPad. Thank you for your time and commitment to our county, Richard C Johnson 1188 East fork rd. Trinity Center Ca. 96091

Deborah Rogge

From: Jack Feingold <[redacted]
Sent: Sunday, March 8, 2026 11:29 PM
To: Trinity2050; info.planning; info.cannabis
Subject: Fwd: To planning commissioners and staff

---------- Forwarded message ---------
From: **Jack Feingold** <[redacted]
Date: Sun, 8 Mar 2026 at 23:25
Subject: To planning commissioners and staff
To: <trinity2050@trinity-county.org>, <info.planning@trinity-county.org>, <info.cannabis@trinity-county.org>, <dmcintosh@trinitycounty.org>, <afleitz@trinitycounty.org>, <dharper@trinitycounty.org>, <rbarrett@trinitycounty.org>

Hello Planning Commissioners and Staff,

I am writing to comment on the 3/12/2026 planning commission meeting. Specifically about the cannabis ordinance update and the Trinity Center Coffee Creek opt out zones. I find them inappropriate, vague, and much too broad. I support the removal of the TCCSD and the CCVFD cannabis opt out zones. I support legal cannabis farmers in the rural areas of north lake.

Thank you for your time and commitment to our county,

Kian J.

Trinity Center, Coffee Creek

Hello Planning Commissioners and Staff,

I am writing to comment on the 3/12/2026 planning commission meeting. Specifically about the cannabis ordinance update and the Trinity Center Coffee Creek opt out zones. I find them inappropriate and too broad. I support the removal of the TCCSD and the CCVFD cannabis opt out zones.I support legal cannabis farmers in the rural areas of north lake.

Thank you for you time and commitment to our county,

Name DOUGLAS L. KIRKLAND

Town you reside in CARRVille CA. 96091

Douglas L. Kirkland

Deborah Rogge

From: noreply@civicplus.com
Sent: Tuesday, March 10, 2026 9:10 AM
To: webmaster; info.planning; Carol Fall; Amelia Fleitz; Rory Barrett; Duncan McIntosh; Dan Harper
Subject: Online Form Submittal: Contact the County Planning Commissioners

Contact the County Planning Commissioners

Your Name:	C. Lawrence
Your Email Address:	[redacted]
The staff member you wish to contact:	Carol Fall, Planning Commissioner District 1, Amelia Fleitz, Planning Commissioner District 2, Rory Barrett, Planning Commissioner District 3, Duncan McIntosh, Planning Commissioner District 4, Dan Harper, Planning Commissioner District 5
Subject:	North Lake Cannabis opt out
Message:	We worked very hard to establish the opt out to keep commercial Cannabis out of our north lake neighborhoods when commercial Cannabis cultivation became legal. We left our dream home in Hayfork because the cannabis culture destroyed the valley. I regret that we allowed some of the growers to be grandfathered in to our north lake opt out. I and my dog have been bitten by a vicious dog owned by a grower in our neighborhood. The Carrville Inn chicken house became a slaughterhouse when the Mann road grower's pack of dogs killed over 50 chickens, our provider of fresh local eggs. The Eagle Creek Ranch was trashed by growers who planned to bring prosperity to Coffee Creek. They actually brought burned investors ,bad debts local and otherwise, piles of garbage, a ruined water system and much more. When we had impending wildfire they had 10 plus horses there with no trailer or plan for evacuation. They imported violent workers . They did nothing good for our community. I have been threatened by growers for expressing my feelings on commercial Cannabis in Coffee Creek. They contend that they are good neighbors. I think that their neighbors might very well be afraid to complain about the stink. About what the current owners of Eagle Creek Ranch want to do immediately next to Ripple Creek Cabins, my overflow

family stays at Ripple Creek's beautiful little resort. They would nut continue to do so with a Commercial Cannabis business right next door, within sight.

Email not displaying correctly? View it in your browser.



Deborah Rogge

From: Marcelo Macedo <[redacted]>
Sent: Tuesday, March 10, 2026 7:12 AM
To: info.planning
Subject: Coffee Creek and Trnity Center - OPT OUT!

Dear Trinity County Planning Commission,

Trips to the Trinity Alps are an important tradition for our family. We visit to experience the clean air, quiet forests, and beautiful mountain landscapes through hiking, swimming, and fishing.

However, cannabis cultivation that is visible in natural meadows or noticeable by smell significantly disrupts that experience. We are also concerned about the broader environmental consequences, including runoff into streams, pressure on water resources, and impacts on wildlife and forest habitats. These ecosystems are fragile and must be treated with care.

If the landscape continues to change in this way, it will discourage families like ours from returning.

Marcelo Macedo

Deborah Rogge

From: marisa murrish <[redacted]
Sent: Sunday, March 8, 2026 9:36 AM
To: info.planning
Subject: CCVFD / TCCSD Opt Out

Hello Planning Commissioners and Staff,

I am writing to comment on the 3/12/2026 planning commission meeting. Specifically about the cannabis ordinance update and the Trinity Center Coffee Creek opt out zones. I find them inappropriate and too broad. I support the removal of the TCCSD and the CCVFD cannabis opt out zones.I support legal cannabis farmers in the rural areas of north lake.

On a personal note, we as farmers are literally just creating a job for ourselves and others where there is very little economic opportunity. We use our own property, time, talent, and money. I'm not really sure what the big deal is. It's legal, people like it, and we can make it here with all the natural resources in Trinity County. Seems like a good fit to me.

I continue to hope that we will be appreciated and supported by Trinity County as we plan for the next 30 years.

Thank you for your time and commitment to our county,

Marisa Murrish,

Coffee Creek & Trinity Center

Deborah Rogge

From: Paul Mync <[redacted]
Sent: Sunday, March 8, 2026 9:26 PM
To: info.planning
Subject: Cannabis greenhouses

To whom it may concern,

The Trinity Alps are one of the most beautiful and ecologically sensitive landscapes in the region. Our family visits regularly to hike, fish, and swim because the environment here is still clean and healthy. Cannabis cultivation—especially when it involves large structures, water use, and potential chemical inputs—raises serious concerns about runoff into streams, damage to meadows, and disruption of wildlife habitat. Just as troubling is the presence of strong odors and visible industrial-style greenhouses in natural landscapes. This is not the environment families expect when they come to experience wilderness. The county should prioritize protecting these natural resources.

Thank you,
Paul

TRINITY COUNTY COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
530 MAIN ST., PO BOX 2819
PHONE – 530-623-1351
WEAVERVILLE, CALIFORNIA 96093

MEMORANDUM

DATE:	March 6, 2026
TO:	Members of the Trinity County Planning Commission
FROM:	Deborah Rogge, Administrative Coordinator-Planning
SUBJECT:	Agenda Item: A Additional Study Session Trinity County Zoning Code Update, Parts 2, 4, and 7

Comments received as of 1:00 pm March 6, 2026.

Deborah Rogge

From: bret wells [redacted]
Sent: Thursday, March 5, 2026 8:25 PM
To: Trinity2050; info.planning; info.cannibis@trinitycounty.org

Hello Planning Commissioners,

I am writing about the 3/12/2026 planning commission meeting. I find the cannabis ordinance and the cannabis opt-out zones to be inappropriate. I support the removal of the TCCSD and the CCVFD cannabis opt out zones. **/ support legal cannabis growers in the rural areas of north lake.**

Bret Wells,
Trinity Center Resident

Deborah Rogge

From: Mike Wenninger [redacted]
Sent: Friday, March 6, 2026 10:38 AM
To: info.planning
Subject: Opt-Out in Lewiston

This letter concerns an effort by marijuana growers to remove Lewiston's opt-out from large marijuana farms.

From 1993 to 2009 I was the owner/editor of The Trinity Journal. I deeply love Trinity County and I moved in 2013 to Kalamazoo, MI only because most of my relatives and my wife's relatives live in the Midwest, where we grew up.

Trinity County has many places suitable for large marijuana farms and there's no reason for any to be located where they ruin the area. Lewiston especially should be off limits, with places like One Maple Winery and Trinity Fly Shop, wonderful homes along the Trinity River, and pleasant neighborhoods. Also, the tourist business probably keeps Trinity County alive and visitors won't put up with skunk odor and the other negative things about marijuana grows.

Growers who want to invade places like Lewiston are nothing but money-grubbers. Community planners should be the first line of defense so I'm asking you to please do the right thing and recommend that Lewiston's opt-out continue.

Thank you.

Mike Wenninger
[redacted]

Deborah Rogge

From: North State Painting [redacted]
Sent: Thursday, March 5, 2026 4:55 PM
To: info.planning

We have lived on Buckhorn Summit for almost 40 yrs . I don't think any body should be able to grow pot plants nextdoor to a family that doesn't grow pot or smoke pot . Especially if that family has kids.
Thanks,
Shawn Dietrick

North State Painting & Construction
P O Box 42
Douglas, City, Ca. 96024
[redacted]

Deborah Rogge

From: Kris B [redacted]
Sent: Friday, March 6, 2026 12:00 PM
To: info.planning
Subject: Cannnabis growers in residential area

Dear Trinity County Board of Supervisors,

I am writing to express my opposition to the proposal that would allow cannabis cultivation within Trinity County neighborhoods.

As a long-time resident of Redding, I frequently visit Lewiston and Trinity County to enjoy the exceptional air quality and natural beauty of the region. My visits contribute to the local economy, and I would be deeply disappointed if the residential character and environmental quality of these neighborhoods were compromised.

There are many alternative areas outside of local residential neighborhoods that are better suited to accommodate these farms. I urge you to protect the community and its tourism by not allowing this proposal to move forward.

Sincerely,
Kris Brown

Deborah Rogge

From: Spare Thyme [redacted]
Sent: Friday, March 6, 2026 12:16 PM
To: Trinity2050; info.planning; info.cannabis
Subject: comments for 3/12/26 study session at planning commission regarding Cannabis opt-out zones

To the Trinity County Planning Commission, Staff and Consultants,

My name is Rhoda Cain from the Trinity Center/Coffee Creek area. These are some comments that I have for the 3/12/26 Planning Commission study session. Specifically relating to the North Lake Cannabis opt-out zones.

In the fall of 2017 cannabis opt-out zones were created by urgency ordinance that cover the entire area of the Trinity Center Community Services district and the Coffee Creek Volunteer Fire district. This covers vast tracts of open land. There is a grandfather clause. However, it has become clear that the Grandfather Clause is not being honored. We have turned in a petition many times, with more signatures every time, that our community wants our property rights to be respected. Our community does not believe that we are dangerous or a nuisance, and want us to have the same rights as everyone else. Also, there is no evidence that North Lake is "in proximity to high density areas, and therefore, creates a substantial risk of a public nuisance."
.
Since then, there has been a determined and continued effort to erode our property rights. Now, as the General Plan and cannabis ordinance are finally being updated, we feel that without adequate findings, at this time we have no choice but to request that the North Lake opt-outs be removed. Making sure that we protect future generations by preserving our rural values and property rights as well as protecting our citizens from discrimination should be a top priority.

The Trinity Center opt out is located almost entirely inside of the National Recreation Zone and therefore already ineligible for licensure. The Coffee Creek Volunteer Fire District opt out is almost entirely open land. The town of Coffee Creek has a lot of Village designation and well as very small lot sizes, and therefore also ineligible for licensure under the current regulations. So, it seems that these opt outs only target large rural parcels that are not located within the population zones.

This is the info I have been gathering regarding whether Trinity County Code 17.43.050(A)(7) which categorically prohibits cannabis cultivation within the Trinity Center Community Services District and Coffee Creek Volunteer Fire District, is legally defensible where no evidence based findings support the exclusions.

County Cannabis Code 17.43.050 **17.43.050 - Limitation on location to cultivate cannabis.**

7.
Within the legal boundaries of the Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District, Bucktail Subdivision and within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, 13, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance. An exception to this limitation is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:

Weaverville Community Services District by December 31, 2016;
Lewiston Community Services District by January 15, 2017;
Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.

There is no single “California land use code section” that says “thou shalt not have cannabis opt-outs.” Instead, the vulnerability comes from specific, well-established California statutes and doctrines that the Trinity Center CSD / Coffee Creek VFD opt-outs likely conflict with when no findings or analysis support them.

The opt-outs are inconsistent with Government Code sections 65008, 65852, 65853, 65855 and 65863 because they impose permanent geographic prohibitions without findings, without equal treatment of similarly situated land uses.

Below are the State of California zoning codes that I believe apply to this situation and where I think they are inconsistent and violate state land use law.

1)
GOV Code 65008 talks about equal treatment of land uses. A county may not treat similarly situated land uses differently without a rational, documented basis.

Parcels in the Trinity Center and Coffee Creek opt-outs are categorically prohibited from cultivation, while similarly zoned parcels immediately outside those boundaries may apply. No legitimate findings explain the distinction. Absent findings justifying this distinction, the ordinance effect unequal geographic treatment contrary to GOV Code 65008 and established land-use principles prohibiting arbitrary line drawing.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 1. General Provisions [65000 - 65010] *(Heading of Chapter 1 amended by Stats. 1956, 1st Ex. Sess., Ch. 33.)*

65008.
(a) Any action pursuant to this title by any city, county, city and county, or other local governmental agency in this state is null and void if it denies to any individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in this state because of any of the following reasons:

(1) (A) The lawful occupation, age, or any characteristic of the individual or group of individuals listed in subdivision (a) or (d) of Section 12955, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955 and Section 12955.2.

2)
GOV Code 65852 and 65852.21 talk about objective zoning standards and how they should use no personal judgement and uniform verifiable benchmarks. This code is generally about not discriminating in the housing sector. However, I believe the same principles would apply. In Nevada County there were opt-outs and now there is instead an anti-discrimination clause. The points brought up in that case were that it is discriminatory and potentially illegal based on the fact that other types of commercial AG are allowed in these zones. It was agreed by the Supervisors that it was akin to anti illegal housing and discriminatory housing laws.

Government Code - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
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CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65852.
All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones. *(Repealed and added by Stats. 1965, Ch. 1880.)*

3)
In 65852.21 I would like to draw your attention to 65852.21(b) and (d) and (j)(2) talks about objective zoning standards and how they should use no personal judgement and uniform verifiable benchmarks.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
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ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65852.21.
(a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.
(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing

with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
(5) The development is not located in either the following:

(A) A contributing structure within a historic district included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or historic property or district pursuant to a city or county ordinance.
(B) A parcel individually listed as a historical resource included in the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a property individually designated or listed as a city or county landmark under a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraphs (2) and (3), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(3) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.
(4) A local agency may adopt objective standards for the purposes of maintaining the historical value of a historic district listed in the California Register of Historical Resources.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.
(f) Notwithstanding Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.
(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.
(h) (1) An application for a proposed housing development pursuant to this section shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(2) If a permitting agency denies an application for a proposed housing development pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(i) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.
(j) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.
(2) The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.
(3) "Local agency" means a city, county, or city and county, whether general law or chartered.

(k) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.
(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.
(Amended by Stats. 2025, Ch. 505, Sec. 1. (AB 1061) Effective January 1, 2026.)

4)
GOV Code 65853 and 65855 discuss how zoning ordinance shall be consistent with the general plan of the county. Also that zoning decisions (including categorical exclusions) must be supported by findings showing consistency. A permanent geographic exclusion is a zoning decision in effect, even if placed in a cannabis ordinance.

The problem for the opt-outs is that if Trinity County allows cannabis cultivation countywide in principle, but permanently excludes entire communities without findings tying that exclusion to the General Plan, then the opt-outs are vulnerable as inconsistent, unsupported zoning actions.

Legislative land-use decisions must be supported by findings demonstrating a rational connection between facts found and choices made. Here, the County asserts that the excluded districts present heightened nuisance risks due to “high density,” but the ordinance:

* Defines no density standard;
* Identifies no parcel-level or district-specific conditions;
* Provides no evidence distinguishing these areas from similarly situated communities; and
* Offers no explanation why existing regulatory tools are inadequate.

Conclusory statements, without evidentiary support, are insufficient to sustain categorical land-use exclusions.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
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CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65853.
A zoning ordinance or an amendment to a zoning ordinance, which amendment changes any property from one zone to another or imposes any regulation listed in Section 65850 not theretofore imposed or removes or modifies any such regulation theretofore imposed shall be adopted in the manner set forth in Sections 65854 to 65857, inclusive. Any other amendment to a zoning ordinance may be adopted as other ordinances are adopted.

5)
GOV Code 65855 This is a piggy-back off number 4. While 65855 governs amendments, courts consistently require that legislative land-use decisions be supported by findings showing a rational connection between facts and action.

Government Code - GOV
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DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

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ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65855.

After the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

6)

GOV Code 65863 Zoning Cannot Be Arbitrary or Capricious

While 65863 is often cited in housing cases, California courts apply the same principle more broadly. Zoning actions must be supported by a rational basis and factual findings. The problem is that the ordinance states the areas are “high density” and a “nuisance risk” but:

* defines no density threshold
* cites no evidence
* explains no parcel-level conditions
* uses service district boundaries as a proxy

That creates arbitrary line-drawing, which 65863 jurisprudence disallows.

Government Code - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

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ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65863.

(a) Each city, county, or city and county shall ensure that its housing element inventory described in paragraph (3) of subdivision (a) of Section 65583 or its housing element program to make sites available pursuant to paragraph (1) of subdivision (c) of Section 65583, including sites rezoned pursuant to Section 65584.09, can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584, and any remaining unaccommodated portion of the regional housing need from the prior planning period, except as provided in paragraph (2) of subdivision (c). At no time, except as provided in paragraph (2) of subdivision (c), shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.

(b) (1) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel identified to meet its current share of the regional housing need or any unaccommodated portion of the regional housing need from the prior planning period to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g),

unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

(A) The reduction is consistent with the adopted general plan, including the housing element.
(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(2) If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(c) (1) If a reduction in residential density for any parcel would result in the remaining sites in the housing element not being adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584, the jurisdiction may reduce the density on that parcel if it identifies sufficient additional, adequate, and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

(2) If the approval of a development project results in fewer units by income category than identified in the jurisdiction's housing element for that parcel and the jurisdiction does not find that the remaining sites in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need by income level, the jurisdiction shall within 180 days identify and make available additional adequate sites to accommodate the jurisdiction's share of the regional housing need by income level. Nothing in this section shall authorize a city, county, or city and county to disapprove a housing development project on the basis that approval of the housing project would require compliance with this paragraph.

(d) The requirements of this section shall be in addition to any other law that may restrict or limit the reduction of residential density.
(e) This section requires that a city, county, or city and county be solely responsible for compliance with this section, unless a project applicant requests in their initial application, as submitted, a density that would result in the remaining sites in the housing element not being adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. In that case, the city, county, or city and county may require the project applicant to comply with this section. The submission of an application for purposes of this subdivision does not depend on the application being deemed complete or being accepted by the city, county, or city and county.
(f) This section shall not be construed to apply to parcels that, prior to January 1, 2003, were either (1) subject to a development agreement, or (2) parcels for which an application for a subdivision map had been submitted.
(g) (1) If the local jurisdiction has adopted a housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3, for purposes of this section, "lower residential density" means the following:

(A) For sites on which the zoning designation permits residential use and that are identified in the local jurisdiction's housing element inventory described in paragraph (3) of subdivision (a) of Section 65583, fewer units on the site than were projected by the jurisdiction to be accommodated on the site pursuant to subdivision (c) of Section 65583.2.
(B) For sites that have been or will be rezoned pursuant to the local jurisdiction's housing element program described in paragraph (1) of subdivision (c) of Section 65583, fewer units for the site than were projected to be developed on the site in the housing element program.

(2) (A) If the local jurisdiction has not adopted a housing element for the current planning period within 90 days of the deadline established by Section 65588 or the adopted housing element is not in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 within 180 days of the deadline established by Section 65588, "lower residential density" means any of the following:

(i) For residentially zoned sites, a density that is lower than 80 percent of the maximum allowable residential density for that parcel or 80 percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.
(ii) For sites on which residential and nonresidential uses are permitted, a use that would result in the development of fewer than 80 percent of the number of residential units that would be allowed under the maximum residential density for the site parcel or 80 percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.

(B) If the council of governments fails to complete a final housing need allocation pursuant to the deadlines established by Section 65584.05, then for purposes of this paragraph, the deadline pursuant to Section 65588 shall be extended by a time period equal to the number of days of delay incurred by the council of governments in completing the final housing need allocation.

(h) An action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to this section creates no obligation under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) to identify, analyze, or mitigate the environmental impacts of that subsequent action to identify and make available additional adequate sites as a reasonably foreseeable consequence of that action. Nothing in this subdivision shall be construed as a determination as to whether or not the subsequent action by a city, county, or city and county to identify and make available additional adequate sites is a "project" for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
(i) For purposes of this section, "unaccommodated portion of the regional housing need" means the portion of the local government's regional housing need from the prior planning period that is required to be accommodated onsite zoned or rezoned pursuant to Section 65584.09.
(j) Notwithstanding Section 65803, this section shall also apply to a charter city.
(Amended by Stats. 2022, Ch. 654, Sec. 2. (AB 2339) Effective January 1, 2023.)

Thank you for your consideration.
Rhoda Cain

To the Trinity County Planning Commission and consultants,

My name is Rhoda Cain from the Trinity Center/Coffee Creek area. These are some comments that I have for the 2/26/26 Planning Commission study session.

I understand the idea that the opt-outs were a compromise a long time ago. However, it has been clear that the compromise is not being honored. There is a grandfather clause. We have turned in a petition many times, with more signatures every time, that our community wants our property rights to be respected. Our community does not believe that we are dangerous or a nuisance, and want us to have the same rights as everyone else. Also, there is no evidence that North Lake is "in proximity to high density areas, and therefore, creates a substantial risk of a public nuisance."

The Trinity Center opt out is located almost entirely inside of the National Recreation Zone and therefore already ineligible for licensure. The Coffee Creek Volunteer Fire District opt out is almost entirely open land. The town of Coffee Creek has a lot of Village designation and well as very small lot sizes, and therefore also ineligible for licensure under the current regulations. So, it seems that these opt outs only target large rural parcels that are not located within the population zones.

.

Since the compromise has been made there has been a determined and continued effort to erode our property rights. As a result of this constant moving of the goalposts, we feel that, at this time we have no choice but to request that the North Lake opt-outs be removed.

This is the info I have been gathering regarding whether Trinity County Code 17.43.050(A)(7) which categorically prohibits cannabis cultivation within the Trinity Center Community Services District and Coffee Creek Volunteer Fire District, is legally defensible where no evidence based findings support the exclusions.

County Cannabis Code 17.43.050 **17.43.050 - Limitation on location to cultivate cannabis.**

7.

Within the legal boundaries of the Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District, Bucktail Subdivision and within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, 13, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance. An exception to this limitation is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:

Weaverville Community Services District by December 31, 2016;
Lewiston Community Services District by January 15, 2017;

Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.

There is no single “California land use code section” that says “thou shalt not have cannabis opt-outs.” Instead, the vulnerability comes from specific, well-established California statutes and doctrines that the Trinity Center CSD / Coffee Creek VFD opt-outs likely conflict with when no findings or analysis support them.

The opt-outs are inconsistent with Government Code sections 65008, 65852, 65853, 65855 and 65863 because they impose permanent geographic prohibitions without findings, without equal treatment of similarly situated land uses.

Below are the State of California zoning codes that I believe apply to this situation and where I think they are inconsistent and violate state land use law.

1)
GOV Code 65008 talks about equal treatment of land uses. A county may not treat similarly situated land uses differently without a rational, documented basis.

Parcels in the Trinity Center and Coffee Creek opt-outs are categorically prohibited from cultivation, while similarly zoned parcels immediately outside those boundaries may apply. No legitimate findings explain the distinction. Absent findings justifying this distinction, the ordinance effect unequal geographic treatment contrary to GOV Code 65008 and established land-use principles prohibiting arbitrary line drawing.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 1. General Provisions [65000 - 65010] *(Heading of Chapter 1 amended by Stats. 1956, 1st Ex. Sess., Ch. 33.)*

65008.
(a) Any action pursuant to this title by any city, county, city and county, or other local governmental agency in this state is null and void if it denies to any individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in this state because of any of the following reasons:

(1) (A) The lawful occupation, age, or any characteristic of the individual or group of individuals listed in subdivision (a) or (d) of Section 12955, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955 and Section 12955.2.

2)
GOV Code 65852 and 65852.21 talk about objective zoning standards and how they should use no personal judgement and uniform verifiable benchmarks. This code is generally about not discriminating in the housing sector. However, I believe the same principles would apply.
In Nevada County there were opt-outs and now there is instead an anti-discrimination clause. The points brought up in that case were that it is discriminatory and potentially illegal based on the fact that other types of commercial AG are allowed in these zones. It was agreed by the Supervisors that it was akin to anti illegal housing and discriminatory housing laws.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65852.
All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones.

(Repealed and added by Stats. 1965, Ch. 1880.)

3)
In 65852.21 I would like to draw your attention to 65852.21(b) and (d) and (j)(2) talks about objective zoning standards and how they should use no personal judgement and uniform verifiable benchmarks.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*

DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*

CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65852.21.

(a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.

(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.

(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(B) Housing that is subject to any form of rent or price control through a public entity’s valid exercise of its police power.

(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner’s rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.

(5) The development is not located in either the following:

(A) A contributing structure within a historic district included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or historic property or district pursuant to a city or county ordinance.

(B) A parcel individually listed as a historical resource included in the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a property individually designated or listed as a city or county landmark under a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraphs (2) and (3), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(3) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.

(4) A local agency may adopt objective standards for the purposes of maintaining the historical value of a historic district listed in the California Register of Historical Resources.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.

(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.

(f) Notwithstanding Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.

(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

(h) (1) An application for a proposed housing development pursuant to this section shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(2) If a permitting agency denies an application for a proposed housing development pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(i) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.

(j) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.

(2) The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.

(3) "Local agency" means a city, county, or city and county, whether general law or chartered.

(k) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.

(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.

(Amended by Stats. 2025, Ch. 505, Sec. 1. (AB 1061) Effective January 1, 2026.)

4)
GOV Code 65853 and 65855 discuss how zoning ordinance shall be consistent with the general plan of the county. Also that zoning decisions (including categorical exclusions) must be supported by findings showing consistency. A permanent geographic exclusion is a zoning decision in effect, even if placed in a cannabis ordinance.

The problem for the opt-outs is that if Trinity County allows cannabis cultivation countywide in principle, but permanently excludes entire communities without findings tying that exclusion to the General Plan, then the opt-outs are vulnerable as inconsistent, unsupported zoning actions.

Legislative land-use decisions must be supported by findings demonstrating a rational connection between facts found and choices made. Here, the County asserts that the excluded districts present heightened nuisance risks due to “high density,” but the ordinance:

* Defines no density standard;
* Identifies no parcel-level or district-specific conditions;
* Provides no evidence distinguishing these areas from similarly situated communities; and
* Offers no explanation why existing regulatory tools are inadequate.

Conclusory statements, without evidentiary support, are insufficient to sustain categorical land-use exclusions.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65853.
A zoning ordinance or an amendment to a zoning ordinance, which amendment changes any property from one zone to another or imposes any regulation listed in Section 65850 not theretofore imposed or removes or modifies any such regulation theretofore imposed shall be adopted in the manner set forth in Sections 65854 to 65857, inclusive. Any other amendment to a zoning ordinance may be adopted as other ordinances are adopted.

5)
GOV Code 65855 This is a piggy-back off number 4. While 65855 governs amendments, courts consistently require that legislative land-use decisions be supported by findings showing a rational connection between facts and action.

Government Code - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65855.
After the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

6)
GOV Code 65863 Zoning Cannot Be Arbitrary or Capricious
While 65863 is often cited in housing cases, California courts apply the same principle more broadly. Zoning actions must be supported by a rational basis and factual findings. The problem is that the ordinance states the areas are “high density” and a “nuisance risk” but:

* defines no density threshold
* cites no evidence
* explains no parcel-level conditions
* uses service district boundaries as a proxy

That creates arbitrary line-drawing, which 65863 jurisprudence disallows.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65863.

(a) Each city, county, or city and county shall ensure that its housing element inventory described in paragraph (3) of subdivision (a) of Section 65583 or its housing element program to make sites available pursuant to paragraph (1) of subdivision (c) of Section 65583, including sites rezoned pursuant to Section 65584.09, can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584, and any remaining unaccommodated portion of the regional housing need from the prior planning period, except as provided in paragraph (2) of subdivision (c). At no time, except as provided in paragraph (2) of subdivision (c), shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.

(b) (1) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel identified to meet its current share of the regional housing need or any unaccommodated portion of the regional housing need from the prior planning period to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

(A) The reduction is consistent with the adopted general plan, including the housing element.

(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction’s share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction’s share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(2) If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction’s housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction’s share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction’s share of the regional housing need at each income level

and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(c) (1) If a reduction in residential density for any parcel would result in the remaining sites in the housing element not being adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584, the jurisdiction may reduce the density on that parcel if it identifies sufficient additional, adequate, and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

(2) If the approval of a development project results in fewer units by income category than identified in the jurisdiction's housing element for that parcel and the jurisdiction does not find that the remaining sites in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need by income level, the jurisdiction shall within 180 days identify and make available additional adequate sites to accommodate the jurisdiction's share of the regional housing need by income level. Nothing in this section shall authorize a city, county, or city and county to disapprove a housing development project on the basis that approval of the housing project would require compliance with this paragraph.

(d) The requirements of this section shall be in addition to any other law that may restrict or limit the reduction of residential density.

(e) This section requires that a city, county, or city and county be solely responsible for compliance with this section, unless a project applicant requests in their initial application, as submitted, a density that would result in the remaining sites in the housing element not being adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. In that case, the city, county, or city and county may require the project applicant to comply with this section. The submission of an application for purposes of this subdivision does not depend on the application being deemed complete or being accepted by the city, county, or city and county.

(f) This section shall not be construed to apply to parcels that, prior to January 1, 2003, were either (1) subject to a development agreement, or (2) parcels for which an application for a subdivision map had been submitted.

(g) (1) If the local jurisdiction has adopted a housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3, for purposes of this section, "lower residential density" means the following:

(A) For sites on which the zoning designation permits residential use and that are identified in the local jurisdiction's housing element inventory described in paragraph (3) of subdivision (a) of Section 65583, fewer units on the site than were projected by the jurisdiction to be accommodated on the site pursuant to subdivision (c) of Section 65583.2.

(B) For sites that have been or will be rezoned pursuant to the local jurisdiction's housing element program described in paragraph (1) of subdivision (c) of Section 65583, fewer units for the site than were projected to be developed on the site in the housing element program.

(2) (A) If the local jurisdiction has not adopted a housing element for the current planning period within 90 days of the deadline established by Section 65588 or the adopted housing element is not in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 within 180 days of the deadline established by Section 65588, "lower residential density" means any of the following:

(i) For residentially zoned sites, a density that is lower than 80 percent of the maximum allowable residential density for that parcel or 80 percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.

(ii) For sites on which residential and nonresidential uses are permitted, a use that would result in the development of fewer than 80 percent of the number of residential units that would be allowed under the maximum residential density for the site parcel or 80 percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.

(B) If the council of governments fails to complete a final housing need allocation pursuant to the deadlines established by Section 65584.05, then for purposes of this paragraph, the deadline pursuant to Section 65588 shall be extended by a time period equal to the number of days of delay incurred by the council of governments in completing the final housing need allocation.

(h) An action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to this section creates no obligation under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) to identify, analyze, or mitigate the environmental impacts of that subsequent action to identify and make available additional adequate sites as a reasonably foreseeable consequence of that action. Nothing in this subdivision shall be construed as a determination as to whether or

not the subsequent action by a city, county, or city and county to identify and make available additional adequate sites is a "project" for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(i) For purposes of this section, "unaccommodated portion of the regional housing need" means the portion of the local government's regional housing need from the prior planning period that is required to be accommodated onsite zoned or rezoned pursuant to Section 65584.09.

(j) Notwithstanding Section 65803, this section shall also apply to a charter city.

(Amended by Stats. 2022, Ch. 654, Sec. 2. (AB 2339) Effective January 1, 2023.)

Thank you for your consideration.
Rhoda Cain

Trinity County Planning Commission
Info.planning@trinitycounty.org

Re: Status of Cannabis opt out areas – review by the Planning Commission.

I understand that there is a potential for the original opt out areas to be eliminated under the proposed overlay zone.

Pursuant to Trinity Co Code #17.43.050, et seq, set forth the current cannabis cultivation opt out areas within Trinity County. Thus, these op out areas, specifically described, are codified into law.

I have not read any documentation that the consultant firm is tasked with consideration as to whether existent opt out areas should or should not continue.

So the question arises, from what source does any notion that op out areas should be vulnerable to cancellation come from? Is this cannabis advocacy adventurism at the initiation of county planning staff? Frankly, it certainly smells like it.

Each opt out area, and I am of course most familiar with the Trinity Center Community Service District, all had to undergo and satisfy a rigorous burden of proof to earn this status. At all points our residents were opposed by cannabis advocates from well out of our district (Junction City and environs). Their position was simple; no restrictions of any sort anywhere despite local residents' desires.

We wrote countless letters during this process, and appeared at and testified at many Planning Commission and Board of Supervisors meetings. We and the other areas earned our opt out status, despite carpet-bagging intimidation efforts from distant non-residents.

To now consider cancelling these opt out areas, regardless of claimed bureaucratic justifications, would amount to double jeopardy.

It is also just not right. Double jeopardy is not only a legal term, but an ethical principle as well. Ethics should apply to all levels of government, from elected officials down through all levels of bureaucracy.

How, by any standard of fairness can the elimination of these opt out areas be justified?

On a lesser level, I see the question posed as to what more specific limitations should apply to current opt out areas, such as processing facilities and wholesale or retail outlets.

I think that planning staff should proceed on the assumption that all opt out areas want all the limitations possible, unless any opt out area itself initiates change to their status.

The phrase "…government of the people, by the people, for the people…" is not just an antiquated phrase from President Abraham Lincoln from 1863. It applies to all of us, everywhere, even Trinity County.

It is who we are, and that falls back on all of us.

Just do the right thing.

Roger Chatterton
Trinity Center

Deborah Rogge

From: Comcast [redacted]
Sent: Friday, March 6, 2026 12:02 PM
To: info.planning
Cc: [redacted]
Subject: Lewiston CSD Cannabis Opt-out Overlay Zone

Dear Trinity County Planning Commissioners,

It has been brought to our attention that the Cannabis Opt-out Overlay zones may be up for renewed discussion. Let me start by stating that **we are unequivocally opposed to changes to the current Lewiston CSD COO zone, and are in support of the 3 newly approved zones.**

We've been provided copies of:

- **Draft Zoning Code Update 17.45.040 Cannabis Opt-Out Overlay Zone (-COO)** and
- **Staff Report - Additional Zoning Code Study Session**

17.45.040 Section D states "Nothing in this Section shall be interpreted to void, nullify, or modify Cannabis Opt-Out Areas previously adopted by ordinance of the Board of Supervisors..."

However, notes in the Staff Report indicate concern that current COOs are not specifically referenced in the Draft Update, while the three new zones are. This, along with comments conveyed by Commissioner Carol Fall that, per Planning Staff, changes to current COOs are not "planned" but are "potential" has raised confusion and concern about having to revisit this issue, which is of great importance to the community of Lewiston.

Clarification on this matter would be greatly appreciated.

Best,
Jed (Steven) and Susan Fish
[redacted]
Lewiston

Deborah Rogge

From: Ryan Genovese [redacted]
Sent: Thursday, March 5, 2026 9:03 PM
To: Trinity2050; info.planning; info.cannabis
Subject: 3/12/2026 planning commission meeting

I am writing to comment on the 3/12/2026 planning commission meeting. Specifically about the cannabis ordinance update and the Trinity Center Coffee Creek opt out zones. I find them inappropriate and too broad. I support the removal of the TCCSD and the CCVFD cannabis opt out zones. I support legal cannabis farmers in the rural areas of north lake.

Thank you for your time and commitment to our county,

Ryan Genovese
Trinity Center
Sent from my iPhone

Deborah Rogge

From: [redacted]
Sent: Thursday, March 5, 2026 2:19 PM
To: info.planning
Subject: Please Preserve the Character of Lewiston

Dear Trinity County Planning Department,

I am writing as someone who has been fortunate enough to visit Lewiston several times over the years. Each time I come, I am reminded how special and peaceful Trinity County truly is.

A close friend of mine owns a beautiful property along the Trinity River where I have stayed on several occasions. It is one of those rare places where you wake up to quiet mornings, see deer wandering through the property, and enjoy the incredible natural beauty that makes this part of Northern California so unique. The fresh air, the dark night skies, and the serene setting are exactly why people like me travel to Lewiston.

Visitors come to Trinity County for its pristine environment and its peaceful rural character. That experience is what brings tourism dollars to the area and supports small local businesses that depend on visitors.

My concern is that large-scale cannabis cultivation near residential and visitor properties could dramatically change that experience. Bright nighttime lighting, strong odors, and the industrial nature of large grows could alter the character of this quiet community and diminish the natural beauty that draws people to Lewiston in the first place.

I hope the county will carefully consider the importance of preserving the qualities that make Lewiston such a special destination.

Thank you for your time and for your efforts to protect the character of Trinity County.

Sincerely,

Anita Gunton

Anita Gunton
[redacted]

Deborah Rogge

From: [redacted]
Sent: Thursday, March 5, 2026 2:16 PM
To: info.planning; Katie Quinn
Subject: Op Out for Lewiston

I have been on the water board for Lewiston. I got a chance to learn lots about water and water quality. The State of California had us go through training in order to work as a volunteer. Cannabis requires lots of water. The fertilizer and pest chemicals seep into the soil and into our water tables. We use wells, not the river for our supply. We use this for drinking as well as other uses. The State of California has strict regulations on water quality. I don't want that compromised. Also.our system is limited by the grants and the engineering limits that were set several years ago on our water and sewer system. It does not allow for more expansion.
Thank you for your attention to this matter.
Judi Haseltine of Lewiston

Deborah Rogge

From: I R U Z - [redacted]
Sent: Thursday, March 5, 2026 4:16 PM
To: Trinity2050; info.planning; info.cannabis; Duncan McIntosh; Amelia Fleitz; Dan Harper; Rory Barrett
Subject: Public Comment for 3/12/2026 Planning Commission Meeting

Hello Planning Commissioners and Staff,

My name is Flor Iruz and I live in Trinity Center. I am writing regarding the March 12, 2026 Planning Commission meeting and the proposed Trinity Center and Coffee Creek cannabis opt-out zones. I believe these zones are too broad and unfairly impact responsible farmers in our rural community. Legal cannabis farming is part of our local agricultural economy, and many farmers work hard to follow the rules and care for the land. For this reason, I support the removal of the TCCSD and CCVFD cannabis opt-out zones.

Thank you for your time and for your service to Trinity County.

Flor Iruz
Trinity Center, CA

Deborah Rogge

From: Trinity alps canna craft [redacted]
Sent: Wednesday, February 25, 2026 2:52 PM
To: Trinity2050; info.planning; info.cannabis
Subject: planning commission zoning code cannabis ordinance update comments for 2/26/26 meeting
Attachments: Trinity center and coffee creek opt out zones.jpeg; Trinity County opt out zones.jpeg; TRINITY UNIT map of north lake federal recreation area.pdf; coffee creek area map no opt out with regulation.png

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Trinity County planning commissioners, Minter Harnish and staff,

My name is Matthew Jefferson. Owner of Trinity Alps Canna Craft and full time resident in Trinity Center and Coffee Creek.
Below are my comments for the 2/26/2026 planning commission meeting. Thank you for your time and consideration.

Zoning code tables-

On Residential zoning it states you need a-

Agritourism-DUP in RR10 , CUP in RR
Apiary-DUP in RR
Farm stand-DUP in RR
Firewood processing-DUP in RR
This does not align with rural Trinity County in many ways.

Cannabis micro business is allowed meaning other uses must be allowed or micro business isn't possible. It is showing that only cultivation and micro business is allowed and all other cannabis activities are not allowed.. Distribution, manufacturing type 6 non volatile, non store front retail need to also be allowed to make micro business possible. Micro business is a cultivation license and 2 other licences.

Broadly I would say we need to lower the barriers to entry for small business and home based business and these zoning code table proposals do the exact opposite. Agritourism, Apiary, Farm stand, and Firewood processing should all be permitted by right in RR. The allowable uses for cannabis business should be adjusted to allow micro business to be possible.

There is a lot in this agenda and this is all I could make it through in this section. Thanks for reading my comments.

As for parts 2, 4, and 7 it looks like nothing was changed. We spent an entire day talking and submitting comments along with the commissioners. This cost county money and staff time. Yet it looks as though every single person's comment were dismissed. This is very disappointing.

Chapter 17.85 Cannabis Ordinance Update-

Definitions-

Under legal parcel “Where contiguous legal parcels are under identical ownership by an individual or an entity, such legal parcels shall be counted as a single parcel for purposes of this chapter” should be retained. We have all worked, participated, and commented for almost a decade to have this definition. Previous boards have also come to the agreement and conclusion that this needs to be a part of the “legal parcel” definition.The public has also commented heavily in support of this. The topography of Trinity County is very unique. Many farms and homesteads here consist of 2 or more contiguous parcels with the home on one parcel and the garden on another for example.

17.85.50 Cannabis Opt-Out Overlay Zone Consistency

It states “All cannabis-related land uses shall comply with the established Cannabis Opt-Out Overlay Zone, as designated on the Zoning Map and further codified in Section 17.85.050. Parcels located within the Cannabis Opt-Out Overlay Zone are expressly excluded from the establishment of new, operation, or expansion of cannabis-related facilities, including cultivation”. We have had years and years, almost a decade of meetings and workshops all about opt outs. About every single one and every single one had different restrictions that were voted on and passed by the boards. They all had different restrictions. Some blocked expansion, some blocked any other use but grandfathered cultivation, some only addressed cultivation and other uses were of no worry. This entire section needs to be removed or modified to reflect the actual decisions made.
This will directly affect my farm and my family. Our second cultivation site is grandfathered in with current water board paperwork established prior to November 2017. Due to the current market struggles we have not yet been able to license this site. This will make it so we cannot ever license that site. We are diverse homestead farmers. We live off our land. Cannabis is an integral crop on our farm in order to keep the doors open. This will also block any ability for me to expand my current licensed facility into a micro business or even add an auxiliary structure, solar panels, or water tank. It basically is going to chop me at the knees. We have circulated a petition years ago in this fight with close to 300 local signatures supporting that we should have the same rights and responsibilities as the rest of the licensed farmers in the county. The petition is in many, many county meeting minutes. I will have a copy of it at the meeting. This addition is not supported by my community nor wanted.This entire section needs to be removed or modified to reflect the actual decisions made.

D. Odor Control Plan

You are removing “0. This mitigation shall not apply to lands zoned agricultural, agriculture-forest, or agricultural preserve.” This is in our county cannabis EIR. This needs to be reinstated as the EIR states.

17.85.80 Cannabis Cultivation

. Personal Use Cultivation (Adapted from existing 17.42)-
This entire section is very restrictive. It should mirror the state.
2 plants per adult recreationally this is permitted by right. A medical patient can cultivate 6 plants under the compassionate use act Prop 215. A caregiver can grow 6 plants for their patients with the county able to set a patient cap under CA health and safety code section 11362.765 and the compassionate use act Prop 215.
We should not be restricting medical patient’s rights based on the amount of property they own. That would be morally wrong in so many ways.

B. Additional Application Requirements for Cannabis Cultivation Land Uses

Section G-This seems to be a new section. Demonstrating compliance is completely reasonable. I totally agree. I don’t agree that we should be required to “provide documentation, site management plan, and grading details prepared by a qualified professional”. Our water board permits are reviewed and approved by credentialed qualified professionals at the water board. There is no need for the county to inspect their work.

This is another new barrier to entry, another goalpost, another cost.The county staff are not water board employees nor are they qualified or credentialed to make decisions for the water board.
As I tell this next story I must say the county employee I'm speaking of was very polite and respectful. Someone I consider a friend. They were put in a bad situation. I'm not going to name them. We had a county inspector come out to verify water board applicability in the early years. We were renewing but they said we couldn't and we were not able to apply per water board code. I told them that was incorrect. They then came out to my property to inform me that I was wrong with CDFW but they were quickly told they were wrong and that I was correct. I knew I was correct, it was determined by the waterboard and CDFW not by me. That employee was not a credentialed qualified professional. The water board employees are. We can not let discretionary decisions be made by uncredentialed and unqualified people. It's not fair to either party. It was extremely unfair to the county employee to be put in that situation. This is a huge waste of county dollars. The new documentation requirement and yearly county inspection should be removed. We show compliance with the water board with our permits.

Section G ,1-
It states
" If possible, Trinity County will **attempt** to give twenty-four-hour notice of the inspection by posting the notice and/or telephoning the number listed on the application." This is unacceptable. The "if possible" should be removed. Phones are not reliable in Trinity County email should be added as something they must do to inform an applicant of an inspection. If they can't try to contact the applicant they should be fired.

D. Limitation on Location to Cultivate Cannabis
I will start by saying I do not oppose op out zones. I don't oppose a neighborhood wanting to ban cannabis cultivation with legitimate, factual, accurate findings backed with supporting data as to why. I do oppose opt outs that do not have factual findings and present no supporting data. I strongly oppose the county passing an ordinance that clearly violates CA land use code in multiple places.The TCCSD and CCVFD opt out are a clear violation of law and leave the county wide open to litigation.

Section f. States cannabis cultivation will not be allowed " Within the legal boundaries of the Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District"

Section 24, 13, states as to why "which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance. An exception to this limitation is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:
i. Weaverville Community Services District by December 31, 2016;
ii. Lewiston Community Services District by January 15, 2017;
iii. Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017."

We have been fighting this opt out for nine years. We have submitted petitions and participated in every inch of the political process. We have sadly been ignored the whole way. In fact we have been used as a political pawn multiple times to further agendas by individuals in this county. The verbal attacks, property vandalism, theft, and bigotry we have had to endure from board members, planning commissioners, county staff, and a very few residents over the past 9 years for being a legal tax paying business is horrendous, disgusting, and almost unbelievable.

We are asking for the TCCSD and the CCVFD to be removed from the limitation on location to cultivate cannabis based on these findings, data, and statements.

These opt outs violate CA government land use codes : 65008, 65853, 65855, 65863, 65852, and 65852.21 (I have attached the code language and explained in detail how these codes are being violated at the end of this document)
65008-talks about equal treatment of land uses. A county may not treat similarly situated land uses differently without a rational, documented basis. This violates state law.
65853 and 65855-discuss how zoning ordinance shall be consistent with the general plan of the county. Also that zoning decisions (including categorical exclusions) must be supported by findings showing consistency. A permanent geographic exclusion is a zoning decision in effect, even if placed in a cannabis ordinance.
The problem for the opt-outs is that if Trinity County allows cannabis cultivation countywide in principle, but permanently excludes entire communities without findings tying that exclusion to the General Plan, then the opt-outs are vulnerable as inconsistent, unsupported zoning actions.
Legislative land-use decisions must be supported by findings demonstrating a rational connection between facts found and choices made. Here, the County asserts that the excluded districts present heightened nuisance risks due to "high density," but the ordinance:
* Defines no density standard;
* Identifies no parcel-level or district-specific conditions;
* Provides no evidence distinguishing these areas from similarly situated communities; and
* Offers no explanation why existing regulatory tools are inadequate.
Conclusory statements, without evidentiary support, are insufficient to sustain categorical land-use exclusions. There are no findings and no data to support why there should be an opt op up here.They are absent. This violates state law.
Findings must be presented as to why identical areas in the county can allow cultivation but North Lake can't. No findings presented ever. This violates state law.
65863-The boundaries for the opt out are arbitrary , capricious, and aren't based on zoning or land use. Too big and broad covering too many zonings districts. This violates state law.
65852 and 65852.21-talk about objective zoning standards and how they should use no personal judgement and uniform verifiable benchmarks. This code is general about not discriminating in the housing sector. However, I believe the same principles would apply.
In Nevada County there were opt-outs and now there is instead an anti-discrimination clause. The points brought up in that case were that it is discriminatory and potentially illegal based on the fact that other types of commercial AG are allowed in these zones. It was agreed by the Supervisors that it was akin to anti illegal housing and discriminatory housing laws.

While the intent of this opt out was to protect the legacy cultivators it has been used to destroy us and shut us down. As the original intent is not being upheld in any way I have no choice but to make this my life's work until it is removed permanently. I have been cultivating cannabis in the emerald triangle for 21 years. I have learned this beautiful craft from multi generational local family farmers that fought for decades to protect this legacy, heritage, cannabis cultivation region of the emerald triangle. The torch has been passed to our generation to continue this work on cannabis reform. With so much love in my heart I must hold that torch high to continue the decades of work that came before me. Please stand with us in protecting cannabis's place in these communities.

The concerns by our community and government and how they are mitigated are as follows:

In too high of proximity to high population density- This is being used as a finding as to why we should have an opt out. No density calculation has been done or submitted ever. We are some of the lowest population and lowest density in the county. This finding is factually inaccurate and false. This is our population.
Trinity center population(2020 census) -198 coffee creek population(2020 census)-150
This is our area coverage. TCCSD is 18,517 square acres approximately 29 square miles CCVFD is 79,200 square acres 123 square miles
We are in no way "in close proximity to high density population". In fact the complete opposite. If it dosen't work here for this reason then why does it work in other identical areas of the county? These opt outs are too large and broad to have legal standing. This finding violates state law.
Crime- It is stated we will bring crime.
On areavibes.com it gives crime rates and livability scores for small communities. Links attached.

Hayfork (were cannabis is allowed) Hayfork, CA Crime Rates: Stats & Map
Total crime rate **32% below national average**
Violent crime rate **24% below national average**
Property crime rate **34% below national average**
Livability rating-**B**
Trinity Center (no cannabis allowed) Trinity Center, CA Crime Rates: Stats & Map
Total crime rate **68% above national average**
Violent crime rate **88% above national average**
Property crime rate **64% above national average**
Livability rating-**F**
The facts should speak for themselves. I believe this shows that in fact it is the opposite. Cannabis growers don't bring crime. Poverty, meth, and vacant homes bring crime. Running the growers and families out has skyrocketed our crime, shuttered businesses, come close to closing schools and libraries, and even led to a lack of grant funding for local water systems due to a lack of full time residents. Removing the opt out will make our community safer.
Will create a nuisance- We do not create a nuisance. There is no data to support this. There is lots of data to support that legal cannabis does the opposite, it supports the communities they call home. We support our communities. We are the founders and operators of the north lake farmers market. We also grow and sell produce and eggs to the TC store, all the restaurants, and at the farmers market. We volunteer for anything we are allowed to. We founded the free north lake plant and seed exchange to promote and support a more robust local food chain. We love and support this community.
Surface water depletion-legal cultivators cannot use surface water from March to November. Almost all facilities use ground water wells. This is an illegal cultivation problem. Following regulation protects our watersheds and fixes this.
Pesticide runoff contamination-legal cultivators are strictly regulated on any pesticide usage and strongly encouraged not to use them. This is an illegal cultivation problem. Following regulation is the fix for this.
Preserving the community character-I feel the real concern is that folks don't want the area to change to something different. They want to preserve the nostalgic moments that they cherish that they have had at Trinity Lake with their family and friends.They don't want to drive by a big cannabis farm in downtown little Trinity Center. I don't disagree with this. We in no way wish to change this community and take that nostalgia. We also so much love and appreciate this amazing almost back in time community. We wish to encourage the nostalgic times here. I work at the largest local resort and we are the founders and operators of the north lake farmers market. We are farmers. We are families. We are neighbors. We are friends. We are tax paying businesses. We are supporting members of the community.
Besides all of the things above we are also Sun and Earth Certified farmers. This is a beyond organic certification based on 3 pillars : earth care + cultivation , human empowerment, and human engagement. It also requires a community engagement aspect and you must be growing multiple crops not just cannabis. More information here Sun + Earth Cannabis Certification We take a great deal of care and pride in protecting the ecosystems around us and working with nature not against it.
All of the concerns will be mitigated through regulation while preserving the rural property rights of the rest of north lakes residents and families.
We are farmers and families. Cannabis has been a part of north lake multi generationally. Our community deserves the right to participate in the regulated program too.

The benefits we bring-
Jobs , families, economic revenue, full time residents, a safer community, young people, and so much more

Removing the opt out in north lake will still protect all of the interests of the community. Regulation will not allow cultivation in the Trinity Center neighborhood or surrounding ones as it is in a federal recreation area and it is within the school setback. Most of the covington mill neighborhood is the same. Coffee Creek neighborhood is not allowed due to school setbacks and village zoning. All of the places where the concern about cultivation exists regulation already prohibits it.
I have attached maps to this email showing
-the opt out countywide showing that all other opt outs are small slivers, not huge broad exclusions
-the trinity center and coffee creek opt outs

-Trinity Unit map showing the federal recreation area (the darker shaded area is the rec area) where no cannabis activity is allowed
-and one showing coffee creek with school setbacks and zoning restrictions
as to very clearly demonstrate the above is accurate. I hope you can see this clearly shows the north lake opt out is not to stop cannabis cultivation in high density areas as all the high density areas already can't get licensed under current and proposed regulation. This is clearly a targeted effort to only take the property rights of people in the unpopulated extremely low density areas of north lake.
The small neighborhoods can stay cannabis free and we should be able to cultivate on our rural mountain properties. It is a travesty to deny north lake a chance at economic viability. Please stand with us in moving forward, coming together, breaking down these walls of division, and finding a truly middle ground policy that supports all residents of north lake. Lets stop making fear based decisions and make thoughtful educated ones. Lets support small business by lowering the barriers to entry.

I was about to send in my comments and noticed you have added a new section one day before the meeting.

17.45.040 Cannabis Opt-Out Overlay Zone (-COO)

I have addressed this section above. All of the previous comments relating to opt out zones apply here. This COO overlay zone is a direct violation of land use code. You cannot ban cannabis an agricultural activity and allow all other agricultural activities. This has been found to be discrimination in CA land use code and court cases. It is stated there are findings contained in this code. No findings exist. There is one thing presented "that we are in too close proximity to high population density therefore create a substantial risk for nuisance". This is factually wrong as shown above from our presented data. This code presents no data on this so called finding. In this case it is not a finding it is an opinion. Opinion cannot be used to determine land use decisions. This is a violation of state law.
In Nevada county they were moving to do the same. They had opt out zones. These zones were found to be discriminatory in CA land use code and they were removed. They then implemented an anti discrimination clause in response.
This cannabis overlay zone-

- Sets dangerous land use precedent
- Policy is not based on actual disturbances since RR and AG zoned land allows for commercial ag businesses, How can one crop be considered for exclusion over another?
- So you really need to ask yourself. Why is policy being proposed to satisfy a few people who just may not like cannabis.

Passing this COO cannabis opt out overlay zone says the county is putting itself in a very precarious situation.

Thank you again for your time and consideration on this issue. Feel free to reach out with any questions.
Matthew Jefferson / owner operator Trinity Alps Canna Craft
530-739-0102 / trinityalpscc530@gmail.com

Detailed CA government land use code language and detailed explanation on how these codes are being violated

There is no single "California land use code section" that says "thou shalt not have cannabis opt-outs." Instead, the vulnerability comes from specific, well-established California statutes and doctrines that the Trinity Center CSD / Coffee Creek VFD opt-outs likely conflict with when no findings or analysis support them.

The opt-outs are inconsistent with Government Code sections 65008, 65852, 65853, 65855 and 65863 because they impose permanent geographic prohibitions without findings, without equal treatment of similarly situated land uses.

This is how I think they are inconsistent and violate state land use law.

1)
GOV Code 65008 talks about equal treatment of land uses. A county may not treat similarly situated land uses differently without a rational, documented basis.

Parcels in the Trinity Center and Coffee Creek opt-outs are categorically prohibited from cultivation, while similarly zoned parcels immediately outside those boundaries may apply. No legitimate findings explain the distinction. Absent findings justifying this distinction, the ordinance effect unequal geographic treatment contrary to GOV Code 65008 and established land-use principles prohibiting arbitrary line drawing.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 1. General Provisions [65000 - 65010] *(Heading of Chapter 1 amended by Stats. 1956, 1st Ex. Sess., Ch. 33.)*

65008.
(a) Any action pursuant to this title by any city, county, city and county, or other local governmental agency in this state is null and void if it denies to any individual or group of individuals the enjoyment of residence, landownership, tenancy, or any other land use in this state because of any of the following reasons:

(1) (A) The lawful occupation, age, or any characteristic of the individual or group of individuals listed in subdivision (a) or (d) of Section 12955, as those bases are defined in Sections 12926, 12926.1, subdivision (m) and paragraph (1) of subdivision (p) of Section 12955 and Section 12955.2.

2)
GOV Code 65852 and 65852.21 talk about objective zoning standards and how they should use no personal judgement and uniform verifiable benchmarks. This code is general about not discriminating in the housing sector. However, I believe the same principles would apply.
In Nevada County there were opt-outs and now there is instead an anti-discrimination clause. The points brought up in that case were that it is discriminatory and potentially illegal based on the fact that other types of commercial AG are allowed in these zones. It was agreed by the Supervisors that it was akin to anti illegal housing and discriminatory housing laws.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*

ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65852.
All such regulations shall be uniform for each class or kind of building or use of land throughout each zone, but the regulation in one type of zone may differ from those in other types of zones. *(Repealed and added by Stats. 1965, Ch. 1880.)*

3)
In 65852.21 I would like to draw your attention to 65852.21(b) and (d) and (j)(2) talks about objective zoning standards and how they should use no personal judgement and uniform verifiable benchmarks.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65852.21.
(a) A proposed housing development containing no more than two residential units within a single-family residential zone shall be considered ministerially, without discretionary review or a hearing, if the proposed housing development meets all of the following requirements:

(1) The parcel subject to the proposed housing development is located within a city, the boundaries of which include some portion of either an urbanized area or urban cluster, as designated by the United States Census Bureau, or, for unincorporated areas, a legal parcel wholly within the boundaries of an urbanized area or urban cluster, as designated by the United States Census Bureau.
(2) The parcel satisfies the requirements specified in subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, as that section read on September 16, 2021.
(3) Notwithstanding any provision of this section or any local law, the proposed housing development would not require demolition or alteration of any of the following types of housing:

(A) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
(B) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
(C) Housing that has been occupied by a tenant in the last three years.

(4) The parcel subject to the proposed housing development is not a parcel on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 to withdraw accommodations from rent or lease within 15 years before the date that the development proponent submits an application.
(5) The development is not located in either the following:

(A) A contributing structure within a historic district included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or historic property or district pursuant to a city or county ordinance.
(B) A parcel individually listed as a historical resource included in the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a property individually designated or listed as a city or county landmark under a city or county ordinance.

(b) (1) Notwithstanding any local law and except as provided in paragraphs (2) and (3), a local agency may impose objective zoning standards, objective subdivision standards, and objective design review standards that do not conflict with this section.

(2) (A) The local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that would have the effect of physically precluding the construction of up to two units or that would physically preclude either of the two units from being at least 800 square feet in floor area.

(B) (i) Notwithstanding subparagraph (A), no setback shall be required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.

(ii) Notwithstanding subparagraph (A), in all other circumstances not described in clause (i), a local agency may require a setback of up to four feet from the side and rear lot lines.

(3) A local agency shall not impose objective zoning standards, objective subdivision standards, and objective design standards that do not apply uniformly to development within the underlying zone. This subdivision shall not prevent a local agency from adopting or imposing objective zoning standards, objective subdivision standards, and objective design standards on development authorized by this section if those standards are more permissive than applicable standards within the underlying zone.
(4) A local agency may adopt objective standards for the purposes of maintaining the historical value of a historic district listed in the California Register of Historical Resources.

(c) In addition to any conditions established in accordance with subdivision (b), a local agency may require any of the following conditions when considering an application for two residential units as provided for in this section:

(1) Offstreet parking of up to one space per unit, except that a local agency shall not impose parking requirements in either of the following instances:

(A) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
(B) There is a car share vehicle located within one block of the parcel.

(2) For residential units connected to an onsite wastewater treatment system, a percolation test completed within the last 5 years, or, if the percolation test has been recertified, within the last 10 years.

(d) Notwithstanding subdivision (a), a local agency may deny a proposed housing development project if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public

health and safety for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
(e) A local agency shall require that a rental of any unit created pursuant to this section be for a term longer than 30 days.
(f) Notwithstanding Article 2 (commencing with Section 66314) or Article 3 (commencing with Section 66333) of Chapter 13, a local agency shall not be required to permit an accessory dwelling unit or a junior accessory dwelling unit on parcels that use both the authority contained within this section and the authority contained in Section 66411.7.
(g) Notwithstanding subparagraph (B) of paragraph (2) of subdivision (b), an application shall not be rejected solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.
(h) (1) An application for a proposed housing development pursuant to this section shall be considered and approved or denied within 60 days from the date the local agency receives a completed application. If the local agency has not approved or denied the completed application within 60 days, the application shall be deemed approved.

(2) If a permitting agency denies an application for a proposed housing development pursuant to paragraph (1), the permitting agency shall, within the time period described in paragraph (1), return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.

(i) Local agencies shall include units constructed pursuant to this section in the annual housing element report as required by subparagraph (I) of paragraph (2) of subdivision (a) of Section 65400.
(j) For purposes of this section, all of the following apply:

(1) A housing development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.
(2) The terms "objective zoning standards," "objective subdivision standards," and "objective design review standards" mean standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal. These standards may be embodied in alternative objective land use specifications adopted by a local agency, and may include, but are not limited to, housing overlay zones, specific plans, inclusionary zoning ordinances, and density bonus ordinances.
(3) "Local agency" means a city, county, or city and county, whether general law or chartered.

(k) A local agency may adopt an ordinance to implement the provisions of this section. An ordinance adopted to implement this section shall not be considered a project under Division 13 (commencing with Section 21000) of the Public Resources Code.
(l) Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code), except that the local agency shall not be required to hold public hearings for coastal development permit applications for a housing development pursuant to this section.
(Amended by Stats. 2025, Ch. 505, Sec. 1. (AB 1061) Effective January 1, 2026.)

4)

GOV Code 65853 and 65855 discuss how zoning ordinance shall be consistent with the general plan of the county. Also that zoning decisions (including categorical exclusions) must be supported by findings showing consistency. A permanent geographic exclusion is a zoning decision in effect, even if placed in a cannabis ordinance.

The problem for the opt-outs is that if Trinity County allows cannabis cultivation countywide in principle, but permanently excludes entire communities without findings tying that exclusion to the General Plan, then the opt-outs are vulnerable as inconsistent, unsupported zoning actions.

Legislative land-use decisions must be supported by findings demonstrating a rational connection between facts found and choices made. Here, the County asserts that the excluded districts present heightened nuisance risks due to “high density,” but the ordinance:

* Defines no density standard;
* Identifies no parcel-level or district-specific conditions;
* Provides no evidence distinguishing these areas from similarly situated communities; and
* Offers no explanation why existing regulatory tools are inadequate.

Conclusory statements, without evidentiary support, are insufficient to sustain categorical land-use exclusions.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65853.
A zoning ordinance or an amendment to a zoning ordinance, which amendment changes any property from one zone to another or imposes any regulation listed in Section 65850 not theretofore imposed or removes or modifies any such regulation theretofore imposed shall be adopted in the manner set forth in Sections 65854 to 65857, inclusive. Any other amendment to a zoning ordinance may be adopted as other ordinances are adopted.

5)
GOV Code 65855 This is a piggy-back off number 4. While 65855 governs amendments, courts consistently require that legislative land-use decisions be supported by findings showing a rational connection between facts and action.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65855.

After the hearing, the planning commission shall render its decision in the form of a written recommendation to the legislative body. Such recommendation shall include the reasons for the recommendation, the relationship of the proposed ordinance or amendment to applicable general and specific plans, and shall be transmitted to the legislative body in such form and manner as may be specified by the legislative body.

6)
GOV Code 65863 Zoning Cannot Be Arbitrary or Capricious
While 65863 is often cited in housing cases, California courts apply the same principle more broadly. Zoning actions must be supported by a rational basis and factual findings. The problem is that the ordinance states the areas are “high density” and a “nuisance risk” but:

* defines no density threshold
* cites no evidence
* explains no parcel-level conditions
* uses service district boundaries as a proxy

That creates arbitrary line-drawing, which 65863 jurisprudence disallows.

Government Code - GOV
TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] *(Heading of Title 7 amended by Stats. 1974, Ch. 1536.)*
DIVISION 1. PLANNING AND ZONING [65000 - 66345.4] *(Heading of Division 1 added by Stats. 1974, Ch. 1536.)*
CHAPTER 4. Zoning Regulations [65800 - 65912] *(Chapter 4 repealed and added by Stats. 1965, Ch. 1880.)*
ARTICLE 2. Adoption of Regulations [65850 - 65863.13] *(Article 2 added by Stats. 1965, Ch. 1880.)*

65863.
(a) Each city, county, or city and county shall ensure that its housing element inventory described in paragraph (3) of subdivision (a) of Section 65583 or its housing element program to make sites available pursuant to paragraph (1) of subdivision (c) of Section 65583, including sites rezoned pursuant to Section 65584.09, can accommodate, at all times throughout the planning period, its remaining unmet share of the regional housing need allocated pursuant to Section 65584, and any remaining unaccommodated portion of the regional housing need from the prior planning period, except as provided in paragraph (2) of subdivision (c). At no time, except as provided in paragraph (2) of subdivision (c), shall a city, county, or city and county by administrative, quasi-judicial, legislative, or other action permit or cause its inventory of sites identified in the housing element to be insufficient to meet its remaining unmet share of the regional housing need for lower and moderate-income households.
(b) (1) No city, county, or city and county shall, by administrative, quasi-judicial, legislative, or other action, reduce, or require or permit the reduction of, the residential density for any parcel identified to meet its current share of the regional housing need or any unaccommodated portion of the regional housing need from the prior planning period to, or allow development of any parcel at, a lower residential density, as defined in paragraphs (1) and (2) of subdivision (g), unless the city, county, or city and county makes written findings supported by substantial evidence of both of the following:

(A) The reduction is consistent with the adopted general plan, including the housing element.
(B) The remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction’s share of the regional housing need pursuant to Section 65584. The finding shall include a quantification

of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(2) If a city, county, or city and county, by administrative, quasi-judicial, legislative, or other action, allows development of any parcel with fewer units by income category than identified in the jurisdiction's housing element for that parcel, the city, county, or city and county shall make a written finding supported by substantial evidence as to whether or not remaining sites identified in the housing element are adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. The finding shall include a quantification of the remaining unmet need for the jurisdiction's share of the regional housing need at each income level and the remaining capacity of sites identified in the housing element to accommodate that need by income level.

(c) (1) If a reduction in residential density for any parcel would result in the remaining sites in the housing element not being adequate to meet the requirements of Section 65583.2 and to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584, the jurisdiction may reduce the density on that parcel if it identifies sufficient additional, adequate, and available sites with an equal or greater residential density in the jurisdiction so that there is no net loss of residential unit capacity.

(2) If the approval of a development project results in fewer units by income category than identified in the jurisdiction's housing element for that parcel and the jurisdiction does not find that the remaining sites in the housing element are adequate to accommodate the jurisdiction's share of the regional housing need by income level, the jurisdiction shall within 180 days identify and make available additional adequate sites to accommodate the jurisdiction's share of the regional housing need by income level. Nothing in this section shall authorize a city, county, or city and county to disapprove a housing development project on the basis that approval of the housing project would require compliance with this paragraph.

(d) The requirements of this section shall be in addition to any other law that may restrict or limit the reduction of residential density.
(e) This section requires that a city, county, or city and county be solely responsible for compliance with this section, unless a project applicant requests in their initial application, as submitted, a density that would result in the remaining sites in the housing element not being adequate to accommodate the jurisdiction's share of the regional housing need pursuant to Section 65584. In that case, the city, county, or city and county may require the project applicant to comply with this section. The submission of an application for purposes of this subdivision does not depend on the application being deemed complete or being accepted by the city, county, or city and county.
(f) This section shall not be construed to apply to parcels that, prior to January 1, 2003, were either (1) subject to a development agreement, or (2) parcels for which an application for a subdivision map had been submitted.
(g) (1) If the local jurisdiction has adopted a housing element for the current planning period that is in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3, for purposes of this section, "lower residential density" means the following:

(A) For sites on which the zoning designation permits residential use and that are identified in the local jurisdiction's housing element inventory described in paragraph (3) of subdivision (a) of Section 65583, fewer units on the site than were projected by the jurisdiction to be accommodated on the site pursuant to subdivision (c) of Section 65583.2.
(B) For sites that have been or will be rezoned pursuant to the local jurisdiction's housing element program described in paragraph (1) of subdivision (c) of Section 65583, fewer

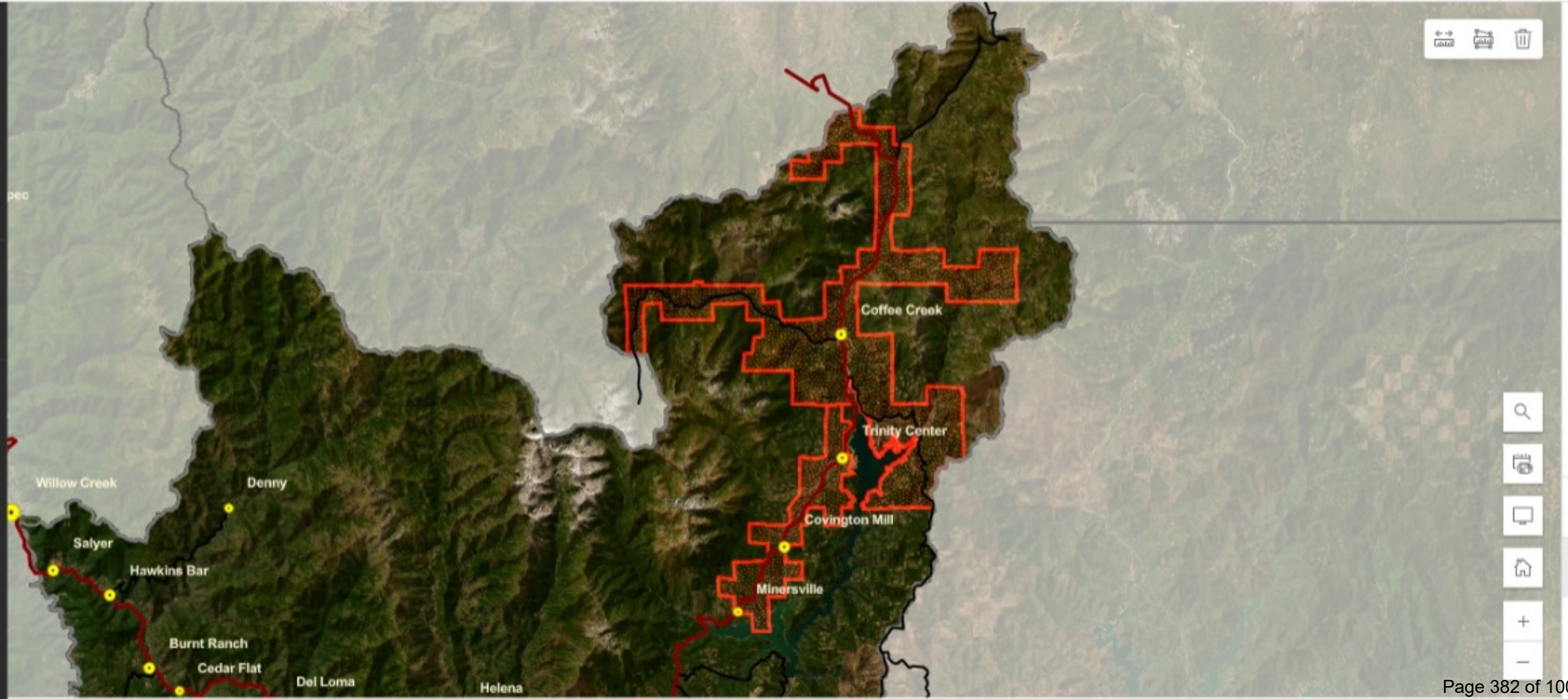
units for the site than were projected to be developed on the site in the housing element program.

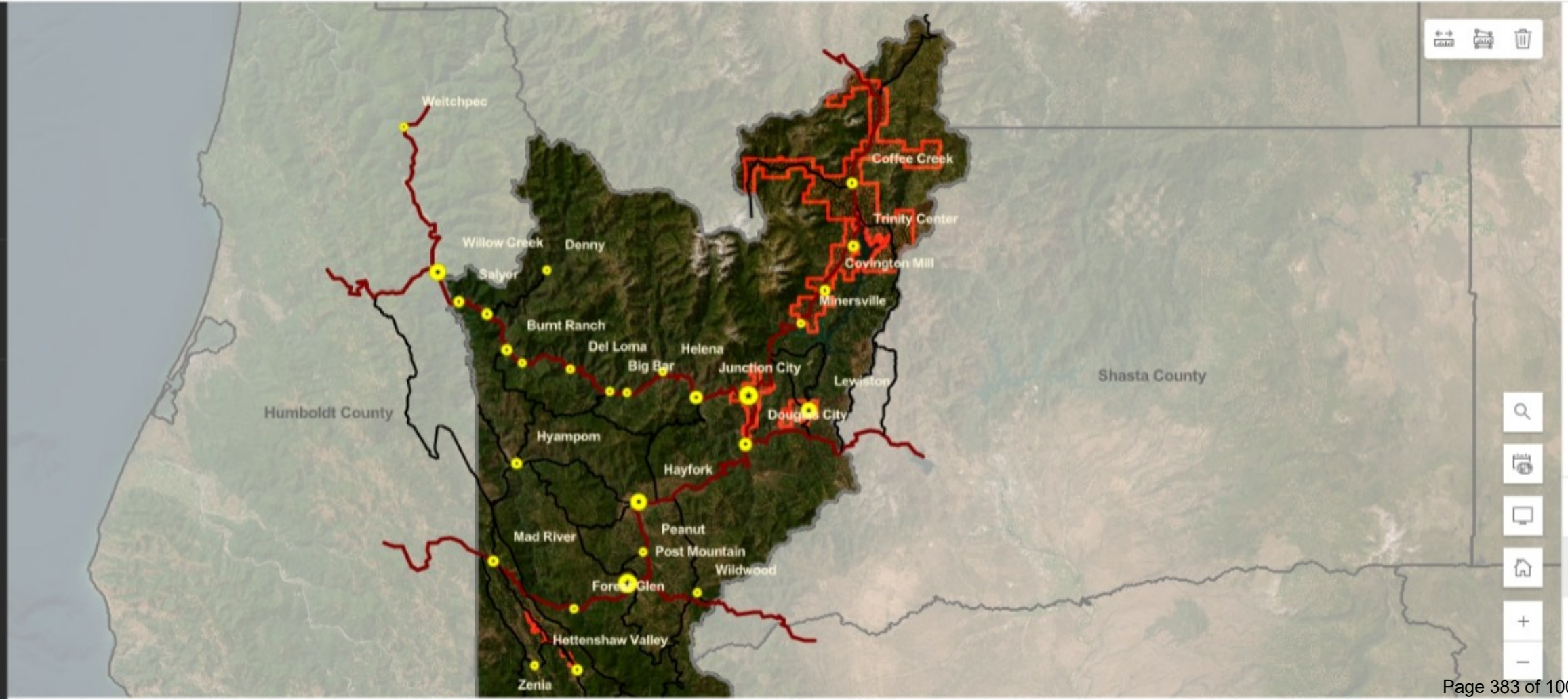
(2) (A) If the local jurisdiction has not adopted a housing element for the current planning period within 90 days of the deadline established by Section 65588 or the adopted housing element is not in substantial compliance with Article 10.6 (commencing with Section 65580) of Chapter 3 within 180 days of the deadline established by Section 65588, "lower residential density" means any of the following:

(i) For residentially zoned sites, a density that is lower than 80 percent of the maximum allowable residential density for that parcel or 80 percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.
(ii) For sites on which residential and nonresidential uses are permitted, a use that would result in the development of fewer than 80 percent of the number of residential units that would be allowed under the maximum residential density for the site parcel or 80 percent of the maximum density required by paragraph (3) of subdivision (c) of Section 65583.2, whichever is greater.

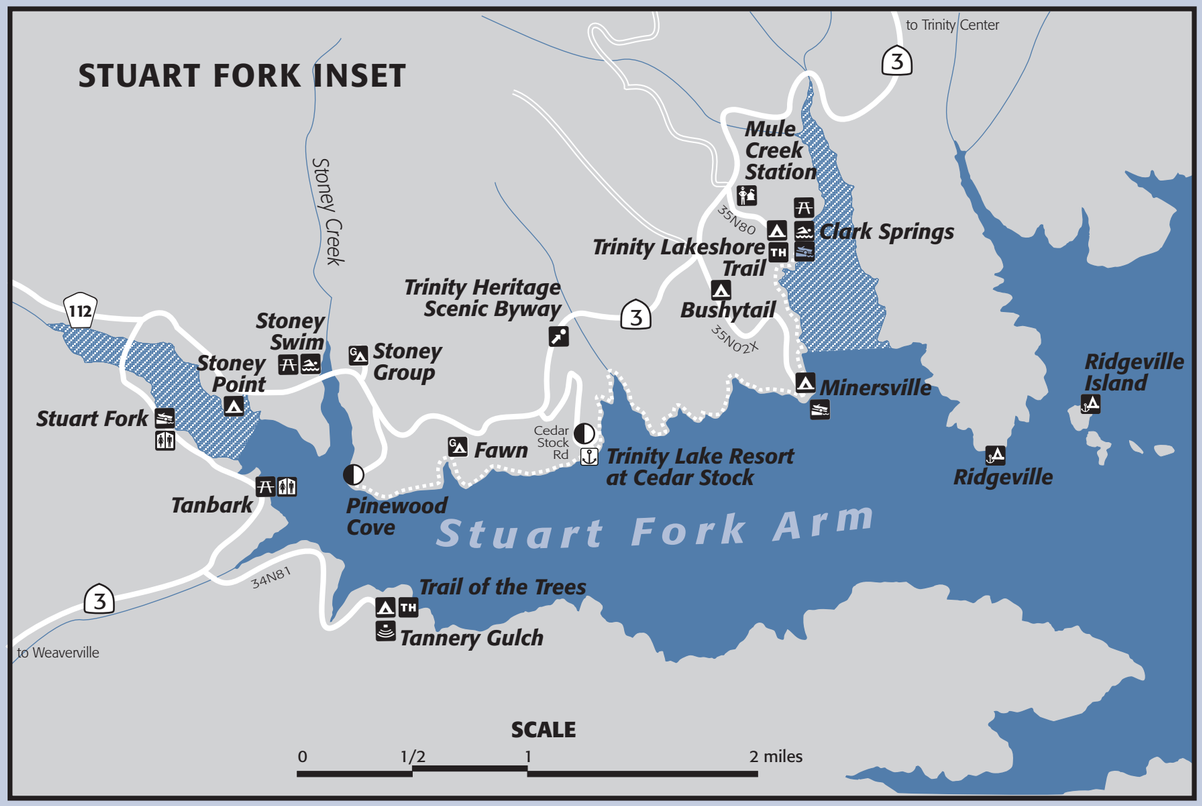
(B) If the council of governments fails to complete a final housing need allocation pursuant to the deadlines established by Section 65584.05, then for purposes of this paragraph, the deadline pursuant to Section 65588 shall be extended by a time period equal to the number of days of delay incurred by the council of governments in completing the final housing need allocation.

(h) An action that obligates a jurisdiction to identify and make available additional adequate sites for residential development pursuant to this section creates no obligation under the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) to identify, analyze, or mitigate the environmental impacts of that subsequent action to identify and make available additional adequate sites as a reasonably foreseeable consequence of that action. Nothing in this subdivision shall be construed as a determination as to whether or not the subsequent action by a city, county, or city and county to identify and make available additional adequate sites is a "project" for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).
(i) For purposes of this section, "unaccommodated portion of the regional housing need" means the portion of the local government's regional housing need from the prior planning period that is required to be accommodated onsite zoned or rezoned pursuant to Section 65584.09.
(j) Notwithstanding Section 65803, this section shall also apply to a charter city.
(Amended by Stats. 2022, Ch. 654, Sec. 2. (AB 2339) Effective January 1, 2023.)


Coffee Creek
Trinity Center
Covington Mill
Minersville
Willow Creek
Denny
Salyer
Hawkins Bar
Burnt Ranch
Cedar Flat
Del Loma
Helena
Earthstar Geographics | Trinity County Planning Department | Trinity County Resource Conservaiton District, County of Trinity | ESRI | Trinity County Department of Transportation, Trinity County Planning Departmen...
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Earthstar Geographics | Trinity County Planning Department | Trinity County Resource Conservaiton District, County of Trinity | ESRI | Trinity County Department of Transportation, Trinity County Planning Departmen... Powered by Esri



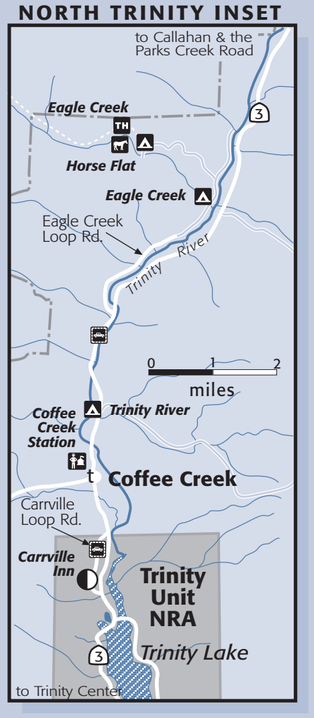
Trinity Unit
Whiskeytown-Shasta-Trinity National Recreation Area

- Town
- Forest Service Ranger District
- Forest Service Ranger Station
- CalFire
- Self Service Information
- Restroom
- Forest Service Campground
- Private Campground
- Forest Service Group Camp
- Forest Service Boat-in Camp
- Picnic Area
- Wheelchair Access
- Horse Camping
- Marina
- Resort
- Amphitheater
- Boat Ramp
- Accessible Boat Loading Platform
- Wading Area
- Trailhead
- Point of Interest / Interpretive Stop
- Information
- Wildlife Viewing Area
- Trinity Heritage Scenic Byway
- Public Access Point
- Prominent Peak or Mountain
- Forest Service Fire Lookout

- Trinity Unit
- Wilderness Boundary
- 5 mph speed zone
- Paved Road
- Gravel or Dirt Road
- Foot Trail

Scale
0 1 2 3 4 5 miles

Revised June 2014



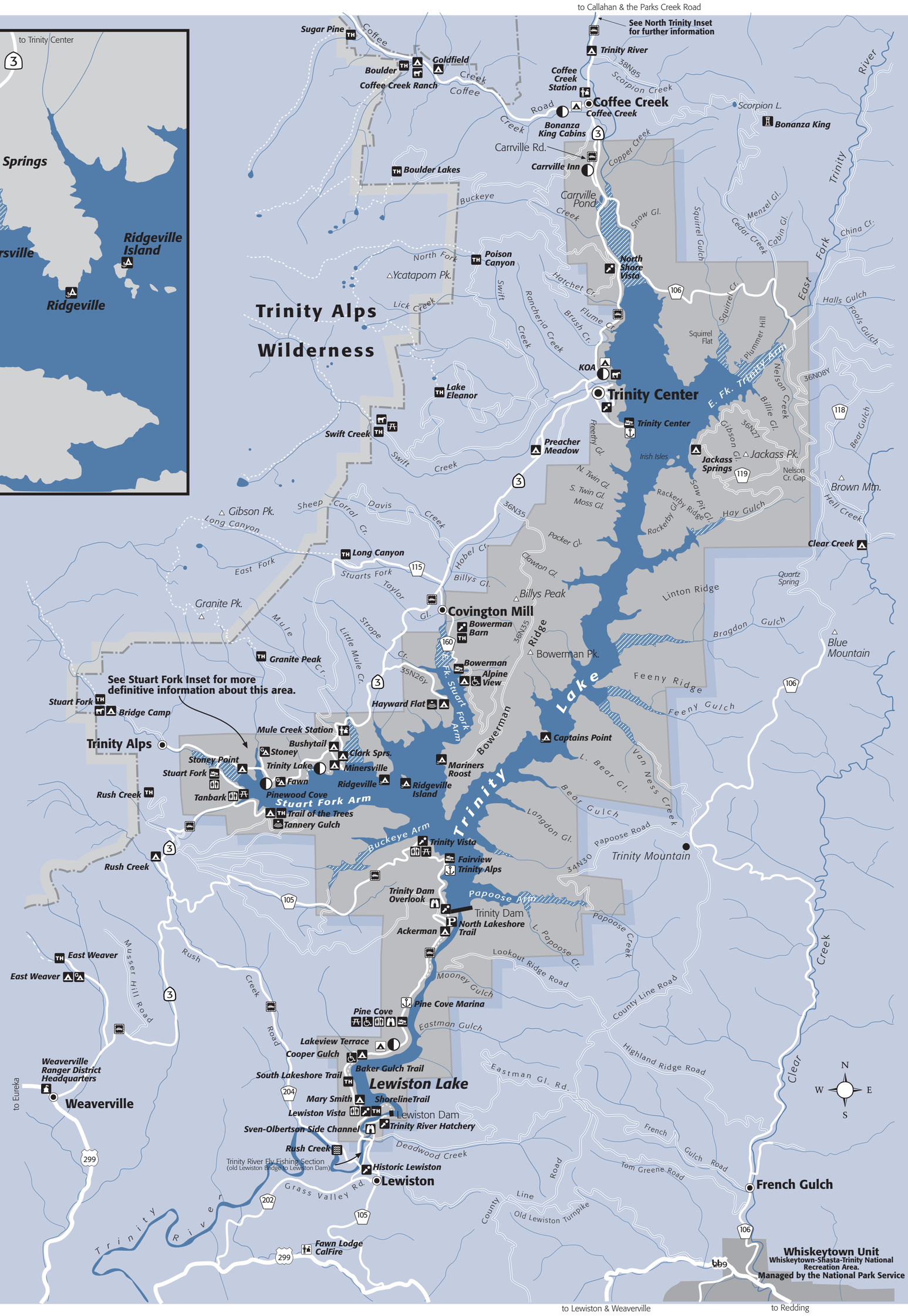
Emergency Phone Number
Ambulance • Fire • Sheriff • Accident

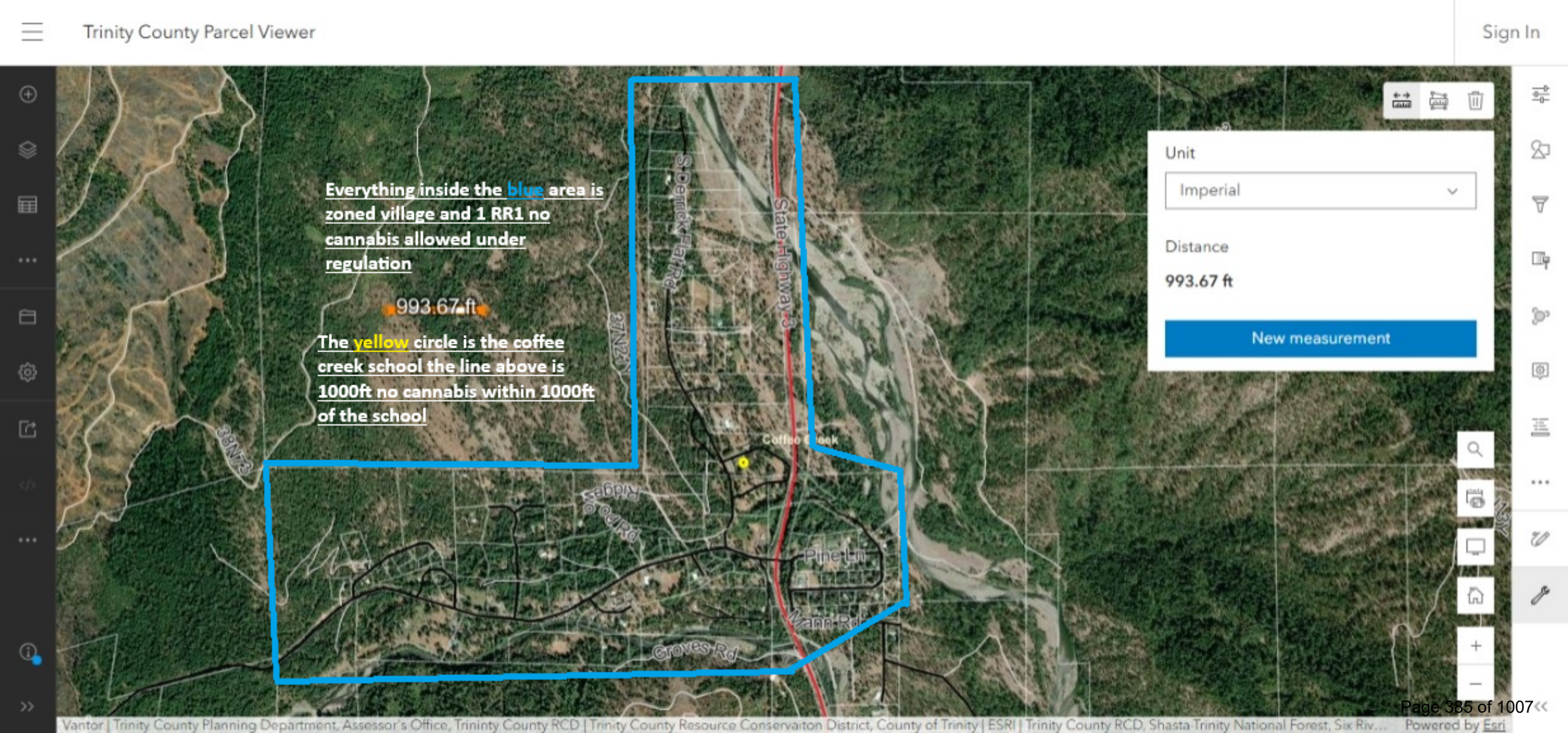
911

Phone locations from north to south

Trinity Lake
- Coffee Creek
- KOA
- Trinity Center
- Trinity Lake Resort
- Pinewood Cove
- Trinity Alps Resort

Lewiston Lake
- Lewiston




Trinity County Parcel Viewer
Sign In
Everything inside the blue area is zoned village and 1 RR1 no cannabis allowed under regulation
993.67 ft
The yellow circle is the coffee creek school the line above is 1000ft no cannabis within 1000ft of the school
Unit
Imperial
Distance
993.67 ft
New measurement
Spencer Flat Rd
State Highway 3
Coffee Creek
Ridges Rd
Pine Ln
Mann Rd
Groves Rd
38N23
38N24
Vantor | Trinity County Planning Department, Assessor's Office, Trininty County RCD | Trinity County Resource Conservaiton District, County of Trinity | ESRI | Trinity County RCD, Shasta Trinity National Forest, Six Riv...
Powered by Esri

Deborah Rogge

From: Karen Jernigan [redacted]
Sent: Thursday, March 5, 2026 3:59 PM
To: info.planning
Subject: Fwd: Keep Lewiston cannabis-free

Dear planners:

Please consider this a letter of opposition to efforts that I have heard are underway in Trinity County to consider allowing large cannabis grows in the Lewiston area.

I grew up in Lewiston in the late 1960s and early 1970s and consider it one of the most beautiful spots in the state. Although I now live in central California, I look for opportunities to visit every year to experience the beauty and tranquility. I would not want to see that spoiled with the influence of cannabis grows.

In the area where I live, several towns have allowed large cannabis grows and although we were promised in planning meetings that the skunk smell would be controlled with testing meters, that has not proved to be true. Now the town I live in struggles with that smell and the town north of us is a place where the order permeates the entire town. Yes, it provides jobs for some but the rest of us have to live with the consequences.

I assure you that if you allow this influence to take hold in Trinity County, your tourism dollars will dramatically decrease. Who wants to come to a place that smells and deal with the uncertainties of life amid legal and illegal cannabis grows?

I urge you to do the right thing and not allow large cannabis grows in the Lewiston area.

Karen Vanderwall Jernigan

King City, California

-

[redacted]

Deborah Rogge

From: Jessica Kirkland [redacted]
Sent: Thursday, March 5, 2026 4:13 PM
To: Trinity2050; info.planning; info.cannabis; Duncan McIntosh; Amelia Fleitz; Dan Harper; Rory Barrett
Subject: Planning commission 3/12/2026

Dear planning commissioners, staff and all whom this may concern, My name is Jessica Kirkland, I am a resident of Coffee Creek since 2018. I'm reaching out to specifically comment in regards to the March 12th of 2026 planning commission meeting regarding the cannabis ordinance update and the Trinity Center/ Coffee Creek opt out zones.
I fully support legal cannabis farmers in our rural areas of North Lake.
I whole heartedly believe that this matter only concerns close minded people. People that don't believe in the healing power of cannabis but fully support big pharma. Those that will take prescription medication, cancer therapies and vaccines before trusting in a natural herb that can be produced organically! People that are uptight and want their way or the highway. Let's remember that it's legal to grow cannabis for our own use. Cannabis growing doesn't affect the average person. Cannabis is medicinal and way less addictive and harmful than alcohol and prescription medications. Therefore I support the removal of TCCSD and CCVFD cannabis opt out zones.
Refer to Genesis 1:29

Kind Regards,
~ Jessica Kirkland ~

Deborah Rogge

From: AT&T Yahoo Mail [redacted]
Sent: Friday, March 6, 2026 12:55 PM
To: info.planning
Subject: Opt-out Cannabis operations

My name is Katherine Miller and I live in Bucktail Subdivision, Lewiston. Please keep our small community from unwanted Cannabis cultivation. We are a quiet, friendly community who want to stay this way.

Deborah Rogge

From: Laura Miller [redacted]
Sent: Thursday, March 5, 2026 2:54 PM
To: info.planning
Subject: Opposition to Removing the Cannabis Grow Opt-Out in Lewiston

Dear Trinity County Officials,

I'm writing to express my opposition to removing the current opt-out on large cannabis cultivation in Lewiston.

I enjoy visiting Lewiston and Trinity County and value the area for its natural beauty, dark night skies, and clean air. These qualities are a big part of what draws visitors like me to spend time—and tourism dollars—in the region.

I hope you will carefully consider the importance of preserving the rural character and environmental quality that make Lewiston such a special place for residents and visitors alike.

Thank you for your time and consideration.

Sincerely,
Laura Miller
Oakland, CA

Deborah Rogge

From: Jason/Brittany Pescia [redacted]
Sent: Friday, March 6, 2026 10:18 AM
To: Trinity2050; info.planning; info.cannabis
Subject: Public Comment – March 12 Planning Commission Meeting

Hello Planning Commissioners and Staff,

I am writing regarding the March 12, 2026 Planning Commission meeting and the proposed cannabis ordinance updates, specifically the Trinity Center and Coffee Creek opt-out zones.

I respectfully support the removal of the TCCSD and CCVFD cannabis opt-out zones. These areas are rural agricultural communities, and many responsible farmers rely on cannabis cultivation as a legitimate form of agriculture and livelihood.

Legal cannabis farmers in Trinity County operate under strict regulations and contribute to the local economy while respecting community standards. Broad opt-out zones in sparsely populated areas can unfairly limit the ability of responsible agricultural operators to continue their work.

I believe it is important that county policies support rural livelihoods while maintaining reasonable regulations that address community concerns.

Thank you for your time and for your commitment to serving Trinity County.

Sincerely,

Brittany Pescia

Trinity Center

Deborah Rogge

From: Scott [redacted]
Sent: Thursday, March 5, 2026 1:14 PM
To: info.planning
Subject: Opt Out Zones

Greetings

I am writing in support of maintaining the current opt out zones in Trinity County forbidding any additional cultivation occurring in these areas. Years and years of emotional and financial tolls were placed on residents defending their way off life free from the myriad negative side effects caused by cannabis grows. The cautionary tale of the Coffin Road grow should serve as the reason grows should never be permitted in areas with established communities with moderate housing numbers nearby.

We should not need to keep enduring this on again/off again emotional whiplash from the County's seeming incompetence or lack of support of the wishes expressed by already tax paying residents.

Stop even entertaining placing more permitted grows in the Grass Valley Community in Lewiston. We have spoken, and we pay taxes, and we vote.

I never want to attend another boring, frustrating, often meaningless "kick the can down the road yet again " Board meeting on this issue. But if the county cant figure this out, I will be there.

Scott Simpson

Deborah Rogge

From: chris way [redacted]
Sent: Friday, March 6, 2026 12:38 PM
To: info.planning
Subject: Cannabis growing in public settings

To whom it may concern,
Regarding the proposed county ordinance:
I am worried about the cultivation of cannabis in open areas that will affect the environment and habitat.

For our family, trips to the Trinity Alps are about experiencing clean air, quiet forests, and untouched landscapes. We hike, fish, and swim here to reconnect with nature and to give our children the opportunity to appreciate the outdoors. Cannabis cultivation operations—especially when visible across natural meadows or noticeable by smell—fundamentally change that experience. We are also concerned about the environmental impacts that can accompany large-scale grows, including pollution to streams and rivers and disruption to wildlife habitats. These landscapes should be preserved in their natural state. If they are not, we will sadly stop visiting the places we love.

Chris Way
323-401-0867

Zoning Code Tables

Land Uses and Permitting Pathways

Trinity County Community Development Department

Resource Zones

Land Uses and Permitting Pathways

Key:

P = Permitted by-right

D = Director's Use Permit

C = Conditional Use Permit

TUP = Temporary Use Permit

- = Not Permitted

Land Use	Zone				
	A	AP	AF	OS	TPZ
Agricultural and Resource Uses					
Agricultural packing and processing plant	P	P	Section __	-	-
Agritourism	P/D	P/D	-	-	-
Aquaculture	P/D	P/D	C	-	C
Chicken, turkey, or hog ranch	P	P	Section __	-	-
Dairy	P	P	-		
Animal husbandry	P	P	Section __	-	-
Animal sales yard	D	D	Section __	-	-
Apiary	P	P	Section __	-	-
Cattle feed yard	D	D	Section __	-	-
Farm stand	P	P	P	-	-
Firewood, storage and processing	P	P	P	D	P
Forestry	P	P	P	P	P
Grazing	P	P	P	P	P
Habitat conservation and improvement	P	P	P	P	P
Nursery/greenhouse, plant production	P	P	D*	C	P
Poultry farm	P	P	Section __		
Row and field crops, perennial	P	P	Section __	-	D
Row and field crops, seasonal/rotating	P	P	Section __	-	D
Stables, public	D	D	Section __	-	C
Watershed management activities	-	-	P	P	P

Key:

P = Permitted by-right

D = Director's Use Permit

C = Conditional Use Permit

TUP = Temporary Use Permit

- = Not Permitted

Land Use	Zone				
	A	AP	AF	OS	TPZ
Cannabis-Related Uses					
Cultivation, small	D	D	D	-	Section ___
Cultivation, medium	C	C	C	-	Section ___
Distribution	C	C	-	-	-
Manufacturing (Type 6, N, P)	D/C	D/C	D/C	-	-
Manufacturing (Type 7)					
Microbusiness	D/C	D/C	D/C	-	-
Nursery	C	C	-	-	-
Processing facility	C	C	C	-	-
Retail, non-storefront	D	D	D	-	-
Retail, storefront	C	-	-	-	-
Testing facility	-	-	-	-	-

Key:

P = Permitted by-right

D = Director's Use Permit

C = Conditional Use Permit

TUP = Temporary Use Permit

- = Not Permitted

Land Use	Zone				
	A	AP	AF	OS	TPZ
Residential Uses					
Accessory dwelling unit	Chapter 17.80				
Accessory dwelling unit, junior	Chapter 17.80				
Caretaker unit	D	D	D	D	D
Dwelling, single-family	P	P	P	-	D
Emergency shelters	P	P	P	-	D
Family daycare home	P	P	P	-	P
Farmworker/employee housing, small	P	P	P	-	D
Farmworker/employee housing, large	P	P	P	P	P
Mobile home/manufactured home	P	P	P	-	D
Mobile tiny homes	P	P	P	-	D
Residential care facilityties (less than 7 persons)	P	P	P	-	D
Residential care facilityies (7+ persons)	P	P	P	-	
Supportive housing	P	P	P	-	D
Temporary Worker Housing	D	D	D	-	D
Transitional housing	P	P	P	-	D

Key:

P = Permitted by-right

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Land Use	Zone				
	A	AP	AF	OS	TPZ
Commercial Uses					
Animal hospital	C	C	-	-	-
Brewery, distillery, or winery	C	C	C	-	-
Equipment sales and rental facility	C	-	-	-	-
Cemetery	C	-	-	-	-
Home enterprise	P	P	P	-	-
Home occupation	P	P	P	-	
Hospital	C	-	-	-	-
Kennel, breeding or boarding	D	D	-	-	-
Retail sales, nursery	D	D	-	-	-
Industrial and Manufacturing Uses					
Contractor yard	-	-	C	-	D
Energy generating facility, commercial	C*	C	-	-	-
Industrial, major	C*	-	C*	-	
Industrial, minor	D*	-	C*	-	-
Lumber yard	C*	-	C*	-	C
Mining	C	C	C*	C	C
Sawmill	-	-	D	D	D
Slaughterhouse	D	C	-	-	-
Storage, outdoor	D	D	D	-	-
Wholesale, distributer	C	-	-	-	-

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Land Use	Zone				
	A	AP	AF	OS	TPZ
Recreation, Entertainment, and Public Assembly Uses					
Bed and breakfast	C	C	C	-	-
Campground, minor	D	D	D	D	D
Campground, major	C	-	D	-	D
Commercial recreation and entertainment, indoor	C	-	-	-	
Commercial recreation and entertainment, outdoor	C	-	-	C	-
Low-intensity recreational use	D	D	P	D	
Park/playground	P	P	-	P	
Place of Assembly	D	D	-	-	
Recreational vehicle park	D	D	C	-	D
Special Event Facility	D	D	C	-	-
Public and Quasi-Public Uses					
Airport, heliport, landing strip, public/private	C	C	-	-	-
Animal shelter	C	C	-	-	-
Community garden	P	P	P	D	-
Public or governmental facility	P	P	P	-	-
Public utilities	P	P	P	-	-
School, private	C	-	-	-	-
Telecommunication facility	D	D	D	D	C

Residential Zones

Land Uses and Permitting Pathways

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Land Use	Zone				
	RR10	RR	R1	R2	R3
Agricultural and Resource Uses					
Agricultural packing and processing plant	D	C	-	-	-
Agritourism	D	C	-	-	-
Aquaculture	P/D	D	C	C	-
Chicken, turkey, or hog ranch	D	C	-	-	-
Dairy	D	-			
Animal husbandry	P	P	P	P	-
Animal sales yard	D	C	-	-	-
Apiary	P	D	-	-	-
Cattle feed yard	D	C	-	-	-
Farm Stand	P	D	-	-	-
Firewood, storage and processing	P	D	-	-	-
Forestry	P	D	-	-	-
Grazing	P	D	-	-	-
Habitat conservation and improvement	P	-	-	-	-
Nursery/greenhouse, plant production	P	P	-	-	-
Poultry farm	P	D	-	-	-
Row and field crops, perennial	P	P	-	-	-
Row and field crops, seasonal/rotating	P	P	-	-	-
Stables, public	D	D	C	C	-

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Land Use	Zone				
	RR10	RR	R1	R2	R3
Cannabis-Related Uses					
Cultivation, small	D	D	-	-	-
Cultivation, medium	C	-	-	-	-
Distribution	C	-	-	-	-
Manufacturing	-	-	-	-	-
Microbusiness	C	C	-	-	-
Nursery	-	-	-	-	-
Processing facility	-	-	-	-	-
Retail, non-storefront	-	-	-	-	-
Retail, storefront	-	-	-	-	-
Testing facility	-	-	-	-	-

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Land Use	Zone				
	RR10	RR	R1	R2	R3
Residential Uses					
Caretaker unit	D	-	-	-	-
Dwelling, single-family	P	P	P	D	D
Dwelling, 2 units	-	-	D/P*	P	P
Dwelling, 3 units	-	-	D	D/P*	P
Dwelling, 4+ units	-	-	C	D	P
Emergency shelter	P	P	P	P	P
Family daycare center	P	P	P	P	P
Farmworker/employee housing, small	P	P	P	D	D
Farmworker/employee housing, large	P	P	-	-	-
Low-barrier navigation centers	-	-	-	P	P
Mobile home park	-	-	C	D	P
Mobile home/manufactured home	P	P	P	D	D
Mobile tiny home village	-	-	C	D	P
Mobile tiny homes	P	P	P	P	P
Residential care facility (less than 7 persons)	P	P	P	P	P
Residential care facility (7+ persons)	P	P	P	P	P
Single room occupancy	-	-	C	D	P
Supportive housing	P	P	P	P	P
Temporary worker housing	D	C	-	-	-
Transitional housing	P	P	P	P	P

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Land Use	Zone				
	RR10	RR	R1	R2	R3
Commercial Uses					
Animal hospital	C	C	-	-	-
Brewery, distillery, or winery	C	-	-	-	-
Equipment sales and rental facility	C	C	-	-	-
Cemetery	C	C	-	-	-
Day care center	P	D	-	-	C
Home enterprise	P	P	P	D	
Home occupation	P	P	P	P	P
Hospital	C	C	C	C	-
Kennel, breeding or boarding	D	D	-	-	-
Industrial and Manufacturing Uses					
Industrial, minor	D	-	-	-	-
Lumber yard	C	-	-	-	-
Mining	C	-	-	-	-

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Land Use	Zone				
	RR10	RR	R1	R2	R3
Recreation, Entertainment, and Public Assembly Uses					
Bed and breakfast	P	D/P	P/D	P/D	P/D
Campground, minor	D	C	-	-	-
Campground, major	D	C	-	-	-
Fitness center/gym	-	-	-	D	D
Instructional services	P	P	P	P	P
Commercial recreation and entertainment, indoor	C	C	-	-	-
Commercial recreation and entertainment, outdoor	C	C	-	-	-
Country club/golf club	C	-	C	C	-
Gallery or museum	C	-	C	C	-
Low-intensity recreational uses	P	-	-	-	-
Park/playground	P	P	D	D	D
Place of Assembly	D	D	C*	C	C
Recreational vehicle park	D	C	-	-	-
Special Event Facility	D	C	-	-	-
Public and Quasi-Public Uses					
Adult day support centers, licensed	C	C	D	D	D
Airport, heliport, landing strip, public/private	C	-	C	C	-
Animal shelter	C	-	-	-	-
Community Garden	P	P	P	P	P
Public or governmental facility	P	P	P	P	P
Public utilities	P	P	P	P	P
School, private	C	C	C	C	C
School, technical/vocational	-	-	-	-	C
Telecommunication facilities	C	C	C	C	C

Commercial and Mixed-Use Zones

Land Uses and Permitting Pathways

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Cannabis-Related Uses					
Cultivation, small	D	D	-	-	-
Cultivation, medium	C	C	-	-	-
Distribution	C	-	-	-	-
Manufacturing (Type 6, N, P)	-	C	-	-	C/D
Manufacturing (Type 7)	-	-	-	-	-
Microbusiness	C	C	-	-	-
Nursery	C	-	-	-	-
Processing facility	C	-	-	-	-
Retail, non-storefront	C	C	-	-	C
Retail, storefront	D	D	D	-	C
Testing facility	-	C	-	C	-

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Residential Uses					
Caretaker unit	D	D	D	D	D
Dwelling, single-family	D	D	D	D	P
Dwelling, 2 units	-	-	-	-	P
Dwelling, 3 units	-	-	-	-	P
Dwelling, 4+ units	D	D	D	-	P
Emergency shelters	P	P	P	P	P
Family daycare home	P	P	P	P	P
Farmworker/employee housing, small	D*	D*	D*	D*	D
Live/work housing	P	P	-	-	P
Low-barrier navigation centers	P	P	P	P	P
Mobile home park	D	D	D	D	P
Mobile home/manufactured home	D*	D*	D*	D*	D
Mobile tiny home village	D*	D*	D*	D*	P
Mobile tiny homes	D*	D*	D*	D*	P
Residential care facility (less than 7 persons)	P	P	P	P	P
Residential care facility (7+ persons)	P	P	P	P	P
Single room occupancy	P	P	P	P	P
Supportive housing	P	P	P	P	P
Transitional housing	P	P	P	P	P

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Commercial Uses					
Animal hospital	-	C	C	-	-
Auto, fueling station	C*	P	P	P	-
Auto, repair/service	C	P	D	P	-
Auto, sales	-	C	D	P	-
Bar/night club	D	P	P	-	D
Brewery, distillery, or winery	D	P	P	-	C
Car wash	C	P	P	P	-
Convenience store	P	P	P	-	P
Day care center	D	D	-	-	D
Equipment sales and rental facility	C	D	P	P	-
Financial institution	P	P	P	-	P
Funeral and burial services	D	P	P	-	-
Cemetery	C	C	C	C	C
Grocery store	P	P	P	P	D
Highway commercial complex	-	-	D	-	-
Home enterprise	-	-	-	-	P
Home occupation	-	-	-	-	P
Hospital	-	P	P	-	-

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Commercial Uses Continued					
Laundromat, connected to community water system	D	P	C	-	D
Laundromat, not connected to community water system	C	C	C	-	-
Office, medical	P	P	P	P	P
Office, professional	P	P	P	-	P
Restaurant, with drive thru	C	D	D	-	-
Restaurant, without drive thru	P	P	P	-	P
Retail sales, nursery	D	P	P	-	-
Retail, general	P	P	P	-	P
Retail, restricted	C	D	C		C
Retail, personal services	P	P	P	-	P
Laundromat, connected to community water system	D	P	C	-	D
Laundromat, not connected to community water system	C	C	C	-	-
Office, medical	P	P	P	P	P
Office, professional	P	P	P	-	P
Restaurant, with drive thru	C	D	D	-	-
Restaurant, without drive thru	P	P	P	-	P
Retail sales, nursery	D	P	P	-	-
Retail, general	P	P	P	-	P
Retail, restricted	C	D	C		C
Retail, personal services	P	P	P	-	P

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Industrial and Manufacturing Uses					
Contractor yard	-	C	-	D	-
Industrial, major	-	-	-	C	-
Industrial, minor	-	C	-	P	-
Lumber yard	-	C	-	C	-
Recycling facility, indoor	-	D	D	P	-
Recycling facility, indoor/outdoor	-	C	C	C	-
Salvage/junk yard	-	-	-	C	-
Storage, hazardous materials	-	-	-	C	-
Storage, outdoor	-	C	C	P	-
Storage, personal	C	P*	C	P	-
Warehousing	-	C	-	P	-
Wholesale, distributer	-	C	-	P	-
Wholesale, sales	-	C	-	P	-

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Recreation, Entertainment, and Public Assembly Uses					
Bed and breakfast	P	P	-	-	D/P
Campground, minor	-	-	C	-	-
Campground, major	-	-	C	-	-
Card room	-	C	-	-	-
Fitness center/gym	P	P	D	P	P
Instructional services	P	P	-	P	P
Commercial recreation and entertainment, indoor	C	D	D	D	D
Commercial recreation and entertainment, outdoor	-	-	-	C	C
Country Club/Golf Club	D	-	-	-	-
Gallery or museum	P	P	-	P	P
Hotel/motel	D	P	P	-	P
Park/playground	D	D	-	D	D
Place of Assembly	P	P	P	-	P
Recreational vehicle park	-	C	-	-	-
Special Event Facility	C	C	C	-	C
Theatre or cinema	D	P	C	-	C

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Land Use	Zone				
	C1	C2	HC	C3	MUL MUH
Public and Quasi-Public Uses					
Adult day support center, licensed	-	P	-	-	-
Airport, heliport, landing strip, public/private	-	-	-	C	-
Animal shelter	-	C	C	-	-
Community garden	D	D	D	D	D
Public or governmental facility	P	P	P	P	P
Public utilities	P	P	P	P	P
School, private	C	-	-	-	C
School, technical/vocational	-	C	C	C	C
School, college/university	-	C	C	C	C
Telecommunication facilities	C	C	C	C	C

Industrial Zones

Land Uses and Permitting Pathways

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Land Use	Zone
	I
Agricultural and Resource Uses	
Agricultural packing and processing plant	P
Aquaculture	D
Chicken, turkey, or hog ranch	D
Dairy	D
Animal husbandry	P
Animal sales yard	P
Apiary	P
Cattle feed yard	P
Farm Stand	P
Firewood, storage and processing	P
Forestry	P
Grazing	P
Nursery/greenhouse, plant production	P
Poultry farm	P
Row and field crops, perennial	P
Row and field crops, seasonal/rotating	P
Stables, public	P

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Land Use	Zone
	I
Cannabis-Related Uses	
Cultivation, small	D
Cultivation, medium	D
Distribution	C
Manufacturing	D/C
Microbusiness	C
Nursery	C
Processing facility	D
Retail, non-storefront	C
Retail, storefront	-
Testing facility	C

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Land Use	Zone
	I
Residential Uses	
Caretaker unit	D
Emergency shelters	P
Commercial Uses	
Auto, repair/service	P
Brewery, distillery, or winery	C
Equipment sales and rental facility	P
Office, professional	P
Retail sales, nursery	P
Retail, general	C

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Land Use	Zone
	I
Industrial and Manufacturing Uses	
Contractor yard	P
Fertilizer plant or yard	D
Energy generating facilities, commercial	C
Industrial, hazardous	C
Industrial, major	D
Industrial, minor	P
Lumber yard	D
Mining	C
Recycling facility, indoor	P
Recycling facility, indoor/outdoor	D
Refuse disposal facility	C
Salvage/junk yard	C
Sawmill, permanent	D
Septage hauler/disposal	C
Slaughterhouse	C
Storage, hazardous materials	C
Storage, outdoor	P
Storage, personal	P
Warehousing	P
Wholesale, distributer	P
Wholesale, sales	P

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Land Use	Zone
	I
Recreation, Entertainment, and Public Assembly Uses	
Fitness center/gym	D
Instructional services	D
Public and Quasi-Public Uses	
Airport, heliport, landing strip, public/private	C
Community Garden	D
Correctional facility	C
Public or governmental facility	P
Public utilities	P
Telecommunication facilities	D

Public Facilities Zones

Land Uses and Permitting Pathways

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Land Use	Zone
	PF
Residential Uses	
Caretaker unit	D
Emergency shelters	P
Low-barrier navigation centers	P
Supportive housing	P
Transitional housing	P
Commercial Uses	
Animal hospital	C
Hospital	C
Office, medical	P
Office, professional	P
Industrial and Manufacturing Uses	
Recycling facility, indoor	C
Recycling facility, indoor/outdoor	C
Refuse disposal facility	C

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Land Use	Zone
	PF
Recreation, Entertainment, and Public Assembly Uses	
Bed and breakfast	-
Campground, minor	D
Campground, major	D
Instructional services	P
Gallery or museum	P
Low-intensity recreational uses	P
Park/playground	P/D
Place of Assembly	P
Recreational vehicle park	D
Special Event Facility	C
Recreation, Entertainment, and Public Assembly Uses	
Bed and breakfast	-
Campground, minor	D
Campground, major	D
Instructional services	P
Gallery or museum	P

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Land Use	Zone
	PF
Recreation, Entertainment, and Public Assembly Uses	
Public and Quasi-Public Uses	
Adult day support center, licensed	-
Airport, heliport, landing strip, public/private	C
Animal shelter	P
Community garden	D
Fairgrounds	-
Public or governmental	P
Correctional facility	C
Public utilities	P
School, private	P/D
School, technical/vocational	C
School, college/university	C
Telecommunication facilities	D

Chapter 17.85

Cannabis

Chapter 17.85 Cannabis

Sections

17.85.10 Purpose and Intent
17.85.20 Definitions
17.85.30 Applicability
17.85.40 Allowable Zoning Districts and Permit Requirements
17.85.50 Cannabis Opt-Out Overlay Zone Consistency

17.85.10 Purpose and Intent

The purpose of this Chapter is to establish clear, consistent, and enforceable regulations for cannabis-related land uses within the County. These regulations are intended to implement State cannabis law in a manner that is compatible with local land use policies, protect the public health, safety, and welfare, and ensure that cannabis-related activities occur only in appropriate locations.

This Chapter is further intended to provide certainty to applicants, property owners, and the public by defining where cannabis-related land uses may be permitted, establishing development and operational standards, and identifying areas where such uses are prohibited. Nothing in this Chapter shall be construed to authorize cannabis-related land uses except where expressly allowed by this Code, including compliance with applicable zoning districts, overlay zones, and all other adopted land use regulations

17.85.20 Definitions

"Active building permit" means holding a valid Trinity County Building Permit and is compliant with all Trinity County Building Department requirements~~ for building~~.

"Agricultural commissioner" or "agricultural commissioner's office" means the Trinity County Agricultural Commissioner's Office or the authorized representatives thereof.

~~"Area" is the measurement of cannabis plant growth in square feet as defined by the California Department of Food and Agriculture. As of December 21, 2016, the area is defined as canopy area, but it is subject to change. All changes by California Department of Food and Agriculture are automatically incorporated herein.~~

~~"Attorney general's guidelines" means guidelines for the security and non-diversion of cannabis grown for medical use issued by the attorney general in August 2008~~.

"Authorized school bus stop" means any location established by a school district for pick-up and/or delivery of school children.

"Auxiliary nursery sales" means ancillary goods sold within a cannabis nursery that are directly related, supplementary and subordinate to the cannabis products sold within the nursery and that are specifically for planting and promulgation of cannabis.

"Cannabis distribution facility" means a building or premises used exclusively for storage, packaging, labeling, and/or as a transportation terminus for cannabis products between entities that are properly licensed.

"Cannabis nursery" means a wholesale sales facility operated by a licensee that produces only clones, immature plants, seeds and other agricultural products used specifically for planting and promulgation of cannabis and sold only to licensed commercial cannabis cultivation growers. Retail sales are not permitted.

"Cannabis" and "marijuana" are used interchangeably and mean any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code.

"Canopy" means the designated area(s) at a licensed premise that will contain mature plants at any point in time. This definition is intended to mirror the definition of "canopy" as defined by the ~~State of California~~DCC, or as may be amended.

"CDFW" means the California Department of Fish and Wildlife.

"CDFW" means the California Department of Fish and Wildlife.

"CEQA" means the California Environmental Quality Act.

"CESA" means the California Endangered Species Act.

"Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Commercial cannabis" means any commercial cannabis activity allowed under ~~MMR-SA, AUMA and/or MAUCRSA (SB 94) and AB 133, as limited by the allowable licenses below, as may be amended from time to time, and all uses permitted under any subsequent enacted state law pertaining to the same or similar use for recreational cannabis. Prior to January 1, 2018, the cannabis shall be for medicinal cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215) found at Section 11362.5 of the Health and Safety Code.~~Proposition 64.

"Commercial cannabis activity" includes the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis or cannabis products, or acting as a cannabis event organizer for temporary cannabis events.

"CRHR" means the California Register of Historic Places.

"Cultivation" means the planting, growing, harvesting, drying or processing of cannabis plants or any part thereof.

"DCC" means the California Department of Cannabis Control.

"Designated area" means the hoop-house, greenhouse, and/or outdoor area(s), identified for the planting, growing and harvesting of cannabis, excluding drying, processing and other post-harvest cultivation activities. Designated area shall not exceed two hundred percent of the area for the license type unless otherwise approved by the planning director; canopy (mature plants) will not exceed the square footage allowed per license type and the additional square footage shall include immature plants (in a vegetative state prior to flowering) and access areas. Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a nursery license.

"Distribution" means the procurement, sale and transport of cannabis and Cannabis products between entities that are property licensed by the California Department of Cannabis Control..

"DTSC" means the California Department of Toxic Substances Control.

"EPA" means the United States Environmental Protection Agency.

"ESA" means environmental site assessment.

"Fully enclosed and secure structure" means a space within a building or other structure, excluding greenhouses, which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.

"Immature" which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means cannabis plant that is not flowering.

"Indoor" means within a "fully enclosed and secure structure" as defined herein, using artificial lights at a rate greater than twenty-five watts per square foot.

"Legal dwelling" means a building intended for occupancy as living quarters built prior [to] 1972 or that is properly permitted by the County.

"Legal parcel" means specific, legally defined piece or tract of real estate, distinguished by boundaries and recorded in public records, that can be identified, owned, bought, or sold as a single entity, and assigned a unique assessor's number for taxation and identification. ~~a parcel with a distinct and separate assessor's parcel number. Where contiguous legal parcels are under identical ownership by an individual or an entity, such legal parcels shall be counted as a single parcel for purposes of this chapter. "Marijuana" and "cannabis" are used interchangeably and means any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code.~~

“License” means an annual entitlement, which must be maintained while engaging in commercial cannabis activities.

"Manufacture" means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product. In addition, "manufacturer" means a licensee that conducts the production, preparation or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination or extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

"Mature" which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means a cannabis plant that is flowering;

"Medical Cannabis" means cannabis or cannabis plant used for medicinal purposes in accordance with California Health and Safety Code Section 11362.7 et seq.

"Medium outdoor" is an outdoor cultivation site between ten thousand one square feet and one acre of total canopy.

"Microbusiness" is defined as the cultivation of cannabis on an area of less than ten thousand square feet and to act as a licensed cannabis distributor, and/or manufacturer, and/or retailer, provided such

permitted uses comply with all requirements imposed on cultivators, distributors, manufactures and retailers by the county and state to extend the permittee engages in such ~~actives.~~activities.

"Mixed light" means the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using one of the artificial lighting models described below:

"Mixed-light Tier I" means cultivation without the use of artificial light or the use of artificial light at a rate above zero, but no more than six watts per square foot.

"Mixed-light Tier 2" “Mixed-light Tier 2,” the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.

"NHPA" means the National Historic Preservation Act.

"Non-storefront retail" is defined as the selling and delivering of cannabis and cannabis goods to customers from a licensed premise that is not open to the public.

"Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent, including carbon dioxide and ethanol. This requires a Type 6 license which allows for extraction using mechanical methods or nonvolatile solvents.

"NRHP" means the National Register of Historic Places.

"Outdoors" or "outdoor cultivation" means the cultivation of mature cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants. Light deprivation is permitted.

~~"Planning department" means the Trinity County Planning Department, or department or agency that is designated by the Trinity County Planning Director.~~

“Personal Use” means cannabis grown for personal use only, which is not intended for sale. Personal use cultivation activities may only occur on a legal parcel of property where a legal dwelling is located.

"Premises" means the designated structure(s) and land specified in the application that is owned leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises may only be occupied by one county commercial cannabis cultivation license type. Multiple additional commercial cannabis activities (i.e. nursery, distribution, manufacturing, etc.) may exist on the same legal parcel.

"Primary caregiver" means a "primary caregiver" as defined in Health and Safety Code Section 11362.7(d).

"Processing" means to trim, cure, dry, grade, package, and/or label cannabis.

"Processor" is a license type that allows for processing of cannabis grown off-premise. State cannabis cultivation licenses allow for processing of cannabis grown on the premise (CCR, Title 4, Sections 15000(o), (q), and (eee)).

"Proof of enrollment" shall mean proof of order number in good standing from the NCRWQCB or the State Water Resource Quality Control Board.

"Qualified patient" means a "qualified patient" as defined in Health and Safety Code Section 11362.7(t).

"RD" means renewable diesel.

"Residential treatment facility" means a facility providing for treatment of drug and alcohol dependency.

"School" means an institution of learning for minors, whether public or private (excluding homeschools), offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.

"Self-Processingor" ~~is a license type that~~ allows for the onsite processing of cannabis grown on a~~ny~~ licensed premises~~.~~ ~~within Trinity County which is under the same ownership, including those premises with multiple cannabis licenses under the same ownership, and allows for the processing of cannabis grown on those premises where the parcel is partially or completely within a county immediately adjoining Trinity County and the parcel abuts a parcel owned by the licensee within Trinity County on which cultivation is licensed to occur. The licensee must provide verification to the satisfaction of the Director that the owner holds the appropriate distribution and/or transportations licenses, or any similar license, as applicable, for Trinity County and all required licenses and permits for the immediately adjoining jurisdiction into which a portion of the premises on which the cannabis is grown extends. For the self-processing of cannabis from premises under the same ownership that is grown in entirely or partially an adjoining county, proof to the satisfaction of the Director that the activity in the adjoining county is compliant with the requirements of that county must be provided upon application and thereafter upon request, including, but not limited to, verification that the owner holds all required proper licenses and permits in the adjoining county.~~

"Self-transport" means the transportation within the State of California by a licensed cultivator of their own cannabis grown from their own licensed cultivation site, and requires a DCC Distributor License.~~.~~

"Shared-use facility" means a manufacturing premises operated by a Type 6, Type N, or Type 7 licensee in which Type S licensees are authorized to conduct manufacturing operations. Shared use facilities shall be operated in accordance with California Code of Regulations, Title 17 Division 1 Chapter 13, Manufactured Cannabis Safety Subchapter 1, General Provisions and Definitions, Article 6, Shared-Use Facilities, or as those provisions are amended.

"Site" has the same meaning as "premises" as defined within this chapter.

"Small mixed-light Tier 1 and 2" is a mixed-light cultivation site between five thousand one and ten thousand square feet of total canopy.

"Small outdoor" is an outdoor cultivation site between five thousand one and ten thousand square feet of total canopy.

"Specialty cottage indoor" is an indoor cultivation site with five hundred square feet or less of total canopy.

"Specialty cottage mixed-light Tier 1 and 2" is a mixed-light cultivation site with two thousand five hundred square feet or less of total canopy.

"Specialty cottage outdoor" is an outdoor cultivation site with up to twenty-five mature plants. If cultivation area is under two thousand square feet with a slope less than five percent a water board permit is not required. Or if cultivation area is between two thousand and two thousand five hundred square feet or if under two thousand square feet with a slope greater than five percent a water board permit is required.

"Specialty mixed-light Tier 1 and 2" is a mixed-light cultivation site between two thousand five hundred one and five thousand square feet of total canopy.

"Specialty outdoor" is an outdoor cultivation site with less than or equal to five thousand square feet of total canopy, or up to fifty mature plants on noncontiguous plots.

"Stacking" means more than one cultivation license per parcel. Additional Cultivation licenses, on a single parcel, may be allowed under the following circumstances: combined total mature canopy must be less than 40,000 square feet, and shall not exceed 2% total lot coverage.

"Storefront Retail" means a licensed retailer selling adult-use and medical cannabis or cannabis products to the end user or customer. A Cannabis Storefront Retailer does not include the following uses; (1) a clinic pursuant to Chapter 1 of Division 2 of the Health and Safety Code; (2) a residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code; and (3) a residential hospice or a home health agency licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.

"Summary abatement" means the removal of an immediate threat to ~~the~~ public health or safety.

"SWRCB" means the ~~Central Valley Regional~~California State Water Resources ~~Quality~~ Control Board.

"Third party" means an individual or entity, other than the license holder in question, possessing a valid commercial cannabis license from the State of California.

"USACE" means the United States Army Corps of Engineers.

"Use permit" for the purpose of cannabis tax collection, a cannabis use permit is equivalent to the term license as utilized in Ordinance 3157.

"USFWS" means the United States Fish and Wildlife Service.

"Variance" is defined as a legal exception, granted by the County, that allows a property owner to deviate from strict zoning rules, such as setback, height, or lot size, due to unique property conditions that create an unnecessary hardship, ensuring fair use without changing the overall zoning plan, typically for dimensional changes, not prohibited uses~~Trinity County Ordinance No. 315, Section 31~~.

"Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. The state's examples of volatile solvents include, butane, hexane, and propane. Type 7 licensee can use both nonvolatile and volatile solvents in its extractions, infusions or mechanical methods.

~~"Watts per square foot" which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means the sum of the maximum wattage of all lights identified in a designated canopy area(s) in the cultivation plan divided by the sum of the dimension in square feet of designated canopy area(s) identified in the cultivation plan.~~

"Wildlife exclusionary fencing" means fencing designed and installed to prevent the entry of wildlife into the enclosed area, such as cyclone or field game fencing a minimum of six feet high measured from grade.

"Youth-oriented facility" means public park, school, authorized bus stop or any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily

intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

17.85.30 Applicability

A. The standards established in this Chapter shall apply to all cannabis-related land uses regulated by this Code and permitted only where such uses are expressly allowed in compliance with this Code and the General Plan, and within the established Zoning Districts. Cannabis-related land uses shall be subject to all applicable zoning district regulations, development standards, and operational requirements of this Code, unless otherwise modified or supplemented by the provisions of this Chapter.

B. Unless otherwise specified, where the provisions of this Chapter conflict with the standards of an underlying zoning district or other applicable sections of this Code, the provisions of this Chapter shall prevail. Nothing in this Chapter shall be construed to authorize cannabis-related land uses on parcels where such uses are prohibited by overlay zones, adopted maps, or other location-based restrictions established by this Code.

17.85.40 Allowable Zoning Districts and Permit Requirements

The allowance of cannabis-related land uses within the County is determined by the Zoning District and General Plan land use designation assigned to the subject property. Cannabis-related land uses may be permitted only on parcels where such uses are expressly allowed by the underlying zoning district and are consistent with the applicable General Plan designation and the specific regulations established in this Chapter. The specific permit types, level of review, and conditions under which cannabis-related land uses may be considered are established in Part 2 (Zones, Land Uses, and Standards of this Code). These land uses include:

Cannabis Cultivation;

Distribution;

Manufacturing;

Microbusiness;

Nursery;

Processing facility;

Retail establishment; and

Testing facilities.

Nothing in this Chapter shall be construed to authorize cannabis-related land uses on parcels where such uses are not listed as allowed, conditionally permitted, or otherwise permitted pursuant to Part 2 (Zones, Land Uses, and Standards of this Code).

17.85.50 Cannabis Opt-Out Overlay Zone Consistency

All cannabis-related land uses shall comply with the established Cannabis Opt-Out Overlay Zone, as designated on the Zoning Map and further codified in Section 17.85.050. Parcels located within the Cannabis Opt-Out Overlay Zone are expressly excluded from the establishment of new, ~~operation,~~ or expansion of cannabis-related facilities, including cultivation, manufacturing, testing, distribution, and

retail uses. The Overlay Zone functions as a geographic limitation on where cannabis activities may occur and supersedes any otherwise applicable zoning district permissions. Compliance with the Cannabis Opt-Out Overlay Zone is required in addition to all underlying zoning, development standards, and operational requirements. [Source: NEW]

17.85.60 Performance Standards Applicable to all Cannabis Land Uses

The following standards shall apply to the extent applicable to all cannabis land uses and shall be in addition to any other standards specified in other chapters of this code:

. All diesel-powered off-road equipment used in construction shall meet the EPA's Tier 4 emission standards as defined in 40 Code of Federal Regulations (CFR) Part 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available construction equipment can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors.

Construction activities will implement measures to control dust including:

0. Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.

1. Cover all haul trucks transporting soil, sand, or other loose material off-site.

2. Remove all visible mud or dirt track-out onto the roads adjacent to the site.

3. Limit all construction vehicle speeds on unpaved roads to fifteen miles per hour. (3.3-1b.)

A. Renewable diesel (RD) fuel shall be used in diesel-powered construction equipment if commercially available in reasonable proximity. RD fuel must meet the following criteria:

0. The RD must meet California's Low Carbon Fuel Standards and be certified by the California Air Resources Board Executive Officer;

1. The RD must be hydrogenation-derived (reaction with hydrogen at high temperatures) from one hundred percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables;

2. The RD must contain no fatty acids or functionalized fatty acid esters; and

3. The RD must have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.

The County shall require implementation of this measure of the licensed entities building a new cannabis site. (3.3-1c.)

B. Except as provided in subsection D of this section, during cultivation operations, licensees shall limit the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels where available. (3.3-2a.)

C. All diesel generators used at a cultivation site shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available model can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors. (3.3-2b)

D. **Odor Control Plan.** Cannabis sites shall develop and implement an odor control plan that contains the following requirements, as appropriate for each cannabis use:

0. ~~This mitigation shall not apply to lands zoned agricultural, agriculture-forest, or agricultural preserve~~.

1. Identification and description of odor-emitting activities and the nature and characteristics of the emissions.

2. Location and distance of sensitive receptors (e.g., residents, youth-oriented facilities, schools, churches, residential treatment centers) from the site.

3. Demonstrate that the cannabis site's distance to receptors, wind direction, and local topographic conditions would not result in detection of excessive cannabis odors by off-site sensitive receptors that would create a nuisance.

4. If off-site odor nuisance impacts cannot be avoided without odor controls, identify the procedures and controls for reducing and controlling odors on-site, including the following as applicable to the cannabis use and license type (outdoor, mixed-light, and indoor). The ~~operator may propose a~~County will utilize a numeric odor detection threshold of 7:1 to verify if offsite odor impacts exceed an acceptable level~~for on-site operations~~ (~~such as~~ the dilution-to-threshold standard ~~that~~ is verified by persons of normal odor sensitivity as defined by European Standard EN 13725) ~~subject to county review and approval~~.

   a. All drying and processing activities must be conducted in fully enclosed and secure structures~~. that contain cannabis plants or products~~Such activities that generate odors will employ mechanical ventilation controls, carbon filtration, or other equivalent or superior method(s) to ~~eliminate~~ mitigate the detection of cannabis odors off the parcel. ~~This will include all drying and processing of cannabis plant material recently harvested.~~

   b. Outdoor operations may include different plant strains and smaller grow areas or relocation of outdoor activities indoors or, in a mixed-light facility contained within an enclosed structure, use of site design or other technology and/or use of odor easements to address odor impacts.

   c. Corrective actions to address county-verified off-site odor complaints will be identified and methods to be developed and applied for the next harvest to minimize off-site odor impacts so that they would not conflict with other applicable standards of the county's cannabis program or state license requirements. (3.3-3.)

E. **Paleontological Resources.**

0. If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately one hundred feet) of the discovery and shall immediately contact the county.

1. 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. It is encouraged that the excavated finds 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 may 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. (MM 3.7-4.)

F. All electricity sources used for commercial cannabis cultivation, manufacturing, microbusinesses, non-storefront retail, testing, nurseries, and distribution shall be from renewable-compliant sources by conforming to one or more of the following standards by January 1, 2023 for consistency with California Code of Regulations Title 3, Division 8, Chapter 1, Section 8305 (Renewable Energy Requirements):

0. Grid-based electricity supplied from one hundred percent renewable sources

1. On-site power supplied fully by renewable source (e.g., photovoltaic system)

2. On-site power supplied by partial or wholly non-renewable source with purchase of carbon offset credits

3. Or some combination of the above. (MM 3.8-1b.)

G. Lighting Efficiency.

0. Only light-emitting diodes (LEDs) or double-ended high-pressure sodium (HPS) fixtures shall be used in all existing and new mixed-light cultivation operations (i.e., sites not seeking relicensing).

1. Only high efficacy lighting shall be used in all existing and new noncultivation operations (i.e., sites not seeking relicensing).

2. Examples of high efficacy lighting include:

a. Pin-based linear fluorescent or compact fluorescent light sources using electronic ballasts;

b. Pulse-start metal halide light sources;

c. HPS light sources;

d. Luminaries with hardwired high frequency generator and induction lamp; and

e. LEDs. (MM 3.8-1d.)

H. All outdoor construction activity and use of heavy equipment outdoors shall take place between seven a.m. and seven p.m. (MM 3.12-1.)

I. New power lines extended to sites shall be placed underground. If power lines cannot be placed underground, fuel breaks shall be provided along power lines and any stand-alone electrical facilities in a manner that would avoid ignition of adjacent vegetation to the satisfaction of the county and CAL FIRE. Fuel breaks shall be maintained and verified by the county as part of annual license renewal. (MM 3.16-2a.)

J. The operation of outdoor motorized equipment on-site for construction and maintenance activities shall be required to be covered under a fire protection plan that includes the following provisions:

0. Fire watch personnel responsible for watching for the occurrence of fire during and after equipment use shall be identified.

1. Equipment shall be located so that exhausts do not discharge against combustible materials.

2. Equipment shall not be refueled while in operation and not until after a cooldown period.

3. Water and tools dedicated to fire fighting shall be on hand in the area of onsite construction and maintenance activities at all times.

4. Designated smoking areas with cigarette disposal receptacles that are burn resistant. (MM 3.16-2b.)

K. Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundations and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soil or soil amendments not incorporated into native soil; generators; pumps; or structures not adaptable to noncannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the noncannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will reestablish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the county. (MM 3.4-4b.)

17.85.70 Application Requirements for all Cannabis Land Uses

In addition to the specific application submittal requirements established for each applicable entitlement in Part 5 of this Zoning Code, applications for cannabis-related land uses shall, to the extent applicable,

comply with all requirements of this Section. Applications shall also satisfy any additional standards, findings, or submittal requirements specified elsewhere in this Code. [NEW]

. **Fees for Cannabis Land Uses.**

0. The county shall collect from the applicant the applicable Use Permit fee and an annual regulatory program enrollment fee (hereinafter referred to as fee) per County Code Section 2.64~~when an applicant applies for a registration of a cannabis cultivation site with the planning department pursuant to this chapter~~.

1. Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing and enforcing this chapter.

2. The cannabis ~~cultivation~~ program enrollment fee is set at:

a. When submitting your application, there will be a non-refundable application fee of fifty percent of the first year's fee for each license that will be applied towards the first year's fees if a license is granted.

A. The application will require submission of all required components as detailed in the application packet.

B. Prior to approval of any application for commercial cannabis operations or renewal of an existing licensed ~~cultivation~~ site that is planning to expand its designated area, if ground disturbing activities are proposed, a biological reconnaissance survey shall be conducted by a qualified biologist approved by the county. The survey area shall include the proposed development area, including areas of anticipated construction and ground disturbance, as well as staging areas, areas of anticipated light or noise impact, ingress and egress routes, and utility routes. The survey area shall be large enough to encompass areas subject to both direct and indirect impacts. The qualified biologist shall assess the habitat suitability of the proposed development area for all special-status plant, wildlife species, and sensitive habitats identified as having potential to occur in the county. The biologist shall provide a letter report to the project applicant and the county with evidence to support a conclusion as to whether special-status species and sensitive habitats are present or are likely to occur within the proposed development area. At a minimum, the letter report shall include:

0. Date, time, and weather conditions during the survey;

1. A description and explanation of whether the site conditions during the survey are considered typical or atypical;

2. A map depicting the proposed development area and the unique, rare, and special-status species, sensitive habitats, or sensitive natural communities found;

3. A vegetation map of the proposed development area using the National Vegetation Classification System (e.g., A Manual of California Vegetation) and an associated table, including acreage of vegetation types that could be adversely affected by project implementation;

4. A special-status species table generated from review of the CNDDB, the California Native Plant Society Inventory of Rare and Endangered Plants, lists maintained by USFWS, and the most recent, best-available range information for special-status species;

5. A description of survey methods and any protocols utilized during the survey; and

6. A list of common and special-status species and habitats observed in the proposed development area.

C. Historic Buildings and Structures.

0. Cannabis cultivation operations shall not be permitted within the historic districts of Weaverville, Denny, Helena, and Lewiston, unless the operations occur indoors and do not require modification of historic features.

1. Applicants shall identify and evaluate all historic-age (over forty-five years in age) buildings and structures that are proposed to be removed or modified as part of cannabis operations. This shall include preparation of a historic structure report and evaluation of resources to determine their eligibility for recognition under federal, state, or county local official register of historic resources criteria. The evaluation shall be prepared by an architectural historian or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. The evaluation shall comply with State CEQA Guidelines Section 15064.5(b) and, if federal funding or permits are required, with Section 106 of the NHPA of 1966 (16 United States Code Section 470 et seq.).

2. If resources eligible for inclusion in the NRHP, CRHR, or local official register of historic resources are identified, an assessment of impacts on these resources shall be included in the report, as well as detailed measures to avoid impacts. If avoidance of a significant architectural/built environment resource is not feasible, additional mitigation options include, but are not limited to, specific design plans for historic districts or plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitation, Restoring, and Reconstructing Historic Buildings. (MM 3.5-1b.)

D. Applications for new cannabis activities on sites that contain existing or previous commercial, business park, or industrial uses shall include a site assessment for the presence of potential hazardous materials, including an updated review of environmental risk databases. If this assessment indicates the presence or likely presence of contamination, the applicant shall prepare a Phase I ESA in accordance with the American Society for Testing and Materials' E-1527-05 standard. For work requiring any demolition, the Phase I ESA shall make recommendations for any hazardous building materials survey work that shall be done. All recommendations included in a Phase I ESA prepared for a site shall be implemented to protect public health. If a Phase I ESA indicates the presence or likely presence of contamination, the applicant shall prepare a Phase II ESA, and recommendations of the Phase II ESA shall be fully implemented before ground disturbance, which will be made a condition of approval for the project. (MM 3.9-2a.)

E. Applications for new licensed commercial cannabis on commercial, business park, or industrial sites shall include a hazardous materials contingency plan for review and approval by Trinity County Division of Environmental Health. The plan shall describe the necessary actions that would be taken if evidence of contaminated soil or groundwater is encountered during construction. The contingency plan shall identify conditions that could indicate potential hazardous materials contamination, including soil discoloration, petroleum or chemical odors, and presence of underground storage tanks or buried building material. The plan shall include the provision that, if at any time during constructing the project, evidence of soil and/or groundwater contamination with hazardous material is encountered, the project applicant shall immediately halt construction and contact Trinity County Division of Environmental Health. Work shall not recommence until the discovery has been assessed/treated appropriately (through such mechanisms as soil or groundwater sampling and remediation if potentially hazardous materials are detected above threshold levels) to the satisfaction of Trinity County Division of Environmental Health, RWQCB, and DTSC (as applicable). The plan, and obligations to abide by and implement the plan, shall be incorporated into the conditions of approval for the project. (MM 3.9-2b.)

F. Applications will identify drainage and water quality controls for the site, including roads leading to and from a site, that ensure no sedimentation or other pollutants leave the site as part of project construction and operation. Compliance with this requirement may be combined with the NPDES Construction General Permit compliance measures. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Road Handbook, per CCR Title 14, Chapter 4. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance. (MM 3.10-1a.)

G. As part of the application and license renewal process, applicants shall provide the county with groundwater monitoring data for existing on-site well facilities that documents water usage and changes in groundwater levels during each month of the year. Should this monitoring data identify potential drawdown impacts on adjacent well(s), surface waters, waters of the state, and sensitive habitats, and indicate a connection to operation of the on-site wells, the cannabis operators, in conjunction with the county, shall develop adaptive management measures to allow for recovery of groundwater levels that would protect adjacent wells and habitat conditions that could be adversely affected by declining groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered and stabilized based on annual monitoring data provided to the county as part of subsequent annual inspections. Any monitoring cannabis cultivation irrigation wells that demonstrate hydrologic connection to surface waters shall be subject to surface water diversion requirements and restrictions in SWRCB Order WQ 2019-0001-DWQ, or any successor to that order. Wells shall also be sited outside of the stream setbacks as set forth in SWRCB Order WQ 2019-0001-DWQ, or any successor that order. (MM 3.10-2.)

H. Prior to the issuance of a license and/or use permit, the county will determine if the application site is located within a watershed on which the CDFA has placed a moratorium on state

licensing pursuant to California Code of Regulations Section 8216. The county will reject the application should the site be located in such a watershed. Noncultivation uses may still be allowed if the applicant can demonstrate that the project's water source is groundwater that is not hydrologically connected to the watershed to the satisfaction of the county. (MM 3.10-3a.)

I. Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall, where appropriate, provide documentation showing that roadways providing site access are in compliance with Chapter 12.10: Design Policies of this Code. New roadway water quality control and drainage features or new drainage features on existing roadways shall be designed to accommodate peak flow conditions and will be consistent with the Road Handbook per California Code of Regulations, Title 14, Chapter 4, and SWRCB Order WQ 2019-0001-DWQ, or any successor to that order. (MM 3.14-3.)

J. Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that site access is in compliance with Chapter 8.30 Fire Safe Ordinance of this code. (MM 3.14-4.)

K. Applicants for new commercial noncultivation cannabis operations shall prepare a materials management plan that will address each permit type sought within a site. Compliance with state licensing that addresses these items may be used to demonstrate compliance with this measure. The plan shall include:

0. A detailed description of activities and processes occurring on site, including:
    a. Equipment type and number,
    b. Detailed standard operating procures for processes,
    c. Chemical requirements and reactions,
    d. Cleaning procedures for equipment,
    e. Required pretreatment requirements for discharge to a public wastewater treatment system, and
    f. Disposal methods for all materials (e.g., plant materials, solvents, empty containers).

1. Identification of type and quantity of items produced, including:
    a. Material safety data sheets for all chemical substances occurring on site,
    b. Manifests for each chemical describing quantities purchased, date used, and quantities disposed,
    c. Facility site plan with storage map, showing where hazardous materials will be stored,
    d. An inventory of all emergency equipment with the location and description of items, including:
        i. Personal protective equipment,
        ii. Fire extinguishing systems,

iii. Spill control equipment and decontamination equipment, and

iv. Communication and alarm systems.

2. An employee training plan that includes:

3. Emergency response procedures and incident reporting, and

4. Chemical handling procedures.

L. Applicants not relying on septic systems shall determine whether sufficient public wastewater treatment capacity exists for a proposed project. These determinations must ensure that the proposed development can be served by its existing or planned treatment capacity and wastewater conveyance through approval of the relevant service provider. If adequate capacity does not exist, the application will be denied. (MM 3.15-1.b.)

M. Applicants for new commercial cannabis operations that plan to obtain water from a retail water supply will obtain, and provide to the county, written verification from the water service provider that adequate water supply and water distribution facilities are or will be available to serve the site including peak operations (e.g., growing season). If adequate capacity does not exist, the application will be denied. (MM 3.15-2.)

N. Waste ~~Compost~~ Management.

0. Applicants for new commercial cannabis operations and relicensed sites will develop and implement a cannabis waste ~~composting~~ management plan if the operator proposes to dispose of cannabis waste through onsite composting. The plan shall meet all state requirements and the following requirements that will be confirmed by the county during inspections.

1. Designation of the composting area on a site plan that is contained within the site boundaries (must be located within the designated area for cultivation operations) that is of adequate size to accommodate site cannabis waste needs.

2. Identification of water quality control features that ensure no discharge of cannabis waste or other pollutants.

3. Details on routine management and equipment used in the composting area that ensures proper composting and control of odors, potential fuel hazards, and pests for the life of the cannabis operation. (MM 3.15-3.)

O. Compliance documentation will be provided to the County as part of the application materials for the protection of special-status bumble bees from new development related to cannabis activities. Such documentation may be combined with required compliance with SWCRB Order 2019-0001-DWQ, or any successor to that order.

0. If special-status bumble bees are detected during the initial biological reconnaissance survey or are determined to be likely to occur due to the presence of suitable habitat, consultation with CDFW shall be initiated to determine whether mitigation measures, such as protocol-level surveys, project design modifications, or relocation of the site, will be necessary and appropriate.

1. If impacts to special-status bumble bees are determined to be unavoidable, then the applicant will submit an incidental take permit (ITP) application to CDFW and receive authorization prior to commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual bumble bees, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank. (MM 3.4-2g.)

P. Compliance documentation will be provided to the county as part of the application materials for the protection of gray wolves from new development related to cannabis activities. Such documentation may be combined with the required compliance with SWRCB Order 2019-0001-DWQ, or any successor that order.

0. If gray wolf is detected during the initial biological reconnaissance survey is determined to be likely to occur due to the presence of suitable habitat and recent species range information, consultation with CDFW shall be initiated to determine whether mitigation measures, such as protocol-level surveys, project design modifications, relocation of the site, limited operating periods, or biological monitoring will be necessary and appropriate.

1. If impacts to gray wolf cannot be avoided, then proposed cultivation activities will not be permitted. (MM 3.4-2o.)

17.85.80 Cannabis Cultivation

. Personal Use Cultivation (Adapted from existing 17.42)

The cannabis grown outdoors or in greenhouses, on any parcel, shall not exceed the following number of plants or square footage in size:

0. For parcels of one acre or less, two marijuana plants or fifty square feet;

1. For parcels between one acre and two and one-half acres, four plants or one hundred square feet;

2. For parcels between two and one-half acres and five acres, six plants or two hundred square feet;

3. For parcels between five and ten acres, six plants or three hundred square feet;

4. For parcels of ten acres or greater, six plants or four hundred square feet.

5. For the purposes of these size restrictions, multiple growing levels or stories shall be measured separately as part of the total area permitted.

6. Additional marijuana plants may be cultivated so long as such plants are immature. An immature plant is one where no part of the plant is flowering or displaying its sex. The number of immature plants that may be cultivated, when combined with the number of mature plants, shall not exceed twice the number of plants permitted for each size category.

7. Indoor cultivation of personal use cannabis plants may not exceed 6 mature plants on any parcel.

A. **Use Permit and program Enrollment License Required.**

0. Issuance of a Use Permit, as established in Section 17.125, and Program Enrollment License grants ~~provisional~~ local authorization to cultivate commercial cannabis plants in compliance with the standards of this Chapter and applicable State law. Upon approval of a Use Permit, applicants who cultivate commercial cannabis in accordance with this Chapter and State law shall be exempt from plant count limitations contained in the 17.85.08 A. ~~Trinity County Personal Grow Ordinance (Zoning Ordinance No. 315-797) and/or the Adult Use of Marijuana Act (AUMA), whichever allows a greater amount. In lieu of plant count limitations, P~~permitted cultivation activities shall be subject to maximum cultivated square footage standards as defined by State regulations and as allowed by this Chapter.

1. Approval of a Use Permit and Program Enrollment License for any cannabis cultivation activity, except for specialty cottage outdoor cultivation qualifying for a cultivation area of two thousand square feet or less and located on slopes of less than five percent, shall require enrollment under the applicable State Water Resources Control Board (SWRCB) ~~requirements, including the North Coast Regional Water Quality Control Board (NCRWQCB) Order No. 2015-0023 or any successor or applicable SWRCB~~ general order regulating discharges of waste associated with cannabis cultivation activities. Applicants, except for specialty cottage outdoor applicants, shall demonstrate compliance with these requirements during the application period to establish a record of environmental compliance. Specialty cottage outdoor applicants shall enroll in the applicable SWRCB order on or before the date of application for a Director's Use Permit.

2. Approval of a Program Enrollment License constitutes local land use authorization for a commercial cannabis use within Trinity County but does not confer any vested right beyond the terms and conditions of the License.

3. Any cannabis activity subject to approval under this Chapter shall maintain ongoing compliance with all applicable SWRCB enrollment and reporting requirements for the duration of the permitted operation.

4. Application for, or issuance of, a Program Enrollment License pursuant to this Chapter does not confer any property right, vested entitlement, or guarantee of continued authorization. Approval of a permit shall not establish a legal nonconforming use. Transferability of a Program Enrollment License shall be subject to the requirements and limitations of Section 17.43.030(E).

5. Cannabis remains illegal under federal law, and nothing in this Chapter or the approval of a Use Permit and Program Enrollment License be construed as granting any right or protection from enforcement of federal law.

6. All permittees shall obtain and maintain any required State cannabis licenses from the appropriate State licensing authority prior to commencing operations. Approval of a Use Permit or Program Enrollment License does not guarantee issuance or continuation of any State license.

7. All permittees once granted a Use permit, must also obtain and maintain a Program Enrollment License.

8.

B. **Additional Application Requirements for Cannabis Cultivation Land Uses.**

0. All applicants will be required to comply and provide the following:

a. Proof of intent to comply with all county setback requirements.

b. Proof of enrollment in good standing with the SWRCB.

~~c. Obtain and maintain in good standing a board of equalization seller's permit.~~

~~d.~~c. Employ only persons who are at least twenty-one years of age and comply with all applicable state and federal requirements relating to the payment of payroll taxes including federal and state income taxes and/or contributions for unemployment insurance and state worker's compensation and liability laws.

~~e.~~d. Applicant cannot have been convicted of a serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of cannabis, except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.

~~f.~~e. As a condition of registering any cannabis cultivation site pursuant to this chapter, the applicant and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agencies, boards, planning commission or board of supervisors arising from the county's registration of the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.

~~g.~~f. If using a permitted well, a copy of the Trinity County well permit shall be provided.

~~h.~~g. All cultivation sites (new and licensed renewals) are required to demonstrate compliance with all applicable requirements of SWRCB Order WQ 2019-0001-DWQ, or any subsequent water quality standards that apply to all new commercial cannabis cultivation operations, and will not limited by a minimum area of disturbance as part of application review and at annual licensed renewal. This will include documentation, site management plan, and grading details prepared by a qualified professional to help ensure that the site will be stable and describing how stabilization will be achieved. The documentation will also identify the location of all water quality control features for the site and associated access roads. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Road Handbook per California Code of Regulations, Title 14, Chapter 4. Compliance with water diversion standards

and restrictions of SWRCB Order WQ 2019-001-DWQ, or any successor to that order, will also be provided to the county. The county will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.

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On-site sewage systems shall be designed to accommodate employees and seasonal employees during harvest consistent with the requirements of County Code of Ordinances Section 16.48.122. (MM 3.10-1a.)

1. Applicants consent to compliance inspections ~~as part of their application process~~. Inspections will be conducted by county officials during regular business hours Monday through Friday, nine a.m. to five p.m., excluding holidays. Applicants are permitted to participate in the inspection verification or monitoring. If possible, Trinity County will attempt to give twenty-four-hour notice of the inspection by posting the notice and/or telephoning the number listed on the application.

2. ~~All licensed cultivators within Trinity County can self-transport their own product to licensed distributors and/or manufactures as permitted by state law~~. Cultivators must obtain the appropriate state license permitting self-transport. ~~within ninety days of receiving permission from the county~~. Cultivators must indicate on their Trinity County application that they would like permission to self-transport. ~~If so designated in the application, there will be no additional fees.~~

3. All documents/plans/monitoring/inspections filed as part of enrollment become part of the county application.

4. Ownership of a license may only be transferred under the following conditions:

   a. Licensee may transfer their license as part of the sale of the property for which the license has been issued. The new owner shall reapply, pay applicable fees, and meet all requirements for the property to transfer. All exceptions that apply to the original license shall transfer with the license.

   ~~b. Licensee may transfer their license to other property under their ownership or for which they have a valid rental agreement and certification of permission to grow cannabis on the property. The licensee shall reapply, pay the applicable fees, and meet all requirements for the new property and this chapter in order for the license to transfer.~~

   ~~c.~~b. Licenses cannot be transferred more than once in a calendar year.

   ~~d.~~c. The licensee may maintain his/her original license number if they are applying for, or obtaining, an alternative cultivation license.

5. Each ~~premise~~ parcel upon which cultivation will occur must have a legal dwelling unless licensee is cultivating on a contiguous legal parcel with a legal dwelling which is under control as the parcel upon which cultivation will occur.

~~6. Only one application countywide may be submitted per legal parcel.~~

C. **Type III Cultivation ~~Licenses~~**

0. ~~The County will allow a total of five hundred thirty licenses. Thirty of those licenses shall be issued to property within Trinity County Waterworks District #1.~~ Priority in the program shall be based on the following:

(a) Priority will be issued based on the ~~number issued to a~~ Trinity County Commercial Cannabis License number and the number of years the individual Licensee has been actively enrolled in the Commercial Cannabis licensing program.

(b) The County will allow ~~fifteen~~ thirty Type 3 licenses. These licenses shall be available to those who have already obtained a commercial cultivation license.

~~(b)~~(c) To be eligible the applicant must:

(1) Be applying for a parcel that is fifty acres or more.

(2) Apply for and obtain a Conditional Use Permit

~~(c)~~(d) ~~The Director may increase the number of Type 3 Licenses up to thirty if the environmental documents support this increase~~.

(e) Priority will be given to those individuals that ~~hold~~ obtained a valid 2016/2017 Trinity County license ~~and who submit completed applications by a date determined by director. Thereafter, priority will be given based on the Trinity County Commercial Cannabis License number~~

~~C.~~D. **Limitation on Location to Cultivate Cannabis.**

Applications will not be approved for cultivation of cannabis in any amount or quantity, in the following areas:

a. Within one thousand feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein.

~~b. Within five hundred feet of an authorized school bus stop.~~

~~c.~~b. A legal parcel without a legal dwelling, or without an active ~~building~~ dwelling permit.

~~d.~~c. Timber production zones (TPZ) with the exception made for qualified Phase I applicants (persons or entities who completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County-based operation by August 1, 2016).

~~e.~~d. Residential 1 (R1), residential 2 (R2), or residential 3 (R3) zones.

~~f.~~e. Within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.

~~g.~~f. Within the legal boundaries of the Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District, Bucktail Subdivision and within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W,

Section 24, 13, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance. An exception to this limitation is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:

i. Weaverville Community Services District by December 31, 2016;

ii. Lewiston Community Services District by January 15, 2017;

iii. Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.

~~h.~~g. For specialty cottage, specialty and small licenses, canopy shall not be allowed within three hundred fifty feet of a residential structure on any adjoining parcels. Applications for an administrative buffer reduction—director's use permit will be considered and may be granted by the Trinity County Community Development Director, allowing for an exception to this code section.

~~i.~~h. For medium licenses, cultivation shall not be allowed within five hundred feet of an adjacent property line. Applications for a variance from this provision will be considered by the Trinity County Planning Commission

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~~D.~~E. **Cannabis Land Use Buffer Reductions**

Buffer Reductions. When deliberating a cannabis license application, a reduction from the required three hundred fifty foot distance from an adjacent legal residential structure on any adjoining parcels may be considered by the community development director, when the following criteria is met:

0. The applicant has submitted an application for and has provided documented justification, along with the applicable attenuation plans included in the Appendix C document, for the requested buffer reduction.

1. That there are circumstances unique to the properties in question that would reasonably allow a buffer reduction.

2. The buffer reduction will only be allowed for previously developed sites, which means that there are preexisting mature canopy areas within 350' of an adjacent legal dwelling, which have been established and utilized for cultivation prior to the adoption of this ordinance. Sites with an approved Appendix C document can apply for a buffer reduction.

3. That the buffer reduction would not result in harm to the public health, safety, or welfare and nearby land uses.

4. During the review of the documentation submitted, a Notice of Application and a Consent/ Opposition letter will be sent to affected property owners providing information about the application(s) and identifying the following: 1) the date/time that the Planning Director will take action on the application; and 2) the date/time when comments must be submitted to the County to be considered by the Planning Director prior to taking action. If a qualified Opposition letter is received, the Planning Director will schedule the item to be heard by the Planning Commission, unless the Consent/

Opposition letter is received pursuant to the exceptions as defined below. County Code Section 17.32.080 (Authority – Planning Director) states that the planning director may, at their direction, schedule for hearing by the commission any application for a planning director's use permit. If affected property owners disagree with a decision of the director, they may appeal it to the Planning Commission per County Code Section 17.34.110(A).

5. The following situations are considered exceptions from the required three hundred fifty foot distance from an adjacent legal dwelling:

   (a) Canopy that is less than the required three hundred fifty foot distance from an adjacent legal dwelling that is under identical ownership of that of the licensee.

   (b) Canopy that is less than the required three hundred fifty foot distance from an adjacent parcel, with a legal dwelling, that has a cultivation license.

   (c) Canopy that is found to be less than the three hundred fifty foot distance from an adjacent legal dwelling due to new construction on an adjacent property, since issuance of the original cannabis license and not under ownership of the licensee.

~~E.~~F. **Performance Standards for Commercial Cultivation of Cannabis.**

Cultivation permit holders shall ensure compliance with all of the performance standards and mitigation measures deemed applicable to the project, including those stated in Section 17.43G.030 and 17.43G.040 of this code. In addition, permit holders shall ensure compliance with the following additional standards:

0. It is declared to be unlawful for any person owning, leasing, occupying or having charge or possession of any parcel of land within any unincorporated area of the county to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of cannabis plants in excess of the limitations imposed by this section or personal grow section (Zoning Ordinance No. 315-797)

1. The cultivation of cannabis shall not exceed the noise level standards as set forth in the county general plan: 55 A-weighted decibels (dBA) from seven a.m. to seven p.m. and 50 dBA from seven p.m. to seven a.m. measured at the property line, except that generators associated with a commercial grow are not to be used between ten p.m. and seven a.m. (Section 315-843[6][b]). The following additional noise performance standards shall apply to generator use:

   a. Project-generated sound must not exceed ambient nesting conditions by twenty to twenty-five dBA.

   b. Project-generated sound, when added to existing ambient conditions, must not exceed ninety dBA. (MM 3.4-2n.)

2. Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well, surface water diversion and/or rain catchment system. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source.

3. The cultivation of cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water. If the designated area has more than a thirty-five percent slope, the applicant shall apply for Tier 2 cultivation under the NCRWQCB Order #2015-0023, or subsequent regulations established by the SWRCB.

4. Cannabis grown outdoors may be contained within wildlife exclusionary fencing that fully encloses the designated area. The director shall review all wildlife exclusionary fencing for esthetic and wildlife and/or human safety concerns, and can prohibit fencing he/she deems unacceptable.

5. All buildings where cannabis is cultivated or stored shall be secured to prevent unauthorized entry.

6. Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children or pets, shall be stored in a secured and locked structure or device. All uses of pesticide products shall be in compliance with state pesticide laws and regulations enforced by the county agricultural commissioner's office, Trinity County Environmental Health and the California Department of Pesticide Regulation.

7. Hazardous materials and wastes from agricultural businesses are regulated by Trinity County Environmental Health and the Department of Toxic Substances Control Trinity CUPA.

8. Rodenticides that require a California Restricted Materials permit cannot be used, those that are designated as federally restricted use products can only be used by a certified applicator.

~~9. The following rodent repellents may be used in and around cannabis cultivation sites consistent with the label: Capsicum oleoresin, putrescent whole egg solids and garlic.~~

~~10.~~9. Any person who is not the legal owner of a parcel and who is cultivating commercial cannabis on such parcel shall provide written and notarized authorization from the legal owner of the parcel prior to commencing cultivation on such parcel.

~~11.~~10. All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky.

~~12.~~11. Those cultivations using artificial lighting for mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.

~~13.~~12. The cultivation of cannabis shall comply with CalFire and CDFW regulations and any other resource agency having jurisdiction, including all activity but not limited to; clearing of land, stream crossings, water diversions and riparian buffer zones.

~~14.~~13. Applicant shall obtain coverage under the general permit for discharges of storm water associated with construction activity (construction general permit, 2009-0009-DWQ) for construction projects (individual or part of a common development) that disturb one or more acres of land surface, specifically for new site preparation and development.

~~15.~~14. An applicant shall not be denied a license for the following reasons:

a. The property has an unlicensed structure without plumbing or electricity, if the structure is less than one hundred twenty square floor feet.

b. The property has an unoccupied out-building without plumbing or electricity, if the building was built prior to 2001.

~~16.~~15. Nothing in this section shall be construed as a limitation on the County's authority to abate any violation which may exist from the cultivation of cannabis plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure structure.

~~17.~~16. All licensees shall obtain the applicable DCC license(s) prior to commencing operations. ~~enroll in the state's track and trace program within sixty days of said program going into effect.~~

~~18.~~17. All provisions of this chapter shall apply regardless of whether the activities existed or occurred prior to the adoption of the ordinance codified in this chapter.

~~19.~~18. Environmental and animal friendly linings should be used when constructing water ponds on the property.

~~20.~~19. ~~License~~ Aapplications for new cultivation sites and requests for license renewal for sites located within one-half mile of a county-designated scenic roadway, or scenic byway, or Trinity heritage scenic byway, will provide details on methods to screen the cultivation site from public views along the scenic roadway, scenic byway, or Trinity heritage scenic byway so that the developed site conditions blends with the existing visual character of the viewshed and does not dominate the view. Screening may be accomplished through retention of perimeter trees and other vegetation, revegetation as part of site modification or closure, or other methods determined acceptable to the county with locally appropriate native vegetation. This requirement will not apply to cultivation sites that demonstrate the site is not visible from the scenic roadway, scenic byway, or Trinity heritage scenic byway. Due to the topography of specific sites, a fence may not be adequate to screen a cultivation site from the roadway. For these sites, perimeter trees and other vegetation shall be used. (MM 3.1-1a.)

~~21.~~20. ~~License~~ Aapplications for new cultivation sites and requests for license renewal will maintain the premises clear of trash and debris piles. No trash or debris, including abandoned cars, various woody materials, plastic tarps, cannabis waste, or household appliances, will be allowed to accumulate on the premises for a period greater than

two weeks for the life of the license. The county will inspect compliance with this measure prior to license renewal. (MM 3.1-1b.)

~~22.~~21. Covered and solid fencing shall be designed to blend with the surrounding rural or natural conditions of the parcel and will be maintained in good working condition. If topography prevents fencing from being adequate screening, a vegetative fence will be maintained in good condition to comply with screening requirements. The county will inspect compliance with this measure prior to license renewal. (MM 3.1-1c.)

~~23.~~22. Vegetation cleared as part of cultivation operations, or for cultivation purposes, shall not be burned unless proof is submitted that all required permits have been obtained including, but not limited to, a standard burn permit, a non-standard burn permit, and/or CalFire approval for less-than-three-acre conversion. (MM 3.3-1a.)

~~24.~~23. Cultivation sites shall not place any structures or involve any grading that alters the capacity of the one hundred-year floodplain. No storage of pesticides, fertilizers, fuel, or other chemicals will be allowed within the one hundred-year floodplain. All cultivation uses (plants, planter boxes and pots, and related materials) will be removed from the 100-year floodplain between November 1 and April 1 each year. (MM 3.10-1b.)

~~F.~~G. **Denial / Revocation of Permit.**

0. In addition to Chapter 17.160 (Revocation or Modification of Permits), an applicant for a cannabis cultivation land use shall be denied a license or the approval of a license shall be revoked if the county becomes aware that:

   a. The applicant has provided materially false documents or testimony;

   b. The applicant has not complied fully with the provisions of this chapter, including any of the requirements of NCRWQCB Order #2015-0023, SWRCB, or CDFW; or

   c. The operation as proposed by the applicant, if permitted, would not have complied with all applicable county and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the county, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.

1. The applicant shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.

2. The applicant may appeal a denial or revocation as provided in the appeals process of the zoning ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

3. A Commercial Cannabis Program Enrollment License issued pursuant to this Chapter shall be subject to revocation if it is discovered, at any time, that the Licensee is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any Assessor's Parcel Number (APN) located within Trinity County.

4. An application for a Commercial Cannabis Program Enrollment License shall be denied if it is determined that the Applicant is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any APN within Trinity County.

5. For purposes of this Section, "illicit cultivation" refers to the cultivation of cannabis in violation of local or state law, including but not limited to cultivation occurring without required permits or in excess of authorized limits.

6. The discovery of illicit cultivation activity on any Trinity County APN associated with, owned by, leased by, controlled by, or beneficially connected to the Licensee or Applicant shall constitute sufficient grounds for enforcement action under this Section.

G.H. **Fees for Cannabis Cultivation.**

0. The county shall collect from the applicant a regulatory cannabis ~~cultivation~~ program enrollment fee (hereinafter referred to as fee) per County Code Section 2.64~~when an applicant applies for a registration of a cannabis cultivation site with the planning department pursuant to this chapter~~.

1. Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing and enforcing this chapter.

~~2. The cannabis cultivation program fee is set at:~~

a. When submitting your application, there will be a non-refundable application fee of fifty percent of the first year's fee for each license that will be applied towards the first year's fees if a license is granted.

~~b. Specialty Outdoor and Mix Light: Three thousand dollars plus one thousand dollars toward the general plan up-date.~~

~~c. Specialty Cottage:~~

~~i. Outdoor: Seven hundred fifty dollars plus two hundred fifty dollars towards general plan update.~~

~~ii. Mix Light: One thousand five hundred dollars plus two hundred fifty dollars towards general plan update.~~

~~iii. Indoor: Two thousand dollars plus two hundred fifty dollars towards general plan update.~~

~~d. Small Outdoor and Mix Light: Five thousand dollars plus one thousand dollars toward the general plan update.~~

~~e. Medium Outdoor: Eight thousand dollars plus one thousand dollars toward the general plan update.~~

~~f. Cannabis Variance Fee: Seven hundred fifty-one dollars.~~

~~g. Fees Associated with Transfer of~~ Licenses:

~~i. Transfer of License on Same Parcel: Fifty percent of original application fee not to exceed one thousand five hundred dollars.~~

~~ii. Transfer of License to a Different Property: One hundred percent of all original fees as set forth above.~~

~~3.~~2. Fees shall be paid thereafter annually on date of the issuance of the license each year.

~~4.~~3. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of adoption of the ordinance codified in this chapter, the county shall conduct a fee study to determine the total cost of administering this chapter.

a. If, based on the results of the fee study, the fee needs to be increased; the county may increase the fee by way of resolution for any new or renewal registrations.

b. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

17.85.90 Cannabis Distribution

. **Permits Required to Establish.**

0. Conditional Use Permit (CUP) Required. Where cannabis distribution (requiring Type 11 State licenses) is allowed within the zoning districts specified in Part 2 of this Code, a Conditional Use Permit (CUP) shall be obtained in compliance with Chapter 17.160 (Conditional Use Permits) prior to establishment or operation. This does not apply to transportation only distribution licenses.

1. Type 13 transportation only licenses ~~will~~ shall not be allowed within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District~~, although no cannabis distribution facilities will be allowed in these areas~~.

A. **Findings for Approval.**

A conditional use permit for cannabis distribution shall not be granted by the trinity county ~~planning~~ Community Development D~~d~~epartment unless all of the following findings are made based on substantial evidence:

0. The distribution, as approved and conditioned will not result in significant unavoidable impacts on the environment.

1. The distribution includes adequate quality control measures to ensure cannabis distributed at the site meets state standards for a regulatory market.

2. The distribution operations plan includes adequate measures that address the federal enforcement priorities for cannabis activities.

B. **Operational and Performance Standards for Cannabis Distribution.**

0. Cannabis distribution facilities shall be located only in zoning districts identified in Section 17.43B.020(A) in this chapter as allowable zoning districts for cannabis distribution facilities.

1. Cannabis distribution facilities shall not be allowed within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within five hundred feet of an authorized school bus stop, unless a variance is obtained.

2. All cannabis distributors shall ensure that cannabis is obtained from licensed cultivation sources and shall implement best practices to ensure that all cannabis products are properly stored, labeled, transported and tested prior to distribution at a legally permitted and licensed retail facility.

    a. A transportation only license is also available from Trinity County, which will allow the transportation of cannabis products within the State of California for distribution to licensed distributors and manufacturers.

3. Security plan shall be developed which is compliant with state requirements and submitted with an application and must be sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained. The security plan shall be approved by the board of supervisors, or its designee.

4. A site operations plan shall be submitted with the application for a conditional use permit.

5. Any license holder of a distribution license shall not have been convicted of serious felony or Schedule I, II or III felony, excluding a non-serious felony conviction for sale, transportation or cultivation of cannabis except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.

6. Cannabis and cannabis products shall only be transported between licensed commercial operations in good standing with the county and the state.

7. Distributors shall ensure that appropriate samples of cannabis or cannabis products are tested by a state- and/or county-licensed testing facility prior to distribution.

8. Prior to distribution to retailers, the distributor shall receive a certificate of analysis stating that test samples meet specifications required by law.

9. Cannabis and cannabis products shall be packaged and labeled in accordance with the requirements of state law.

10. Overnight storage of cannabis and cannabis product is not allowed in any vehicles within the county unless secured in a licensed distribution facility.

C. **Conditions of Conditional Use Permit Approval.**

In addition to any other conditions and mitigation measures required, all of the following conditions shall apply to all cannabis distribution:

0. The distributor shall allow access to the facility and any vehicles utilized in transportation, and access to records if requested by the county, its officers, or agents, and shall allow inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.

1. The applicant for the distribution facility and the property owner shall indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the license or relating to any damage to property or persons stemming from the commercial cannabis activity.

2. Any person operating a cannabis distribution facility shall obtain a valid and fully executed commercial cannabis distribution license or provisional license from the state prior to commencing operations, and must maintain such license in good standing in order to continue operations.

3. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove licensees who do not maintain permits or licenses in good standing with the county or state shall be grounds for the suspension or revocation of a conditional use permit pursuant to this chapter.

4. The distribution facility and activities shall be maintained in accordance with the operating plan associated with the conditional use permit and approved by the county.

5. Any person who is not the legal owner of a parcel for which they are obtaining a conditional use permit to operate a cannabis distribution facility shall provide written and notarized authorization from the legal owner of the parcel prior to commencing activities included in the conditional use permit on such parcel.

D. **Denial / Revocation of Permit.**

0. In addition to Chapter 17.160 (Revocation or Modification of Permits), an applicant for a cannabis distribution use shall be denied a license or the approval of a license shall be revoked if the county becomes aware that:

   a. The applicant has provided materially false documents or testimony;

   b. The operation as proposed by the applicant, if permitted, would not have complied with all applicable county and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the county, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.

1. The applicant shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.

2. The applicant may appeal a denial or revocation as provided in the appeals process of the zoning ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

3. A Commercial Cannabis Program Enrollment License issued pursuant to this Chapter shall be subject to revocation if it is discovered, at any time, that the Licensee is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any Assessor's Parcel Number (APN) located within Trinity County.

4. An application for a Commercial Cannabis Program Enrollment License shall be denied if it is determined that the Applicant is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any APN within Trinity County.

5. For purposes of this Section, "illicit cultivation" refers to the cultivation of cannabis in violation of local or state law, including but not limited to cultivation occurring without required permits or in excess of authorized limits.

~~2.~~6. The discovery of illicit cultivation activity on any Trinity County APN associated with, owned by, leased by, controlled by, or beneficially connected to the Licensee or Applicant shall constitute sufficient grounds for enforcement action under this Section.

E. **Fees for Cannabis Distribution.**

0. The cannabis distribution program fee is due annually on March 1st and is set at:

a. Type 11: Six thousand dollars plus one thousand dollars towards the general plan update.

b. Type 13 (transportation only): Two thousand dollars.

c. Fees shall be paid thereafter annually prior to March 1st of each year.

1. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of this chapter, the County may conduct a fee study to determine the total cost of administering this chapter.

2. If, based on the results of the fee study, the fee needs to be increased, the county may increase the fee by way of resolution for any new or renewal registrations.

3. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

17.85.100 Cannabis Manufacturing

. **Allowable Zoning Districts.**

0. Nonvolatile or mechanical methods cannabis manufacturing facilities (requiring a Type 6, Type N and Type P State License) may be permitted in the following zoning districts subject to first obtaining the appropriate Use permit, see section 17.43F.040(J)—(M):

a. General commercial ("C2").

b. Heavy commercial ("C3").

c. Industrial ("I").

d. Agricultural ("A").

e. Specific unit development ("SUD"), whose guidelines specifically identify parcels for industrial development.

f. Agricultural preserve ("AP").

g. Agricultural forest ("AF").

1. Cannabis manufacturing facilities licensed as microbusinesses and involving Type 6 mechanical or low-impact extraction, such as rosin pressing, bubble/water hash or kief/dry sifting, may be permitted in the following zoning districts, subject to first obtaining the appropriate use permit:

   a. Rural residential.

   b. Unclassified.

2. Cannabis manufacturing facilities involving volatile, nonvolatile, or mechanical methods, processes or substances (requiring a Type 7 State license) may be permitted in the following zoning districts subject to first obtaining a conditional use permit:

   a. Heavy commercial ("C3").

   b. Industrial ("I").

   c. Specific unit development ("SUD"), whose guidelines specifically identify parcels for industrial development.

3. Shared use facilities must be licensed with Trinity County and may be permitted in the zoning districts allowed by the license type subject to first obtaining a conditional use permit pursuant to Section 17.43F.040(K):

4. Cannabis manufacturing facilities shall not be allowed within the following areas:

   a. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.

   b. Within the legal boundaries of the following areas which are in proximity to higher density populations, and therefore, create a substantial risk of a public nuisance:

      i. Historic District of Weaverville;

      ii. Coffee Creek Volunteer Fire District;

      iii. Trinity Center Community Services District;

      iv. Within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24

      v. Bucktail Subdivision: Unit 1, 2 and 3 as found in Trinity County Book of Maps 3, Page 273, Book of Maps 4, Page 53, and Book of Maps 4, Page 150 accordingly on record with the Trinity County Recorder.

A. **Types of Licenses Available.**

0. State Type 6 non-volatile licenses, defined per 17 CA CCR § 40118, are available for extractions using nonvolatile solvents or mechanical methods.

1. State Type 7 volatile licenses are available for extractions using volatile substances.

2. State Type N licenses are available for infusions, including using pre-extracted oils to create edibles, beverages, capsules, water cartridges, tinctures or topical.

3. State Type P licenses are available for packaging and labeling only.

4. State Type S licensees are eligible to conduct manufacturing operations at a registered "shared-use facility."

5. Shared use facility licenses are available for operating a shared use facility.

B. **Findings for Approval.**

The appropriate use permit for cannabis manufacturing shall not be granted by the appropriate authority unless all of the following findings are made based on substantial evidence:

0. The manufacturing facility will comply with all of the requirements of the state and county for the cannabis manufacturing. This includes, but is not limited to, product safety, THC levels, edible standards, timelines, packaging and labeling requirements.

1. The manufacturing, as approved and conditioned will not result in significant unavoidable impacts on the environment.

2. The manufacturing includes adequate quality control measures to ensure cannabis manufactured at the site meets industry state standards.

3. The manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids or substances.

C. **Operational and Performance Standards for Cannabis Manufacturing.**

0. Cannabis manufacturing facilities shall be located only in zones that specifically provide for this use. The facility shall not be on prime agricultural soil, as determined by the planning director or his/her designee.

1. Cannabis manufacturing facilities shall not be allowed within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein. Cannabis manufacturing facilities shall not be within five hundred feet from an authorized school bus stop, unless a variance is obtained.

2. All cannabis manufacturing operations shall ensure that cannabis is obtained from licensed cultivation sources and shall implement best practices and comply with state law to ensure that all manufactured cannabis products are properly stored, labeled, transported and inspected prior to distribution at a legally permitted and licensed retail outlet. Cannabis manufacturing operations shall purchase at least seventy-five percent of its cannabis from Trinity County sources.

3. Security plan shall be developed which is compliant with state requirements and must be sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products. A copy of the security plan submitted to the state shall be provided to the Trinity County ~~Planning~~ Community Development Department within thirty days of submission to the state.

4. A detailed operating site plan must be submitted with an application for the appropriate use permit, see subsections J—M.

5. Fire plans must be prepared by the applicant and approved by the Weaverville Fire District Chief or a designee of the Trinity County Board of Supervisors. An approved fire plan must be submitted with an application for the appropriate use permit, see subsections J—M.

6. Applicants must apply for certified unified program agencies ("CUPA") which, for Trinity County, is administered through the department of toxic substances control.

7. Any employees of a cannabis manufacturing facility operating potentially hazardous equipment shall be trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure. In addition, employees handling edible cannabis products or ingredients shall be trained on proper food safety practices.

8. Any license holder of a manufacturing license shall not have been convicted of serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of cannabis except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.

9. Type 7 applicants are required to obtain a conditional use permit before starting operations, including infrastructure and building improvements specific to the use, and the following additional requirements must be met:

    a. Extractions must be in closed loop system as defined and prescribed by State of California.

    b. Wastewater shall be disposed of in to an adequate sewage system, as prescribed by Trinity County Environmental Health Division and pursuant to California State regulations.

    c. The facility must be setback a minimum of one hundred feet from all adjacent property lines. Application for a variance from this provision will be considered concurrently with application for a conditional use permit from the Trinity County Planning Commission.

    d. All building structures must have operational automatic fire sprinklers.

10. Type 6, Type 7 or Type N licensees who wish to register as a shared use facility shall obtain a conditional use permit before starting operations, including infrastructure and building improvements.

11. For Type 6 licenses the following requirements must be met to qualify for a director's use permit. Applicants who meet these requirements must obtain an approved director's use permit before starting operations, including infrastructure and building improvements specific to the use.

    a. The manufacturing business:

        i. Operates under a Type N or Type P license.

        ii. Utilizes extractions with butter or food-grade oils, provided that the resulting extract or concentrate shall be used solely in the manufacture of the licensee's infused product, and shall not be sold to any other licensee.

        iii. Utilizes extractions methods such as rosin pressing, bubble/water hash or kief/dry sifting.

        iv. Any post-extraction methods that involve substances included in Title 8. Industrial Relations Division 1. Department of Industrial Relations Chapter 3.2. California Occupational Safety and Health Regulations (Cal/OSHA) Subchapter 1. Regulations of the Director of Industrial Relations Article 5. Hazardous Substances Information and Training (Refs and Annos) CCR § 339 The hazardous substances list may require a conditional use permit, as determined by the director.

    b. The manufacturing business does not employ more than three permanent, full-time employees, and/or does not compensate more than six thousand two hundred forty employee work hours per year.

    c. The manufacturing business does not generate more than two non-employee vehicles per week.

    d. The manufacturing facilities are operated within the footprint of an existing building.

    e. Vehicle access to the manufacturing premises utilizing a shared and privately owned or maintained road or driveway shall prompt the Trinity County ~~Planning~~ Community Development Department to notify adjacent impacted property owners. Objections from adjacent impacted property owners may require mitigation measures or require a conditional use permit, as determined by the director.

12. All Type 6, Type P or Type N applicants that do not meet the requirements outlined in subsection L shall obtain a conditional use permit before starting operations, including infrastructure or building improvements specific to the use.

D. **Conditions of Approval.**

In addition to any other conditions and mitigation measures required, all of the following conditions shall apply to all cannabis manufacturing:

0. The manufacturer shall allow access to the facility and access to records if requested by the county, its officers, or agents, for an annual inspection and submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.

1. The applicant for the manufacturing facility and the property owner shall indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.

2. Any person operating a cannabis manufacturing facility shall obtain a valid and fully executed commercial cannabis manufacturing license from the state prior to commencing operations, and must maintain such license in good standing in order to continue operations.

3. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by the Trinity County Code and California State law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the county or state shall be grounds for the suspension or revocation of a use permit pursuant to this chapter.

4. The manufacturing facilities and activities shall be maintained in accordance with the operating plans approved by the county.

   a. At any time during the license period, a licensee may request to change the manufacturing activities conducted at the licensed premises. All proposed changes require pre-approval, including infrastructure or building improvements specific to the new use. To request approval for proposed changes, the licensee shall submit a revised operating plan and drawings per Trinity County's application process.

   b. Any change requests shall be evaluated on a case-by-case basis by Trinity County ~~Planning~~ Community Development Department, and upon approval, the licensee may begin conducting the additional manufacturing operation or make the requested change to the premises. The existing license shall be amended to reflect the change in operations, if applicable, but the date of expiration shall not change.

~~5. The cannabis manufacturing program fee is due annually from date of issuance and is set at:~~

   ~~a. Type 6: Five thousand dollars plus one thousand dollars towards the general plan update.~~

   ~~b. Type 7: Six thousand dollars plus one thousand dollars towards the general plan update.~~

   ~~c. Type N: Two thousand dollars plus five hundred dollars towards the General Plan update.~~

~~d. Type P: Two thousand dollars plus five hundred dollars towards the general plan update.~~

~~e. Type S: No fee for Trinity County Commercial Cannabis licensees; two thousand dollars for all other users.~~

~~f. Shared Use Facility: One thousand five hundred dollars.~~

~~g. Transfer fee to New Applicant: One thousand dollars.~~

~~h. Transfer fee to New Site: Sixty percent of original license fee, prorated monthly.~~

~~i. Renewal fee: Sixty percent of original license fee.~~

~~6. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of this chapter, the county shall conduct a fee study to determine the total cost of administering this chapter.~~

~~a. If, based on the results of the fee study, the fee needs to be increased; the county may increase the fee by way of resolution for any new or renewal registrations.~~

~~b. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.~~

E. **Denial / Revocation of Permit.**

0. In addition to Chapter 17.160 (Revocation or Modification of Permits), an applicant for a cannabis manufacturing land use shall be denied a license or the approval of a license shall be revoked if the county becomes aware that:

   a. The applicant has provided materially false documents or testimony;

   b. The operation as proposed by the applicant, if permitted, would not have complied with all applicable county and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the county, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.

1. The applicant shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.

2. The applicant may appeal a denial or revocation as provided in the appeals process of the zoning ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

3. A Commercial Cannabis Program Enrollment License issued pursuant to this Chapter shall be subject to revocation if it is discovered, at any time, that the Licensee is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any Assessor's Parcel Number (APN) located within Trinity County.

4. An application for a Commercial Cannabis Program Enrollment License shall be denied if it is determined that the Applicant is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any APN within Trinity County.

5. For purposes of this Section, "illicit cultivation" refers to the cultivation of cannabis in violation of local or state law, including but not limited to cultivation occurring without required permits or in excess of authorized limits.

6. The discovery of illicit cultivation activity on any Trinity County APN associated with, owned by, leased by, controlled by, or beneficially connected to the Licensee or Applicant shall constitute sufficient grounds for enforcement action under this Section.

~~2.~~

F.

17.85.110 **Cannabis Microbusiness**

. **Permits Required to Establish**. Where cannabis microbusiness are allowed within the zoning districts specified in Part 2 of this Code, either a Directors Use Permit (DUP) a Conditional Use Permit (CUP) shall be obtained in compliance with Chapter 17.155 (Directors Use Permit) or (Chapter 17.160 (Conditional Use Permits) prior to establishment or operation.

A. **Operational and Performance Standards for Cannabis Microbusinesses**

~~0. An applicant for a microbusiness license must be licensed under the county's cultivation licensing program and cultivating on an area ten thousand square feet or less and holding a valid Type 1 or Type 2 cultivation license. The combination of the microbusiness and cultivation license will count as one license as allowed by Ordinance No. 315-829.~~

~~1.~~0. An applicant for a microbusiness license must hold a Trinity County ~~cultivation~~ license, engage in and be appropriately zoned for at least two or more of the following qualifying commercial cannabis activities in addition to cultivation:

a. Manufacturing (Type 6, Type N or Type P).

b. Distribution (Type 11 and 13).

c. Retail (Type 9, non-storefront retail).

d. Microbusiness licenses shall not relieve the licensee of the requirements of holding and following the requirements of the individual licenses.

~~2. A microbusiness applicant shall not be accepted until the cultivation license and applications for commercial cannabis activities listed above (in subsection B) have been accepted.~~

~~3. A microbusiness license shall not be issued until the cultivation license and applications for commercial cannabis activities listed above (in subsection B) have been determined as eligible for issuance.~~

~~4.~~1. All microbusiness activities shall not be conducted inside a private residence or require persons to pass through a private residence to access the licensed premises.

~~5.~~2. Microbusiness applicants shall obtain a conditional use permit. Microbusiness applicants may qualify for a director's use permit rather than a conditional use permit when the following conditions apply:

a. The microbusiness does not employ more than three permanent, full-time employees, and/or does not compensates no more than six thousand two hundred forty employee work hours per year; and

b. The microbusiness does not generate more than two non-employee vehicles visiting the licensed premises at any one time, or no more than six non-employee vehicles per week.

~~b.~~c. The microbusiness does not process, manufacture, distribute or sell cannabis cultivated by other licensees.

~~6.~~3. Should the vehicle access to the property on which the microbusiness license is granted be a shared and privately owned or maintained road or driveway, the Trinity County ~~Planning~~ Community Development Department will notify adjacent property owners who share use of the road/driveway. Objections from adjacent property owners who share use of the road/driveway may lead to further mitigation measures or the need for the microbusiness applicant to obtain a conditional use permit as determined by the director.

~~7.~~4. The primary hours of operation shall be limited to seven a.m. to eight p.m. Monday through Saturday, and eight a.m. to five p.m. Sundays.

B. **Conditions of Approval for Cannabis Microbusiness.**

0. Comply with all state and county codes related cultivation, manufacturing, distribution and retail, unless amended herein.

1. Allow access to any facilities or vehicles utilized in transportation, records if requested by the county, its officers, or agents, and allow inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.

2. Indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.

3. Obtain a valid and fully executed commercial cannabis microbusiness license from the state prior to commencing operations, maintain such license in good standing in order to continue operations.

4. Ensure that all commercial cannabis activities at the site operate in good standing with permits and licenses required by the Trinity County Code and state law. Property owners who fail to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the county or state shall be subject to suspension or revocation microbusiness license, as well as personal liability for required enforcement.

~~5. Be limited to the following distribution amounts: In addition to the product that is grown pursuant to licensee's cannabis cultivation license, the microbusiness can distribute the following amount of third party product:~~

~~a. Those with a specialty cottage licenses can distribute one hundred twenty-five pounds of product.~~

~~b. Those with a specialty outdoor licenses can distribute two hundred fifty pounds of product.~~

~~c. Those with a small outdoor or mixed-light Tier 1 and 2 licenses can distribute five hundred pounds of product.~~

~~6. Cannabis distributed from a third party shall be at least seventy-five percent from Trinity County sources.~~

~~7.~~5. Only be located in zoning districts where commercial cannabis licenses are allowed according to their respective ordinance (Cultivation Ordinance No. 315-823 and amendments; Manufacturing Ordinance No. 315-838, Distribution Ordinance No. 315-828 and Non-Storefront Retail Ordinance No. 315-835.

~~8.~~6. A microbusiness license shall not be allowed within the most restrictive setback distance as provided for in the cultivation license or commercial cannabis activities permitted as part of this microbusiness license~~, unless a variance is otherwise obtained.~~.

C. **Denial / Revocation of Permit.**

0. In addition to Chapter 17.160 (Revocation or Modification of Permits), an applicant for a cannabis microbusiness land use shall be denied a license or the approval of a license shall be revoked if the county becomes aware that:

   a. The applicant has provided materially false documents or testimony;

   b. The operation as proposed by the applicant, if permitted, would not have complied with all applicable county and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the county, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.

1. The applicant shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.

2. The applicant may appeal a denial or revocation as provided in the appeals process of the zoning ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

3. A Commercial Cannabis Program Enrollment License issued pursuant to this Chapter shall be subject to revocation if it is discovered, at any time, that the Licensee is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any Assessor's Parcel Number (APN) located within Trinity County.

4. An application for a Commercial Cannabis Program Enrollment License shall be denied if it is determined that the Applicant is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any APN within Trinity County.

5. For purposes of this Section, "illicit cultivation" refers to the cultivation of cannabis in violation of local or state law, including but not limited to cultivation occurring without required permits or in excess of authorized limits.

6. The discovery of illicit cultivation activity on any Trinity County APN associated with, owned by, leased by, controlled by, or beneficially connected to the Licensee or Applicant shall constitute sufficient grounds for enforcement action under this Section.

~~3.~~

~~D. **Fees for Cannabis Microbusiness.**~~

~~0. The cannabis microbusiness license fees are set at:~~

~~a. Microbusiness/Specialty Cottage: Two thousand five hundred dollars plus seven hundred fifty dollars towards the general plan update.~~

~~b. Microbusiness/Specialty: Six thousand dollars plus one thousand dollars towards the general plan update.~~

~~c. Microbusiness/Small: Eight thousand dollars plus one thousand dollars towards the general plan update.~~

~~1. The above fee amounts are not anticipated to fully cover the cost of administering the ordinance codified in this chapter; however, within twelve months of [adoption of] the ordinance codified in this chapter, the county may conduct a fee study to determine the total cost of administering the ordinance codified in this chapter.~~

~~a. If, based on the results of the fee study, the fee needs to be increased; the county may increase the fee by way of resolution for any new or renewal registrations.~~

~~b. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.~~

~~**When transferring from a cultivation license to a microbusiness license, the microbusiness program fees will be reduced, on a prorated basis, by the annual cannabis cultivation license fee paid to obtain a cultivation license.**~~

17.85.120 Cannabis Nursery and Resale of Auxiliary Nursey Products

. **Permits Required to Establish.**

0. Conditional Use Permit (CUP) Required. Where cannabis nurseries are allowed within the zoning districts specified in Part 2 of this Code, a Conditional Use Permit (CUP)

shall be obtained in compliance with Chapter 17.160 (Conditional Use Permits) prior to establishment or operation.

1. Regardless of zoning district, cannabis nurseries shall not be permitted within the following areas:

   a. Recreation district #1 (RD-1) [this is primarily the area included within the Shasta-Whiskeytown-Trinity National Recreation Area.

   b. Ruth Lake Specific Unit Development [this is primarily the area within the Ruth Lake Recreation Area.

A. **Operational and Performance Standards for Cannabis Nurseries.**

0. A cannabis nursery shall possess and be in full compliance with a Type 4 state license.

1. Cannabis nurseries shall not be located within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within five hundred (500) feet of an authorize[d] school bus stop. Variances are allowed upon ~~review~~ approval ~~of~~ by the planning commission.

2. Cannabis nursery operators shall ensure that all clones, immature plants, seeds and other agricultural products are obtained from appropriately licensed cultivation sources and shall implement best practices to ensure that all cannabis products are properly stored, labeled, transported, and inspected prior to distribution to an appropriately licensed individual.

3. Cannabis nurseries shall have security measures, including fencing, sufficient to restrict access and deter trespass and theft of cannabis or cannabis products. Fencing must include a lockable gate that is locked at all times when the property owner and/or employees are not on the premises. Fencing shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth, although shade cloth may be used on the inside of the fence.

4. Cannabis nurseries may grow clones and immature plants indoors, but only when allowed by the required conditional use permit.

5. Cannabis nurseries shall comply with all other provisions of the Trinity County Code and the zoning ordinance.

6. Development Standards. The development standards (such as setbacks, minimum lot coverage, etc.) shall be as shown for the applicable zoning district, provided, however, that the planning commission may establish more restrictive standards on a case-by-case basis during the use permit approval process.

7. Auxiliary nursery sales are permitted within the established nursery facility; however, the location of sales shall not exceed ten percent of the cannabis nursery facility.

B. **Conditions of Use Permit Approval.**

0. In addition to any other conditions and mitigation measures required, all of the following conditions shall apply to all cannabis nurseries:

a. All cannabis nursery license holders shall maintain accurate records on sales, including proof that sales occur only to licensed individuals.

b. Sales shall only be to licensed cannabis cultivators in the State of California.

c. License holders shall comply with all applicable state and county laws.

d. The Trinity County Agricultural Commissioner may create standards for plant quality which shall comply with State of California regulations.

e. All sales locations shall have adequate parking to accommodate customers.

f. Glare from nursery facilities and resale locations shall not emanate onto neighboring properties. This condition will also be reviewed on a case-by-case basis as part of the use permit process.

g. Cannabis nurseries shall comply with the cultivation plan required in state Type 4 licenses.

1. Operators of cannabis nurseries shall allow access to the facility and access to records if requested by the county, its officers, or agents; shall pay for an annual inspection; and shall submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations, and conditions.

2. The applicant, owner, and operator shall agree to submit to, and pay for, routine and focused inspections of operations and relevant records or documents necessary to determine compliance with this chapter from any enforcement officer of the county or their designee.

3. Operators of cannabis nurseries and, if different, the property owner(s) shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agencies, board, planning commission or board of supervisors arising from the county's registration of the site. The indemnification shall apply to any damages, cost of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.

4. Any person operating a cannabis nursery shall obtain a valid and fully executed commercial cannabis cultivation Type 4 state license prior to commencing operations and must maintain such license in good standing to continue operations.

5. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the county or state shall be grounds for the suspension or revocation of the cannabis nursery license.

6. Cannabis nurseries and related activities shall be maintained in accordance with operating plans approved by the county.

7. A license for cannabis nursery cultivation or for the resale of wholesale cannabis products does not guarantee that the applicant will be considered compliant with any future land use ordinance.

8. Application for cannabis nursery cultivation does not give the applicant any property rights, and it does not guarantee that a cannabis nursery cultivation license will be issued. The application shall not be transferrable.

9. Cannabis is not recognized under federal law and an application does not grant any right to violate federal law.

10. When the state begins issuing Type 4 licenses under Medicinal and Adult Use Cannabis Regulations and Safety Act (MAUCRSA), the applicant or license holder shall file a complete application for the appropriate state license with the appropriate state licensing authority within sixty days of obtaining a county license.

11. The effective date of a county issued entitlement for a cannabis nursery shall not begin until all state and county licensing, permitting and approvals have been obtained.

12. Notwithstanding any other provision of this ordinance or the Trinity County Code, a person cultivating cannabis for the purposes of nursery sales, or resale of wholesale cannabis nursery products pursuant to this ordinance, but who applies for and is denied a state license, shall immediately cease all cannabis nursery cultivation within the county until he/she successfully obtains the proper state nursery cultivation license(s) under MAUCRSA.

~~C. **Fees for Cannabis Nursery.**~~

~~0. The county shall collect from the applicant a regulatory program fee ("fee") when the application is submitted to the planning department pursuant to this chapter.~~

~~1. Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing, and enforcing this chapter.~~

~~2. The cannabis nursery program fee is set at:~~

~~a. Nursery License: Two thousand five hundred dollars, plus one thousand dollars toward general plan update.~~

~~b. Inspection Fee: $200.~~

~~3. Fees shall be paid annually one year from date of issuance.~~

~~D.~~C. **Denial / Revocation of Permit.**

0. In addition to Chapter 17.160 (Revocation or Modification of Permits), an applicant for a cannabis cultivation land use shall be denied a license or the approval of a license shall be revoked if the county becomes aware that:

   a. The applicant has provided materially false documents or testimony;

   b. The operation as proposed by the applicant, if permitted, would not have complied with all applicable county and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the county, including

the provisions of this chapter and with all applicable laws including zoning and county ordinances.

1. The applicant shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.

2. The applicant may appeal a denial or revocation as provided in the appeals process of the zoning ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

3. A Commercial Cannabis Program Enrollment License issued pursuant to this Chapter shall be subject to revocation if it is discovered, at any time, that the Licensee is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any Assessor's Parcel Number (APN) located within Trinity County.

4. An application for a Commercial Cannabis Program Enrollment License shall be denied if it is determined that the Applicant is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any APN within Trinity County.

5. For purposes of this Section, "illicit cultivation" refers to the cultivation of cannabis in violation of local or state law, including but not limited to cultivation occurring without required permits or in excess of authorized limits.

~~2.~~6. The discovery of illicit cultivation activity on any Trinity County APN associated with, owned by, leased by, controlled by, or beneficially connected to the Licensee or Applicant shall constitute sufficient grounds for enforcement action under this Section.

17.85.130 Cannabis Testing Facility

. **Permits Required to Establish.**

Where cannabis testing (requiring Type 8 State licenses) is allowed within the zoning districts specified in Part 2 of this Code, a Conditional Use Permit (CUP) shall be obtained in compliance with Chapter 17.160 (Conditional Use Permits) prior to establishment or operation.

A. **Findings for Approval.**

A license for a cannabis testing facility shall not be granted by the county unless all of the following findings are made based on substantial evidence:

0. The testing facility, as proposed, will comply with all of the requirements of the State of California Bureau of Medical Cannabis Regulation and Trinity County Code for Cannabis testing facilities.

1. The cannabis testing, as approved and conditioned, will not result in significant adverse impacts on the environment.

2. The testing facility is accredited by an approved accrediting agency recognized by the state and the County of Trinity.

3. Plans for the testing facility demonstrate proper protocols and procedures for statistically valid sampling methods and accurate certification of cannabis and

cannabis products for potency, purity, pesticide residual levels, mold, and other contaminants according to adopted industry standards.

4. The testing facility shall agree to provide as requested and/or required to state and county agencies procedures, processes and/or data collected resulting from testing performed.

5. Plans for the testing facility demonstrate proper protocols and procedures for transport, handling, and disposal of all chemicals used in the testing process.

6. The testing facility is located in a building permitted by the Trinity County Building Department and meets Trinity County Code.

B. **Operational and Performance Standards for Cannabis Testing Facility.**

0. ~~Within sixty days of adoption of the ordinance codified in this chapter any person or entity desiring a cannabis testing facilities license within Trinity County may apply with the Trinity County Planning Department. An application shall be on a form provided by the Trinity County Planning Department and will require, at minimum, confirmation that the applicant meets the requirements of this chapter.~~ Application shall include a plan of operation pursuant to Section 17.43C.040(F) and 17.43C.040(G).

1. Cannabis testing facilities shall comply with all of the following regulations:

2. Shall not be within one thousand feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein or within five hundred feet of an authorized school bus stop and will be measured from footprint of building to edge of parcel boundary if sensitive receptors are present.

3. The owners, operators, and employees of the cannabis testing facilities shall be independent from all other persons, associations and/or entities involved in the cannabis industry, and shall not hold any other state or county license related to cannabis.

4. Cannabis testing facilities shall apply for appropriate licensing and/or register with any state agencies upon establishment of a state regulatory framework as required by the state and provide copies of the license application and the issued license to the county.

5. Cannabis testing facilities shall show proof of ISO 17025 accreditation, or proof that the applicant is in the process of applying for or is preparing to apply for ISO 17025 accreditation as required by the state.

6. Cannabis testing facilities shall adopt written standard operating procedures for laboratory processes, and analytical methods as required by state regulations.

7. Cannabis testing facilities shall adopt a written standard operating procedure to obtain samples for testing according to state regulations.

8. Cannabis testing facilities shall develop and implement scientifically valid testing methodologies for the chemical, physical and microbial analysis of cannabis products according to state regulations.

9. Cannabis testing facilities shall develop and implement test methods and corresponding standard operating procedures for the analyses of organic and inorganic materials identified by the state. Additional analyses may be conducted as requested by the cultivator of the sample(s) to be tested.

10. Cannabis testing facilities shall dispose of test samples according to state regulations and document waste disposal procedures followed for each sample.

11. Cannabis testing facilities shall comply with all safety standards and requirements for cannabis testing facilities identified by the state, and shall ensure the safety of its employees and the proper disposal of all chemicals and byproducts pursuant to California Department of Public Health guidelines, California Division of Occupational Safety and Health requirements, California Department of Transportation, California Department of Toxic Substances Control (Trinity County CUPA), and Trinity County Department of Environmental Health.

12. Cannabis testing facilities shall develop and implement standard operating procedures or programs required by the state including quality assurance and quality control.

13. Cannabis testing facilities shall employ personnel who meet the experience and education requirements specified by the state and shall train qualified personnel as required by the state.

14. Cannabis testing facilities shall adopt a written security protocol and implement the protocol to prevent diversion, theft and loss of cannabis samples.

15. Cannabis shall not be sold or consumed on or within the premises on which this license is issued.

C. **Conditions of Conditional Use Permit Approval.**

In addition to any other conditions and mitigation measures required, all of the following conditions shall apply to all licenses for a cannabis testing facility:

0. Operators of the testing facility shall allow access to the facility and access to records if requested by the county or state, its officers, or agents, and shall pay for routine and focused inspections and submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations, and conditions.

1. The applicant, owner, and operator shall agree to submit to, allow access for, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this chapter from any enforcement officer of the county or their designee.

2. Operators of the testing facility and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agents, boards, planning commission or board of supervisors arising from the county's registration of the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.

3. The facility operator shall be responsible for ensuring that all cannabis testing activities at the site operate in good standing with licenses required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain licenses or licenses in good standing with the county or state shall be grounds for the suspension or revocation of the license.

4. The testing facility and related activities shall be maintained in accordance with the operating plans accepted by the county.

5. A safety and security plan shall be submitted and accepted by the county. This plan shall be updated annually. All security protocols shall be implemented prior to commencing operations.

6. Hours of operation shall be determined on a site-specific basis established in the use permit associated with the testing facility.

7. This license does not guarantee that the applicant will be considered compliant with any future land use ordinance.

8. Licenses are transferrable with payment of fees and review of an updated application including information regarding new ownership.

9. Cannabis is not recognized under federal law and applicant does not grant any right to violate federal law.

10. When the State Bureau of Medical Cannabis Regulation (BMCR) begins issuing Type 8 licenses under MCRSA, the applicant or license holder shall file a complete application with the BMCR within sixty days.

11. Notwithstanding any other provision of this chapter, a person participating in the testing of cannabis who is registered pursuant to this chapter, but who applies for and is denied a state license shall immediately cease all cannabis testing within the county until he/she successfully obtains the proper state testing license(s) by BMCR.

D. **Denial / Revocation of Permit.**

0. In addition to Chapter 17.160 (Revocation or Modification of Permits), an applicant for a cannabis testing facility land use shall be denied a license or the approval of a permit shall be revoked if the county becomes aware that:

   a. The applicant has provided materially false documents or testimony;

   b. The operation as proposed by the applicant, if permitted, would not have complied with all applicable county and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the county, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.

1. The applicant shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.

2. The applicant may appeal a denial or revocation as provided in the appeals process of the zoning ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

3. A Commercial Cannabis Program Enrollment License issued pursuant to this Chapter shall be subject to revocation if it is discovered, at any time, that the Licensee is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any Assessor's Parcel Number (APN) located within Trinity County.

4. An application for a Commercial Cannabis Program Enrollment License shall be denied if it is determined that the Applicant is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any APN within Trinity County.

5. For purposes of this Section, "illicit cultivation" refers to the cultivation of cannabis in violation of local or state law, including but not limited to cultivation occurring without required permits or in excess of authorized limits.

6. The discovery of illicit cultivation activity on any Trinity County APN associated with, owned by, leased by, controlled by, or beneficially connected to the Licensee or Applicant shall constitute sufficient grounds for enforcement action under this Section.

~~E. **Fees for Cannabis Testing Facility.**~~

~~0. The county shall collect from the applicant a regulatory program fee (hereinafter referred to as fee) when an applicant submits an application to establish a cannabis testing facility with the planning department pursuant to this chapter.~~

~~1. Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing, and enforcing this chapter.~~

~~2. A use permit required by this license is an independent action that shall require a use permit fee.~~

~~3. The cannabis testing facilities program fee is shall be:~~

~~a. Type 8 License: Year one—Two dollars per square foot plus one thousand dollars general plan update. Successive years—One thousand dollars general plan fee, plus one thousand dollars processing fee.~~

~~b. Inspection/Reinspection Fee: Two hundred dollars.~~

~~c. Transfer Fee: Three thousand dollars.~~

~~4. Fees shall be paid thereafter annually prior to March 1 of each year.~~

17.85.140 Cannabis Retail, Non-Storefront

. **Permit Required to Establish.** Director Use Permit (DUP) Required. Where cannabis non-storefront retailer is allowed within the zoning districts specified in Part 2 of this Code, a Director

Use Permit (DUP) shall be obtained in compliance with Chapter 17.155 (Director Use Permits) prior to establishment or operation.

A. **Findings for Approval.** TBD

B. **Operational and Performance Standards for Cannabis Non-Storefront Retailers.**

0. Non-storefront retail licensees must identify one of the following license application types:

   a. Adult-use (A-License).

   b. Medicinal (M-License).

1. Non-storefront retail businesses shall comply with the following:

   a. Sales and deliveries must only take place between six a.m. and ten p.m. Pacific Time.

   b. All cannabis goods must be placed in an opaque exit package prior to leaving the premises.

   c. Deliveries may be made only by employees of the retailer.

   d. Deliveries must be compliant with all applicable DCC regulations. ~~to a private residence, and cannot be sent to a post office box. The private residence of the consumer must be off-site residence of the non-storefront retail licensee's location. For purposes of this section, "private residence" "means a house, an apartment unit, a mobile home, or other similar dwelling."~~

   ~~e. Delivery vehicles may not contain more than the amounts allowed under State Code of Cannabis Goods at any time.~~

   ~~f.~~e. The licensee must be able to immediately locate all delivery vehicles at all times.

   ~~g.~~f. Non-storefront retail licensees cannot package or label cannabis goods. An exception to this limitation is allowed for dried flower held in inventory by a retailer at the time of licensure that is not packaged; this dried flower may be packaged by the retailer into individual packages for sale beginning January 1, 2018, and before July 1, 2018

   ~~h.~~g. Retailer licensees cannot accept, possess, or sell cannabis goods if they are not packaged as they will be sold at final sale.

2. Cannabis non-storefront retailers ~~shall possess a valid county cultivation, distribution, and/or manufacturing license and~~ shall abide by ~~the~~ all applicable DCC regulations. ~~established under Trinity County's cultivation ordinance. The retail premises shall be on the legal parcel as designated on the cultivation license~~.

3. Cannabis non-storefront retailer~~s~~ facilities shall be closed to the public. All orders must be placed via phone, facsimile, mail or internet.

4. Non-storefront retail licensees must allow access to any facilities or any vehicles utilized in transportation, and allow access to records if requested by the county, its

officers, or agents, and allow inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.

5. Non-storefront retail licensees must indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.

6. Non-storefront retail licensees must obtain a valid and fully executed commercial cannabis non-storefront retail license from the state prior to commencing operations, and must maintain such license in good standing in order to continue operations.

7. Non-storefront retail licensees and property owners who lease property to non-storefront retailers must ensure that all commercial cannabis activities at the site operate in good standing with permits and licenses required by the Trinity County Code and state law. Property owners who fail to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the county or state shall be subject to suspension or revocation non-storefront retailer license, as well as personal liability for required enforcement.

8. Non-storefront retail premises ~~are only allowed in zones where cultivation licenses are allowed. The premises~~ shall not be on prime agricultural soil~~, as determined by the planning director or his/her designee~~.

   a. Non-storefront retail premises will not be allowed within the following areas:

      i. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.

      ii. Timber Production Zones (TPZ) with the exception made for qualified Phase I Applicants (enrolled under NCRWQCB Order #2015-0023 by August 1, 2016).

      iii. Residential 1 (R1), residential 2 (R2), or residential 3 (R3) zones.

      iv. Within the legal boundaries of the Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District and Bucktail Subdivisions, Unit 1, 2, and 3 as found in Trinity County Book of Maps 3, Page 273, Book of Maps 4, Page 53, and Book of Maps 4, Page 150 accordingly on record with the Trinity County Recorder and within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, I3, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance.

9. Non-storefront retail premises and activities are not allowed within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein. In addition, non-storefront retail facilities and activities are not allowed within

five hundred feet from an authorized school bus stop, unless a variance is obtained.

~~10.~~ Non-storefront retail licensees must pay an annual program fee, as determined by County Code Section 2.64, annually from date of issuance. ~~The cannabis non-storefront retail program fee is set at: Five hundred dollars.~~

~~11. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of this chapter, the county may conduct a fee study to determine the total cost of administering this chapter.~~

~~a. If, based on the results of the fee study, the fee needs to be increased; the county may increase the fee by way of resolution for any new or renewal registrations.~~

~~b.~~10. ~~If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.~~

C. **Denial / Revocation of Permit.**

0. In addition to Chapter 17.160 (Revocation or Modification of Permits), an applicant for a cannabis non-storefront retailers shall be denied a license or the approval of a license shall be revoked if the county becomes aware that:

   a. The applicant has provided materially false documents or testimony;

   b. The operation as proposed by the applicant, if permitted, would not have complied with all applicable county and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the county, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.

1. The applicant shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.

2. The applicant may appeal a denial or revocation as provided in the appeals process of the zoning ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

3. A Commercial Cannabis Program Enrollment License issued pursuant to this Chapter shall be subject to revocation if it is discovered, at any time, that the Licensee is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any Assessor's Parcel Number (APN) located within Trinity County.

4. An application for a Commercial Cannabis Program Enrollment License shall be denied if it is determined that the Applicant is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any APN within Trinity County.

5. For purposes of this Section, "illicit cultivation" refers to the cultivation of cannabis in violation of local or state law, including but not limited to cultivation occurring without required permits or in excess of authorized limits.

~~2.~~6. The discovery of illicit cultivation activity on any Trinity County APN associated with, owned by, leased by, controlled by, or beneficially connected to the Licensee or Applicant shall constitute sufficient grounds for enforcement action under this Section.

17.85.150 Cannabis Storefront Retailer

. **Allowable Zoning Districts.**

0. **Where Allowed.** Storefront Retail premises are only allowed in the following zones where commercial activities are allowed:

a. Highway Commercial (HC) :

i. Cannabis Storefront Retail uses in the HC zone that include the provision of ancillary services that accommodate the needs of the traveling public -- subject to a director's use permit.

ii. Cannabis Storefront Retail uses in the HC zone that do not include the provision of ancillary services that accommodate the needs of the traveling public -- subject to a conditional use permit.

b. Retail Commercial (C-1) subject to a director's use permit.

c. General Commercial (C-2) subject to a director's use permit.

1. **Overlay Districts.** Notwithstanding sub-section A above: if the Cannabis Storefront Retail premises is to be located on a parcel that has a zoning overlay of "Scenic Conservation" (TCC Section 17.25), a conditional use permit is required; if the Cannabis Storefront Retail premises is to be located on a parcel that has a zoning overlay of "Special Treatment" (TCC Section 17.29C) a conditional use permit is required and the Architectural Review Committee shall make recommendations to the Planning Commission to ensure compliance with Ord. No. 315-800, Res. No. 2013-20 and any other related Historical Legislation.

2. **Location Limitations.** Cannabis Storefront Retail establishments are not allowed in the following areas:

a. Trinity jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area

b. Rush Creek Estates Opt Out Area

c. Lewiston Expansion Opt Out Area

d. Weaverville Historic District

A. **Application for a Cannabis Storefront Retail Establishment.**

0. General.

a. Cannabis Storefront Retail applicants shall apply and must receive approval of a use permit as identified in Section 17.43H.020.

b. A Cannabis business shall register and obtain a Cannabis Storefront Retail License from ~~Trinity County~~the DCC prior to operation. The Applicant shall pay

a non-refundable fee in an amount established by the Trinity County Board of Supervisors.

c. A copy of the Cannabis Storefront Retail License shall always be displayed in a place visible to the public.

d. A Cannabis Storefront Retail License shall be valid for one (1) year~~, and subsequently valid for three (3) years, unless sooner revoked.~~. No license granted herein shall confer any vested right to any person or business for more than the above-referenced period.

e. A Cannabis Storefront Retail License shall not be issued to an individual or a business entity associated with an individual, who has violated California Health & Safety Code Section 11590 and its provisions.

f. The Cannabis Storefront Retail License shall be issued to the specific person or entity listed on the License Application.

g. A Cannabis Storefront Retail License is not transferable from person to person without completion of a new application.

1. Application Requirements.

a. ~~The Planning Director or his/her designee will prepare Cannabis Storefront Retail Use Permit and License application forms and a related administrative policy.~~ Each applicant interested in operating pursuant to this Chapter may submit required applications together with a one-time non-refundable processing fee in an amount established by the Trinity County Board of Supervisors.

b. The Planning Director or his/her designee shall determine whether each application received demonstrates compliance with the minimum requirements for a Cannabis Storefront Retail use permit and/or License. These requirements include:

i. Application is filled out completely.

ii. Application fee is paid.

iii. The location indicated on the application meets the zoning criteria.

iv. A notarized signature from the property owner authorizing the location to be used for Cannabis Storefront Retail activity.

v. ~~Live Scan background check for the Business Owner(s)/Applicants(s) referenced on the application~~.

vi. There may be no change in the applicant/business owner from the one(s) listed on the Cannabis Storefront Retail License Application. ~~The application must identify individual owner(s) as defined in the MCRSA 19320(b)(1. et. seq.) as may be amended.~~

vii. All other application documents required in the County's application package instructions, ~~the MCRSA, Proposition 64 and any other applicable regulations as they may be amended.~~

viii. Photographs of the exterior of the building including the entrances(s), exit(s), street frontage(s), and parking area(s).

ix. If the property is being rented, leased or purchased under contract, the lease agreement term and name oflessor or equivalent, shall be provided by a notarized signed affidavit of the property owner.

x. The name and address of the applicant's current Agent for Service of Process.

xi. A copy of the applicant's Board of Equalization Seller's Permit.

xii. A copy of the Cannabis Storefront Retail Operating Standards containing a statement dated and signed by the Business Owner stating that under penalty of perjury that they read, understand and shall ensure compliance with the aforementioned operating standards.

xiii. A floorplan identifying ingress/egress, customer check in, waiting area, restroom facilities, retail product area, and product storage area.

xiv. Provide a statement, signed by the applicant under penalty of perjury, that the information provided is complete, true, and accurate.

xv. Release of Trinity County from all liability associated with the Cannabis Storefront Retail business. Such a release includes indemnifying Trinity County for claims, damages and injuries that may arise as a result of the Cannabis Storefront Retail business.

xvi. Identified actions and commitments to implement the County's local first strategy to encourage cannabis retailers to promote locally-grown cannabis and locally-produced cannabis products to the greatest extent feasible.

B. **Operational and Performance Standards for Cannabis Storefront Retailer.**

0. It shall be unlawful for any person to engage in or to conduct, or permit to be engage in or conducted, in or upon his/her property within the County the operation of a Cannabis storefront retail unless he/she has first obtained and continues to maintain in full force and effect a valid Cannabis Storefront Retail License issued by the County and DCC, for that property pursuant to this Chapter.

1. Cannabis Storefront Retail Licenses are allowed subject to issuance and maintenance of the permits and entitlements set forth in this Chapter, and compliance with all other applicable County and state laws and regulations, and the issuance and maintenance of a valid and current State license.

2. On-Site consumption of cannabis and cannabis products is permitted at the licensed Retail Dispensary as set forth pursuant to applicable state and local laws and regulations if all the following are met:

   a. Access to the area where cannabis consumption is allowed is restricted to persons twenty-one (21) years of age or older.

   b. Cannabis consumption is not visible from any public place.

   c. Consumption area shall be designated on the site plan, and clearly labeled on site. Smoking of cannabis goods shall be prohibited in any areas where smoking is prohibited by law

   d. Consumption of cannabis products on the retail premises shall be in a separate area from where sales transactions are conducted. Areas shall be partitioned and provided a separate age verification check prior to entry into the "consumption area"

   e. For retail dispensaries, sale or consumption of alcohol or tobacco is prohibited on the premises.

3. If on-site consumption is allowed, the Cannabis storefront retail facility shall not be located within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein. If on-site consumption is not allowed, the minimum required distance from these uses is six hundred feet. All other setbacks of the zone district in which the property is located shall apply.

C. **Denial / Revocation of Permit.**

0. In addition to Chapter 17.160 (Revocation or Modification of Permits), an applicant for a cannabis storefront retailer shall be denied a license or the approval of a license shall be revoked if the county becomes aware that:

   a. The applicant has provided materially false documents or testimony;

   b. The operation as proposed by the applicant, if permitted, would not have complied with all applicable county and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the county, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.

1. The applicant shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.

2. The applicant may appeal a denial or revocation as provided in the appeals process of the zoning ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

3. A Commercial Cannabis Program Enrollment License issued pursuant to this Chapter shall be subject to revocation if it is discovered, at any time, that the Licensee is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any Assessor's Parcel Number (APN) located within Trinity County.

4. An application for a Commercial Cannabis Program Enrollment License shall be denied if it is determined that the Applicant is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any APN within Trinity County.

5. For purposes of this Section, "illicit cultivation" refers to the cultivation of cannabis in violation of local or state law, including but not limited to cultivation occurring without required permits or in excess of authorized limits.

~~2.~~6. The discovery of illicit cultivation activity on any Trinity County APN associated with, owned by, leased by, controlled by, or beneficially connected to the Licensee or Applicant shall constitute sufficient grounds for enforcement action under this Section.

D. Inspections and Violations.

0. The Planning Director, or his/her designee, may enter and inspect the location of any Cannabis Storefront Retail business during normal business hours to ensure compliance with this chapter. In addition, law enforcement may enter and inspect the location of any Cannabis business and the recordings and records maintained as required by this chapter.

1. Each day of operation shall constitute a separate violation of this section. Each and every violation of this chapter shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the Municipal Code. Additionally, any violation of this chapter shall constitute nuisance and violators shall be subject to injunctive relief, revocation of the business's Cannabis Storefront Retail License, disgorgement and payment to Trinity County of any and all monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees and any other relief or remedy available at law or equity. The County may also pursue any and all remedies and actions available and applicable under local and state laws for any violations committed by the cannabis business and persons related or associated with the Cannabis business.

~~E. Fees for Cannabis Storefront Retailers.~~

~~0. All Cannabis Storefront Retail business operations shall pay applicable fees approved by the Board of Supervisors, which shall include the following:~~

~~a. Application Fees. The business applicant shall submit non-refundable one-time fees to cover the cost of processing an application for the commercial Cannabis Retail Storefront use permit and License.~~

~~b. License Fees. The Business Owner shall pay license fees ("License Fees"). The amount of the fee shall be set by the Trinity County Board of Supervisors by resolution and be supported by the estimated additional costs of enforcement and monitoring associated with the Cannabis Storefront Retail business operation. The License Fee shall be due and payable prior to opening for business and thereafter on or before the anniversary date and may be amended from time to time based upon actual costs.~~

17.85.160 **Cannabis Processing Facility**

. **Allowable zoning districts.**

0. Cannabis Processing facilities (requiring a State Processor License) may be permitted with Conditional Use Permit in the following zoning districts:

   a. General commercial ("C2").

   b. Heavy commercial ("C3").

1. Cannabis Processing facilities (requiring a State Processor License) may be permitted with a Director's Use Permit in the following zoning districts:

   a. Industrial ("I").

   b. Agricultural ("A").

   c. Specific unit development ("SUD"), whose guidelines specifically identify parcels for industrial development.

   d. Agricultural preserve ("AP").

   e. Agricultural forest ("AF").

2. Cannabis Processing facilities shall not be allowed within the following areas:

   a. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.

   b. Within the legal boundaries of the following areas which are in proximity to higher density populations, and therefore, create a substantial risk of a public nuisance:

      i. Historic District of Weaverville;

      ii. Coffee Creek Volunteer Fire District;

      iii. Trinity Center Community Services District;

      iv. Within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24.

      v. Bucktail Subdivision: Unit 1, 2 and 3 as found in Trinity County Book of Maps 3, Page 273, Book of Maps 4, Page 53, and Book of Maps 4, Page 150 accordingly on record with the Trinity County Recorder.

      vi. Any "opt out" area designated by the Board of Supervisors.

3. Cannabis Self-Processing facilities are allowed ~~in any zone~~ in association with a licensed cultivation site(s). ~~Cannabis Self-Processing facilities are allowed in any opt out area in association with a licensed cultivation site.~~

A. Application for a Cannabis Processing.

Commercial cannabis processing requires submittal and approval of a conditional or director's use permit application (or modification of an existing conditional or director's use permit pursuant to Section 17.32.060 and/or 17.32.070 to include Processing). A Self-Processor license does not require a conditional or director's use permit. Applications must include a proposed Commercial Cannabis Processing Plan containing the following infoiniation:

0. Description of proposed processing practices.
1. Identification of storage location.
2. Description of power supply.
3. Description of location where processing will occur.
4. Estimated number of employees, if any.
5. Summary of employee safety practices.
6. Description of toilet and handwashing facilities.
7. Description of plumbing and/or septic system and whether or not the system is capable of handling increased usage.
8. Description of source of drinking water for employees.
9. Description of increased road use resulting from processing and actions to minimize road use.
10. Description of waste management and disposal.
11. Copy of information submitted to the State and evidence of compliance with applicable state requirements.

B. **Findings for Approval.**

The conditional or director's use permit for cannabis processing shall not be granted unless the

0. following findings are made based on substantial evidence:
1. A. The cannabis processing facility will comply with all applicable regulatory requirements.
2. The cannabis processing facility, as approved and conditioned will not result in significant unavoidable impacts on the environment.
3. The cannabis processing facility does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids or substances.

C. **Operational and Performance Standards for Cannabis Processing.**

0. Cannabis processing shall comply with all of the following regulations:
1. Cannabis processing requires a conditional or director's use permit, local cannabis processing license, and state cannabis processing license.
2. Cannabis processing facilities shall be located only in zones that specifically provide for this use.

3. Cannabis processing facilities shall not be allowed within six hundred feet of a youth-oriented facility, religious institution, school, or residential treatment facility, provided odor mitigation is implemented.

4. Cannabis processing facilities shall not be within five hundred feet of an authorized school bus stop.

5. All cannabis processing facilities shall ensure that cannabis is obtained from licensed cultivation sources and shall implement best practices and comply with state law.

6. The processor licensee also may hold other types of cultivation licenses, but is prohibited from growing cannabis plants in the Processing premises.

7. Cannabis processing may only occur in a fully enclosed structure, with appropriate odor mitigation for projects that are in proximity to higher density populations, and therefore, create a substantial risk of a public nuisance.

8. A security plan shall be developed compliant with state requirements and must be sufficient to restrict access to only those intended and to deter trespass and theft of cannabis. A copy of the security plan submitted to the state shall be provided to the Trinity County ~~Planning~~ Community Development Department within thirty days of submission to the state.

9. An approved fire safety and prevention plan must be submitted with the conditional or director's use permit application.

10. Applicants must satisfy the requirements of the California Certified Unified Program Agencies ("CUPA") related to hazardous materials/waste use and storage, which, for Trinity County, are administered through the State Department of Toxic Substances Control.

11. Employees shall be trained on the proper use of equipment and safety procedures, and on the proper hazard response protocols in the event of equipment failure.

12. Licensees shall not have been convicted of serious felony or Schedule I, II or III Felony. This would exclude a non-serious felony conviction for sale, transportation or cultivation of cannabis unless the non-serious felony conviction was for activity that was on public lands, in which case the applicant would be excluded from this license type. Applicants are required to declare this under penalty of perjury on at least one of the application forms.

13. Applicants are required to obtain a conditional or director's use permit before starting operations, including infrastructure and building improvements specific to the use, and the following additional requirements must be met:

    a. Wastewater and solid waste shall be disposed of as prescribed by Trinity County Environmental Health Division and pursuant to California State regulations.

    b. The cannabis processing facility shall meet the setbacks established for the zone.

    c. All building structures must have operational automatic fire sprinklers.

14. The cannabis processing facility is operated within the footprint of a building.

15. If vehicle access to the facility will utilize a shared and privately owned or maintained road or driveway, all properties along the access shall be notified. Objections from adjacent impacted property owners may require appropriate conditions of approval.

D. **Conditions of Approval.**

0. The licensee shall allow access to the facility and access to records if requested by the county, its officers, or agents, for an annual inspection and submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.

1. The applicant and the property owner shall indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.

2. Any person operating a cannabis processing facility shall obtain a valid and fully executed commercial cannabis processor license from the state prior to commencing operations, and must maintain such license in order to continue operations.

3. Processing operations must be maintained in a clean and sanitary condition including all work surfaces and equipment:

   a. Processing operations must implement protocols which prevent processing contamination and mold and mildew growth on cannabis.

   b. Employees handling cannabis in processing operations must have access to facemasks and gloves in good operable condition as applicable to their job function.

   c. Employees must wash hands sufficiently when handling cannabis or use gloves.

4. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operates with permits and licenses required by the Trinity County Code and California State law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain required permits or licenses with the county and/or state shall be grounds for the suspension or revocation of a conditional or director's use permit pursuant to this chapter.

5. The processing facility and activities shall be maintained in accordance with the operating plans approved by the county. Any change requests shall be evaluated on a case-by-case basis by Trinity County Community Development Department, and may require amendment of the conditional or director's use permit. Upon approval, the licensee may begin conducting the additional processing facility or make the requested change to the premises. The existing license shall be amended to reflect the change in operations, if applicable, but the date of expiration shall not change.

~~6. The following license fees are due annually from date of issuance:~~

~~a. Three thousand five hundred dollars plus one thousand dollars towards the general~~

~~b. plan update.~~

~~c. Transfer fee to New Applicant: One thousand dollars. Note conditional and director's use permits run with the land and automatically "transfer" to a new owner.~~

~~d. Transfer fee to New Site: Sixty percent of original license fee, prorated monthly. Note conditional and director's use permits are not transferable to another parcel.~~

~~e.~~a. ~~Renewal fee: Sixty percent of original license fee~~.

~~7. The above fee amounts are subject to change based on subsequent fee analysis by the County.~~

~~a. If, based on the results of the fee analysis the fee requires an increase, the County may do so by passage of a resolution applicable to all new and renewal licenses.~~

~~b. If, based on the results of the fee analysis the fee requires a decrease, the County may do so by passage of a resolution applicable to all new and renewal licenses.~~

~~8.~~6. Licensees must comply with requirements of the Department of Agriculture and Division of Weights and Measures.

E. **Denial / Revocation of Permit.**

0. In addition to Chapter 17.160 (Revocation or Modification of Permits), an applicant for a cannabis processing use shall be denied a license or the approval of a license shall be revoked if the county becomes aware that:

   a. The applicant has provided materially false documents or testimony;

   b. The operation as proposed by the applicant, if permitted, would not have complied with all applicable county and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the county, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.

1. The applicant shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.

2. The applicant may appeal a denial or revocation as provided in the appeals process of the zoning ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

3. A Commercial Cannabis Program Enrollment License issued pursuant to this Chapter shall be subject to revocation if it is discovered, at any time, that the Licensee is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit

cultivation of cannabis on any Assessor's Parcel Number (APN) located within Trinity County.

4. An application for a Commercial Cannabis Program Enrollment License shall be denied if it is determined that the Applicant is engaged in, participating in, aiding, abetting, or otherwise connected to the illicit cultivation of cannabis on any APN within Trinity County.

5. For purposes of this Section, "illicit cultivation" refers to the cultivation of cannabis in violation of local or state law, including but not limited to cultivation occurring without required permits or in excess of authorized limits.

~~2.~~6. The discovery of illicit cultivation activity on any Trinity County APN associated with, owned by, leased by, controlled by, or beneficially connected to the Licensee or Applicant shall constitute sufficient grounds for enforcement action under this Section.

17.85.170 Enforcement

Violation of this chapter constitutes a nuisance and is subject to fines and abatement pursuant to Chapter 8.64 and 8.90 of the Trinity County Code.



17.45.040 Cannabis Opt-Out Overlay Zone (-COO)

A. **Purpose and Intent.**

1. **Purpose.** The purpose of the Cannabis Opt-Out Overlay Zone (COO) is to prohibit the establishment and operation of new commercial cannabis-related land uses within designated areas of Trinity County where such uses have been determined to be incompatible with surrounding land uses, infrastructure, environmental constraints, or community character.
2. **Intent.** The intent of the Cannabis Opt-Out Overlay Zone (-COO) is to protect the public health, safety, and welfare by minimizing potential land use conflicts between commercial cannabis operations and existing or planned development, consistent with State law and the Trinity County General Plan.

   This overlay zone is further intended to:

   a. Recognize and codify existing Cannabis Opt-Out Areas previously adopted by ordinance of the Board of Supervisors.
   b. Provide a clear and uniform regulatory mechanism for applying cannabis-related land use prohibitions to additional areas of the County through future rezoning actions.
   c. Ensure that where separate Cannabis Opt-Out Area ordinances exist, those ordinances remain controlling and are not superseded by this Section.
   d. Establish clear rules governing the continuation, modification, and transfer of existing legally established cannabis operations within opt-out areas.

   Where conflicts occur between this Section and an adopted Cannabis Opt-Out Area ordinance, the more restrictive provision shall apply.

B. **Applicability.** The Cannabis Opt-Out Overlay Zone (-COO) and the regulations established in this Section shall apply to:

1. All parcels identified on the Zoning Map with the "-COO" suffix.
2. All areas of the County subject to an adopted Cannabis Opt-Out Area ordinance approved by the Board of Supervisors.
3. All commercial cannabis-related land uses identified in Part 2 (Zoning Districts) and defined in Part 8 (Definitions) of this Code.

The overlay modifies only the permissibility of cannabis-related land uses. All other land uses and development standards of the underlying base zoning district shall remain in full force and effect unless expressly modified by this Section.

C. **Definitions.** For the purposes of this Section, the following definitions shall apply. Where a term is not defined here, the definitions in Part 8 of this Code shall control.

"Active" shall mean timely payment of all applicable fees; timely submittal of all required information, forms, and other required documentation; and satisfactorily participating in actions necessary to retain legal status and permits at both the State and local level.

"Compliant" shall mean in conformance with applicable rules, regulations/ordinances, and requirements.

"Footprint" shall the mean the designated area(s) at a licensed premise that will contain mature plants at any point in time. This definition is intended to mirror the definition of "canopy" as defined by the State of California, or as may be amended.

"In good standing" shall mean current on applicable taxes and fees; legally allowed to conduct the subject business at the subject location; and with no outstanding enforcement actions.

D. **Recognition of Existing Cannabis Out-Out Areas.** Nothing in this Section shall be interpreted to void, nullify, or modify Cannabis Opt-Out Areas previously adopted by ordinance of the Board of Supervisors. Where a parcel is subject to an adopted Cannabis Opt-Out Area ordinance, the standards, restrictions, procedures, and findings established by that ordinance shall prevail. Adopted Cannabis Opt-Out Areas include, but are not limited to:
    1. Rush Creek Estates Cannabis Opt Out Area
    2. Lewiston Expansion cannabis Opt Out Area
    3. Lewiston/Mountain View Cannabis Opt Out Area

E. **Development Standards.** Except as expressly modified by this Section, all development on parcels zoned with the Cannabis Opt-Out Overlay Zone (-COO) shall comply with the development standards, regulations, and requirements of the underlying base zoning district as established in Part 2 of this Code.

F. **Restrictions on Cannabis-Related Land Uses.**

On parcels zoned with the Cannabis Opt-Out Overlay Zone (-COO), all otherwise allowed cannabis-related land uses in the underlying base zoning district are prohibited. No new cannabis-related land use permits, licenses, or approvals shall be issued within the Cannabis Opt-Out Overlay Zone.

Prohibited cannabis-related land uses include the following as defined in Part 8 of this Code:

a. Cannabis cultivation;
b. Cannabis nurseries;
c. Cannabis distribution;
d. Cannabis testing facilities;
e. Cannabis non-storefront retailers;
f. Cannabis microbusinesses; and
g. Cannabis manufacturing.

G. Effect on Existing Cannabis Licenses and Permits

1. **Continuation of Existing Operations.** Commercial cannabis operations that are legally established within a Cannabis Opt-Out Overlay Zone or adopted Cannabis Opt-Out Area as of the effective date of this Code may continue to operate at their existing location, provided the operation remains Active, Compliant, and In Good Standing

2. **Modifications and Expansion.** Expansion of an existing operation within the Cannabis Opt-Out Overlay Zone may only be approved where the applicant demonstrates, to the satisfaction of the County, that the expansion would result in no or minimal additional physical impacts. Existing licensees may modify their operation with appropriate County approvals, provided such modifications do not:
    a. Increase the intensity of the operation, or
    b. Expand the cannabis cultivation footprint.

3. **Transfer of Licenses.** Existing cannabis licenses may be transferred to a new owner in conjunction with a change in property ownership or business ownership, subject to County approval. Licenses may be transferred to a property located outside of the Cannabis Opt-Out Overlay Zone but shall not

be transferred to another property within the Cannabis Opt-Out Overlay Zone.

H. Zoning Map Notation

Areas subject to the Cannabis Opt-Out Overlay Zone shall be identified on the Zoning Map by the suffix "-COO." The "-COO" designation shall include:

1. All existing Cannabis Opt-Out Areas adopted by ordinance of the Board of Supervisors, and
2. Any additional areas rezoned to apply the Cannabis Opt-Out Overlay Zone in compliance with the procedures and findings established in this Code and approved by the Board of Supervisors.

Attachment A - Trinity County Zoning Code Update Parts 2, 4, 7

Below is a list of specific topic/ items from Staff, for discussion regarding Parts 2, 4 and 7 of the Trinity County Zoning Code Update:

Part 2 - Zones, Land Uses, and Standards

Some questions/topics staff has for the Planning Commission:

- Recreation District / Recreation Overlay
  The Recreation District Zone does not currently exist as a stand-alone zone. Mintier-Harnish included it as an option should the County wish to establish a separate zoning district for recreational activities. At present, Recreation is addressed as an Overlay and is listed in the overlay section at the end of Part 2.

  - Should the Recreation Overlay be revised to allow greater flexibility in permitted land uses?
  - In Part 4, a general "Recreational Activities" land use category is proposed that could be allowed countywide, regardless of overlay designation. Is this approach appropriate?
- Recreational Uses (county wide applications)
  - Change tent only camping to major vs minor camping. (see also Part 4 discussion topic)
  - Low-intensity recreational uses permitted by right in specific zones, should we expand upon it? (see also Part 4 discussion topic)
  - Merge Recreation and Commercial Recreation uses?
- Lot Coverage and Setbacks (Ag Forest and TPZ Zones)
  - Is a 10 percent lot coverage standard appropriate for:
    - Agricultural Forest (minimum parcel size 40 acres; 4-acre coverage allowance), and
    - Timber Production Zone (TPZ) (minimum parcel size 160 acres; 16-acre coverage allowance)?
  - TPZ setbacks of 100 feet in Section 17.15.050(D)(2)(a) correct conflict with the standards table.
- Rural Residential Zoning Districts
  - What parcel-size thresholds should distinguish uses permitted by right, subject to a Director Use Permit, or requiring a Conditional Use Permit?

    - Historically, Rural Residential zoning districts included RR1, RR2.5, RR5, and RR10. Should these acreage-based distinctions be retained? (Table included as Attachment B)
        - Please keep in mind that a parcel that is 9 acres but has the 1 acre minimum could go through the subdivision process to split that parcel into 9 pieces to have 9 x 1 acre parcels.
    - Should a similar tiered approach be established for Agricultural zoning districts?
- Residential Uses
    - Mobile/Manufactured homes should be removed from tables.
    - R1 allowance for Dwelling two unit and dwelling three units.
    - Low density residential – Larger build sites may be required statement. Should we remove this or expand upon it with thresholds/parameters? When might this apply and why?
- Recycling and Waste-Related Uses
    - Discuss types of recycling centers (e.g., CRV redemption, scrap yards, battery collection).
    - Clarify distinctions between indoor and outdoor collection and storage.
    - Establish thresholds for permitting, allowed zones, and applicable performance and development standards.
- Commercial and Lodging Uses
    - Bed and breakfast uses: identify appropriate zones and determine whether they should be allowed in Highway Commercial zones.
    - Short-term rentals (e.g., Airbnb): determine how they should be addressed as land use, including the extent of regulation and applicable performance and development standards.
- Uses Governed by State laws
    - Low-barrier Navigation Centers are considered an emergency shelter, should we treat them as different land uses?
    - Should we merge Adult Day Health Centers with Residential Care Facilities? Should we treat them as different land uses?
- Commercial, Industrial, and Public Uses
    - Review commercial and industrial land uses, including permitting processes and potential consolidation of categories (e.g., fertilizer plants requiring a Conditional Use Permit).
    - Revisit Public Facility land uses and review the associated table for consistency and completeness.
    - Establish baseline guidelines for Special Use Districts (SUDs) where zones exist but standards have not been developed.

- Design Review and Overlays
    - Architectural Review Committee - discuss having one committee for the County to oversee all historic district zones.
    - Critical water resource overlay- discuss if it should be kept, modified, or removed as it only pertains to when a parcel is subdivided.

Part 4 - Standards for Specific Land Uses

This section will be further refined based on Planning Commission discussion in Part 2, particularly regarding thresholds and permitting requirements. Some standards have been drafted for reference and may require further development. The following areas may warrant additional build-out:

- Commercial building standards.
- Consolidation and revision of the ADU ordinance, incorporating both Mintier Harnish recommendations and the recently adopted Board of Supervisors ADU ordinance.
- Agriculture: expand standards to address additional agricultural uses, e.g small-scale, community gardens, vs large scale commercial operations.
- Agritourism: clarify allowed uses and determine whether a standards table and thresholds are necessary.
- Animal Husbandry: develop a standards table and seek input from the Planning Commission and public on thresholds that balance nuisance and environmental concerns with economic development.
- Campgrounds: replace “tent-only,” “improved,” and “low-impact” campground categories with “campground—minor” and “campground—major,” supported by revised definitions and thresholds in Part 4.
- Kenneling: revise standards to align with State requirements related to puppy mills, or remove kenneling as an allowed use.
- Home Occupation and Home Enterprise: identify additional considerations or standards that should be included.
- Recreational Activities: identify activities that should be permitted countywide without reliance on the Recreation Overlay.

Part 7 - Zoning Code Definitions

- Review for accuracy and clarity.
- Determine whether State-established thresholds should be incorporated directly into definitions or addressed in the Land Use sections.

Additional Questions for Commissioners

- What types of projects would the Planning Commission like to encourage or prioritize? What types of projects should require PC hearing (CUP vs DUP)? This will assist staff in determining the appropriate permit type.
- If performance and development standards are sufficiently detailed, are there circumstances under which certain uses could be permitted by right, rather than requiring a Director Use Permit or Conditional Use Permit?

GENERAL PLAN DESIGNATIONS AND ALLOWABLE ZONING DISTRICTS

4-20-89
Res 95-89

ALLOWABLE ZONES / GENERAL PLAN DESIGNATIONS	Resource	Agriculture	Open Space/ Conservation	Rural Residential	Community Expansion	Community Development	Single Family Residential (Med.)	Single Family Residential (High)	Multifamily Residential	Commercial	Industrial	Public Facilities	Village	MINIMUM PARCEL SIZE
Mining	X	X	X		X	X								10 acres
TPZ	X	X	X											160 acres unless parc created prior to 198
Ag. Preserve	X	X	X											40 acres
Agriculture	X	X	X		X	X							X	10 acres
Ag. Forest	X	X	X		X	X							X	10 acres*
Open Space	X	X	X									X	X	
Conservation			X											10 acres
RR-10**				X		X							X	10 acres
RR-5**				X		X							X	5 acres
RR-21/2**				X		X							X	2 1/2 acres
RR-1**				X		X	X	X					X	1 acre
Unclassified				X		X							X	5 acres
R-1A***						X	X	X	X				X	1/2 acre
R1**						X		X					X	6,000 sq. ft.
R2 Duplex						X			X				X	6,000 sq. ft.
R3 Multiple Family						X			X				X	10,000 sq. ft.
Residential Office					X	X	X	X	X				X	7,000 sq. ft.
Mobile Home and Special Occupancy Parks				X	X	X			X	X			X	3 acres
C-1 Retail Commercial					X					X			X	10,000 sq. ft.
C-2 General Commercial						X				X				10,000 sq. ft.
HC Highway Commercial						X				X			X	10,000 sq. ft.
C-3 Heavy Commercial						X				X	X	X	X	1/2 acre
Industrial											X		X	1/2 acre
Specific Unti Development	X	X	X	X	X	X	X	X	X	X	X	X	X	20 acres
Public Facilities	X					X				X		X	X	2,000 sq. ft.
Flood Hazard			X											N/A
Min. Parcel Size	20 Ac.	10 Ac.	N/A	1 Ac.	10 Ac.	5M sq.	10M sq.	6M sq.	10M sq.	10M sq.	1/2 Ac.	2M sq.	5M sq.	

* Depends on Site Class (Min. Parcel size of Site III or better; 40 acres)
** Or More restrictive (i.e., less dense)
*** May be less restrictive (i.e. more dense) Dependent on Projects

OVERLAY ZONING DISTRICTS:
The above chart does not include Overlay Zones. Overlay Zones are considered to be compatible with all General Plan Designations since they must be utilized in conjunction with an underlying zone. (19)

17 – Zoning Code

Part 4 – Standards for Specific Land Uses

ADMINISTRATIVE~~INTERNAL~~ DRAFT

JANUARY 2026

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Chapter 17.75

Accessory Uses and Structures

Chapter 17.75 Accessory Uses and Structures

Sections

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17.75.020 Applicability

17.75.030 General Standards

17.75.040 Residential Use of an Accessory Structure

17.75.050 Attached Accessory Structures

17.75.060 Detached Accessory Structures

~~17.016.010 Purpose and Intent [Source: NEW, 17.30D.005]~~

~~17.016.020 Applicability [Source: NEW, 17.30D.010]~~

~~17.016.030 Residential Use of an Accessory Structure [Source: 17.30D.020]~~Residential Use of an Accessory Structure [Source: 17.30D.020]~~17.016.040 Attached Accessory Structures [Source: 17.30D.030]~~

~~17.016.050 Detached Accessory Structures [Source: 17.30D.040]~~

17.75.00 Purpose and Intent

~~In general.~~The purpose of this Chapter is to establish location and development standards for All accessory ~~buildings~~ structures and uses ~~are subject to the following provisions~~to ensure compatibility with the primary use of the parcel.~~,~~ except where more restrictive requirements are established by other sections of this title. [Source: 17.30D.005, modified]

17.75.10 Applicability

. The standards established in this Chapter shall apply to all accessory uses and structures, except where more restrictive requirements are established by other Ssections of this Ttitle. [Source: 17.30D.005, modified]

~~.~~A. The standards of this Chapter do not apply to accessory dwelling units (ADUs). ADUs shall comply with the standards established in Chapter 17.80 (Accessory Dwelling Units). [Source: NEW]

17.75.20 General Standards

Accessory uses and structures ~~shall comply with the following general standards.~~ shall be ~~An accessory use or structure shall be~~ ~~Relationship of accessory use to principal use. Accessory buildings and uses shall be~~ incidental, compatible, and accessory to the ~~and not alter the character of the site from that created by the~~ principal use of the parcel and shall not alter the character of it. [Source: 17.30D.010, modified]

0. For example- on a Rural Residential Parcel less than 10 acres, an Apiary requires a Director Use Permit. However an Apiary is described as 10 or more beehives, else it

is considered a hobby. With less than 10 beehives it would be considered an accessory use and allowed on a rural residential parcel that has less than 10 acres.

~~0.~~ An example of accessory buildings and uses normally incidental to the uses allowed by-right could be barn, animal pens, and hoop houses for agriculturally based uses. [Source: 17.13A.040.A]

1.

See Home Occupation and Home Enterprise sections for findings and parameters for Accessory Uses.~~An accessory use or structure shall be compatible with the primary allowed uses of the underlying zone and not alter the character of the principal use of the parcel. [Source: 17.30D.010, modified]~~

~~1. Accessory Agricultural Uses~~

~~Accessory buildings and uses~~Uses and Structures~~.~~

~~2. Agricultural Zone. The following accessory uses are deemed to be compatible with in the Agricultural Zone agricultural uses provided they do not significantly detract from the use of the property for, or inhibit, agricultural uses: [Source: 17.13A.040, modified]~~

~~3. Accessory buildings and uses normally incidental to the uses permitted. [Source: 17.13A.040.A]~~

~~4. One sSingle-family dwelling per parcel and normal residential accessory uses (e.g., garage). [Source: 17.13A.040.B, modified]~~

~~5. Temporary labor campsemployee housing, less than one year in duration, accessory to harvesting or planting operations. [Source: 17.13A.040.C]~~

~~6. Recreational uses such as walking, hiking, picnicking, swimming, boating, fishing, or hunting. [Source: 17.13A.040.D]~~

~~7. Agriculture-Forest Zone. List of uses permitted in an agriculture-forest district.~~

~~a. Christmas tree farm. [Source: 17.14.020.B]~~

~~b. Firewood storage, processing. [Source: 17.14.020.C]~~

~~c. Forestry. [Source: 17.14.020.D]~~

~~d. Grazing. [Source: 17.14.020.E]~~

~~e. Low-intensity recreational uses which involve only minimal improvements (e.g. non-motorized fishing or hunting club that does not provide food service and/or lodging facilities). [Source: 17.14.020.F]~~

~~f. Portable sawmill, chipper and similar equipment. [Source: 17.14.020.G]~~

~~g. Watershed management activities. [Source: 17.14.020.H]~~

~~h. Wildlife and fisheries habitat improvement. [Source: 17.14.020.I]~~

~~i. Other uses found to be similar in nature as determined by resolution adopted by the planning commission (ref. Section 17.30.010). [Source: 17.14.020.J]~~

8. Uses permitted subject to first securing a planning director issued use permit.

a. Temporary labor camp(s), less than one year in duration, accessory to harvesting or planting operations. [Source: 17.14.025]

b. Bed and breakfast facility. [Source: 17.14.030.A]

c. Campground. [Source: 17.14.030.B]

d. Cell tower and accessory buildings/uses. [Source: 17.14.030.C]

e. Logging contractors yard when located in a manner to minimize conflicts with timber management activities on the remainder of the site. [Source: 17.14.030.D]

f. Mining. [Source: 17.14.030.E]

g. Nursery for raising tree seedlings. [Source: 17.14.030.F]

h. Processing facility (e.g. sand and gravel screening). [Source: 17.14.030.G]

i. Recreational vehicle park. [Source: 17.14.030.H]

j. Sawmill. [Source: 17.14.030.I]

k. Resort. [Source: 17.14.030.J]

l. Trailer camp (permanent placement) for laborers. [Source: 17.14.030.K]

m. Winery when located in a manner to minimize conflicts with timber management activities on the remainder of the site.[Source: 17.14.030. L]

n. Other uses found to be similar in nature as determined by resolution adopted by the planning commission (ref. Section 17.30.010). [Source: 17.14.030.M]

9. Accessory buildings and uses. The following accessory uses are deemed to be compatible with in the Aagriculture-Fforest related usesZone: [Source: 17.14.040, modified, modified]

10. Cold frame greenhouse(s) and/or hoop-house(s). [Source: 17.14.040.A]

11. One single-family dwelling per parcel and normal residential accessory uses (e.g. garage, shop). [Source: 17.14.040.B, modified]

12. Recreational use such as walking, hiking, picnicking, swimming, boating, or fishing. [Source: 17.14.040.C]

13. Roads, landings, and log storage areas integral to the growing and harvesting of timber. [Source: 17.14.040.D]

A. Open Space District or "OS" District.

0. Uses permitted not requiring a use permit. The following list is representative of open space uses, which are permitted on a parcel in the open space zoning district: [Source: 17.25A.020]

a. Management of land and forest for the production and harvest of trees (including tree farming). [Source: 17.25A.020.A]

b. Habitat enhancement or improvement projects as approved by the Department of Fish and Game or other state or federal agency. [Source: 17.25A.020.B]

c. Pasture or grazing lands. [Source: 17.25A.020.C]

d. Other uses found to be similar in nature as determined by the planning commission. [Source: 17.25A.020.D]

1. Uses requiring a use permit. [Source: 17.25A.030]

a. Low intensity recreation uses, which require only minor improvements. [Source: 17.25A.030.A]

b. Mining activities. [Source: 17.25A.030.B]

c. Developing of public or private roads. [Source: 17.25A.030.C]

B. Recreation Development Zone Districts or R-D-1 DistrictZone.

0. In general. Subject to the provisions of Chapter 17.30, none but the following uses, or uses, which in the opinion of the planning commission are similar, will be allowed (see Section 17.30.010). [Source: 17.26.005]

1. Uses permitted.

2. Single-family dwellings subject to complying with other requirements of this title. [Source: 17.26.010.A

3. Accessory buildings and uses such as garages, carports, woodsheds, boat houses and buildings of a similar nature but not including tent or trailer or rooming and boarding of not over two persons. [Source: 17.26.010.B]

4. Utilities as necessary to make possible the exercise of any use otherwise permitted. [Source: 17.26.010.C]

5. Timber management and tree harvesting by individual selection and the utilization use of other renewable resources. [Source: 17.26.010.D, modified]

6.2.

1. Residential Use of an Accessory StructureAgricultural Zone. The following accessory uses are deemed to be compatible with in the Agricultural Zone provided they do not significantly detract from the use of the property for, or inhibit, agricultural uses: [Source: 17.13A.040, modified]

a. Accessory buildings and uses normally incidental to the uses permitted. [Source: 17.13A.040.A]

b. One single-family dwelling per parcel and normal residential accessory uses (e.g., garage). [Source: 17.13A.040.B, modified]

c. Temporary employee housing, less than one year in duration, accessory to harvesting or planting operations. [Source: 17.13A.040.C]

d. Recreational uses such as walking, hiking, picnicking, swimming, boating, fishing, or hunting. [Source: 17.13A.040.D]

2. Agriculture-Forest Zone. The following accessory uses are deemed to be compatible in the Agriculture-Forest Zone: [Source: 17.14.040, modified, modified]

a. Cold frame greenhouse(s) and/or hoop-house(s). [Source: 17.14.040.A]

b. One single-family dwelling per parcel and normal residential accessory uses (e.g. garage). [Source: 17.14.040.B, modified]

c. Recreational use such as walking, hiking, picnicking, swimming, boating, or fishing. [Source: 17.14.040.C]

d. Roads, landings, and log storage areas integral to the growing and harvesting of timber. [Source: 17.14.040.D]

3. Recreation Development Zone or R-D-1 Zone.

a. Accessory buildings and uses such as garages, carports, woodsheds, boat houses and buildings of a similar nature but not including tent or trailer or rooming and boarding of not over two persons. [Source: 17.26.010.B]

b. Utilities as necessary to make possible the exercise of any use otherwise permitted. [Source: 17.26.010.C]

c. Timber management and tree harvesting by individual selection and the use of other renewable resources. [Source: 17.26.010.D, modified]

17.75.30 Residential Use of an Accessory Structure

It shall be unlawful and a violation of this Ttitle for any person to use any garage, barn, stable, or other accessory structure for residential purposes without first obtaining any necessary planning entitlements, and thereafter a and permitsbuilding permit, to support a legal conversion of use. [Source: 17.30D.020, modified]

17.75.40 Attached Accessory Structures

. Accessory buildings which are attached to the primary use building or dwelling (i.ee.g. garage attached to a house, storage shed attached to the side of a business) are permitted allowed in any zone, provided subject to the following driveway and setback requirementsstandards are met: [Source: 17.30D.030, modified]

0.. Minimum Driveway. Any accessory structure to be utilized used for the parking or storing of vehicles shall be located on a lot parcel so as to provide in a way that allows for a driveway measuring a minimum of twenty 20 feet in length of driveway between the accessory structure and any road easement, right-of-way line, or alley. [Source: 17.30D.030.A, modified]

1.A. Setbacks. Attached accessory buildings structures shall meet comply with all applicable the same zone setback standardsrequirements , if any, required for the main as the primary buildingstructure, except where more restrictive setback standards are established by other

Ssections of this Ttitle, the Trinity County Floodplain Ordinance, or by the Trinity County Fire Safe Ordinance. [Source: 17.30D.030.B, modified]

17.75.50 Detached Accessory Structures

. Detached accessory buildings (e.g., garages, carports, agricultural structures, wood sheds, ~~or other structures~~) are ~~permitted~~ allowed in any zone and shall comply with all of the ~~subject to the~~ following requirements, except where more restrictive standards are established elsewhere in this Title, the Trinity County Floodplain Ordinance, or by the Trinity County Fire Safe Ordinance: [Source: 17.30D.040, modified]

0. Timing of Construction. Accessory buildings, temporary structures, and swimming pools shall be constructed or otherwise established at the same time as, or after the main building or use, except where earlier construction is ~~permitted~~ allowed as follows: [Source: 17.30D.040.A, modified]

   a. A ~~planning director's issued~~ –Director Uuse Ppermit ~~must be~~ is obtained, ~~pursuant~~ in compliance with ~~to~~ Chapter ~~17.32~~ ___ of this Ttitle, ~~prior to~~ that states ~~constructing~~ an accessory ~~building~~ structure can be constructed before the ~~main building~~primary structure, except ~~only those structures listed~~as provided in Subparagraphs ~~subsections (A)(2) and (A)(3)~~ b and c below. ~~The planning director may approve, approve with conditions, or deny such requests~~. [Source: 17.30D.040.A.1, modified]

   b. Agricultural Accessory Structures. Construction of a~~A~~gricultural structures, ~~such as~~including but not limited to barns, agricultural equipment sheds, and ~~similar structures~~coops, shall be ~~permitted~~ allowed ~~prior to the main dwelling~~ before the primary structure is built, ~~subject to~~ provided the structure is in compliance ~~as specified in~~ with all other ~~subsections~~ applicable standards ~~found~~ established in this Cchapter and California Building Code. [Source: 17.30D.040.A.2, modified]

   c. ~~Construction of a~~A one-story garage or storage shed not ~~in excess of~~exceeding ~~seven hundred fifty~~ 750 square feet in floor area ~~shall~~ may be ~~permitted~~ constructed prior to the ~~main dwelling~~ primary residential structure ~~within~~ in the ~~"U,"~~ "RR", ~~"~~"A", ~~"~~"AF",~~"~~ and "TPZ" ~~zoning~~ zones~~districts~~. [Source: 17.30D.040.A.3, modified]

1. General Setbacks. Detached accessory buildings shall be subject to the following driveway and setback standards, ~~except where more restrictive standards are established by other sections of this title, the Trinity County Floodplain Ordinance, or by the Trinity County Fire Safe Ordinance~~. [Source: 17.30D.040.B, modified]

   a. Minimum Driveway. Any accessory structure to be ~~utilized~~ used for the parking or storing of vehicles shall be located on a ~~lot~~ parcel ~~so as to provide~~in a way that allows for a driveway with a minimum length of ~~twenty~~ 20 feet ~~of driveway~~ between the accessory structure and any road easement, right-of-way line, or alley. [Source: 17.30D.040.B.1, modified]

b. Setbacks. Other Zones. Detached accessory buildings and uses in all zones, located in zoning districts other that those noted in except as provided in Subparagraph b(i) below, subsection (B)(2) shall meet comply with the minimum setbacks provided established in the following table:Table ___ (Minimum Setbacks for Detached Accessory Structures). [Source: 17.30D.040.B.3, modified]

c.i. Commercial, Industrial, and Public Facility Zones. Detached accessory buildings and uses located in any commercial, industrial, or public facility zoning districtzone ("MUL, MUH", "C1", "C2", "C3", "HC", "I", or "PF" districts) shall meet the same zone setback standardsrequirements, if any, required for as the main primary buildingstructure. [Source: 17.30D.040.B.2, modified]

Table __: Minimum Setbacks for Detached Accessory Structures

Setbacks Location	Requirements Minimum Setback
a. Front yard	20 feet minimum
b. Road easement or right-of-way 1] If situated along the front yard 2] If situated along the side or rear yards	 20 feet minimum 10 feet minimum
c. Interior side yard	5 feet minimum
d. Street side yard (corner lotsparcels)	10 feet minimum
e. Rear yard	5 feet minimum
f. Rear (aAlley)	10 feet minimum

2. Maximum Height.

a. The maximum height for a detached accessory structure shall be limited to twenty-five25 feet, except as provided in Subparagraph 3(b)., provided that additional An increase to the maximum allowable height may be permitted upon first securing a planning commission allowed with the approval of a Directors Uuse Ppermit pursuant toin compliance with Chapter 17.32 ___125 Directors Use Permit of this Ttitle.

d.b. This provision shall not apply to the heights of the maximum height for Aagricultural structures which need only shall comply with the maximum height requirements forrequirements for the underlying zone in which located. [Source: 17.30D.040.C, modified]

Chapter 17.80

Accessory Dwelling Units

Chapter 17.80 Accessory Dwelling Units

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~~17.032.010 Purpose and Intent [Source: 17.30.040.C, NEW]~~
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~~17.032.080 Development Standards [Source: 17.30.040.C]~~

~~17.032.090 Deed Restriction~~

17.80.00 Purpose and Intent

~~Purpose. It is the intent of this~~The purpose of this Chapter ~~subsection~~ is to ~~provide~~ ~~establish~~a standards and procedures for ~~whereby one additional dwelling unit can be located~~constructing accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) ~~on a lot already developed with a single-family dwelling~~in compliance with California Government Code Section 66310 et seq, and ensuring ~~. Furthermore, it is also the intent of this section to require t hat~~ such units ~~only be located on parcels which are physically capable of accommodating an additional dwelling unit, have approved legal access, and meet other development standards that also apply to development of a single-family dwelling, but are no more restrictive~~are compatible with existing development. [Source: 17.30.040.C.1, modified] It is the intent of this subsection to provide a procedure whereby one additional dwelling unit can be located on a lot already developed with a single-family dwelling. Furthermore, it is also the intent of this section to require that such units only be located on parcels which are physically capable of accommodating an additional dwelling unit, have verified legal access, and meet other development standards that also apply to development of a single-family dwelling, but are no more restrictive.

17.80.10 Applicability

The standards established in this Chapter apply to all accessory dwelling units and junior accessory dwelling units where allowed in compliance with State law and Part 2 of this Title. [Source: NEW]

17.80.20 Application

. Ministerial Approval. An application for an ADU that complies with all applicable standards established in this Chapter and State law shall be approved ministerially through the Building Permit process. A Building Permit application for an ADU on a parcel with an existing single-family or multi-family dwelling shall be acted upon within 60 days of the Building Permit application being deemed complete. [Source: 17.30.040.C.3.i; NEW]

A. Failure to Act. If the County has not acted upon the completed application within 60 days, the application shall be deemed approved. [Source: NEW, State law]

B. Applicant's Right to Delay. The Building Permit applicant may request a delay in the County's processing of the Building Permit, which shall result in the tolling of the 60-day period, in compliance with Government Code Section 66317. [Source: NEW, State law]

17.80.30 General Plan Density Exemption

In compliance with Government Code Section 66319, ADUs are not considered new or separate dwelling units and are exempt from the density limitations established in the General Plan. [Source: Source: 17.30.040.C.3.d]

17.80.40 Definitions.

As used in this subsection, the following terms shall mean:

"Accessory dwelling unit" (ADU) means an "attached" or "detached" or "repurposed existing space" residential dwelling unit which provides complete independent living facilities for one or more persons.

It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Living area" means the interior 'habitable' area of a dwelling unit including basements and attics but does not include a garage or any accessory structure (Government Code Section 65852.2).

“Multifamily Dwelling” For the purposes of State ADU Law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling. Multiple detached single-family dwellings on the same lot are not considered multifamily dwellings for the purposes of State ADU Law.

17.80.50 Process and Timing.

A. An ADU or JADU application shall be considered and approved ministerially, without discretionary review or a hearing.

B. The County must approve or deny an application to create an ADU or JADU within 60 days from the date that the County receives a completed application. If the County has not approved or denied the completed application within 60 days, the application shall be deemed approved unless either:

   a. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or

   b. An application to create an ADU or JADU is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, in which case the County may delay acting on the permit application for the ADU or JADU until the County acts on the permit application to for the new single-family or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

   c. If the County denies an application to create an ADU or JADU, the County shall provide the applicant written comments that include a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by this Ordinance.

   d. A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time.

17.80.60 Development Standards.

A. The development standards for an accessory dwelling unit shall be as follows:

a. Allowable Zone Locations. Allowed by-right in all zones that allow for single-family dwellings and multifamily dwellings with some restrictions as stated in this section TCC 17.30.040 (C).

b. Floor Area (Attached). The increased floor area of an attached second unit shall not exceed fifty percent of the existing living area, nor be greater than one thousand two hundred square feet.

c. Floor Area (Detached). The total floor area of a detached second dwelling unit shall not be less than a hundred fifty square feet, or as defined by the California Building Code (CBC) as a minimum dwelling unit. Maximum square feet of one thousand two hundred square feet.

d. Zoning District Standards.

i. Setbacks for ADUs are 4 foot and it cannot restrict development of a unit with the minimum size of 800 square feet.

i. ADU height shall not exceed 25 feet or the height of the primary dwelling. Example, if the house is 20 feet in height, the ADU cannot exceed 20 feet. If a detached two-story ADU can be built according to the height allowances required under State ADU Law while remaining compliant with the building code, a local agency cannot deny an ADU application to create a two-story ADU, irrespective of the underlying zoning that might restrict a primary dwelling to one story. (Gov. Code, §§ 66321, subd. (b)(4)(D); 66314, subd. (d)(8).)

e. Parking. In addition to meeting parking requirements for the main dwelling, one parking space shall be provided for each ADU; provided, however, that no additional parking shall be required if:

i. The accessory dwelling unit is located within one-half mile of a public transit stop;

ii. The accessory dwelling unit is located within an architecturally and historically significant historic district;

iii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure;

iv. When on-street parking permits are required but not offered to the occupant of the ADU;

v. When there is a car share vehicle located within one block of the accessory dwelling unit;

vi. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same

lot, provided that the ADU or the parcel satisfies any other criteria listed in Government Code section 66322, subdivision (a)(1)-(5).

f. Sewer. The accessory dwelling unit shall be individually serviced by a sewer hook-up, unless the unit is contained within the existing space of a single-family residence or an existing accessory structure. If not within a community providing sewer service, a detached accessory dwelling unit shall be individually serviced by an individual on-site sewage disposal system approved by the Eenvironmental Hhealth Ddivision. For an attached accessory dwelling, the Eenvironmental Hhealth Ddivision shall evaluate the existing system to ensure proper sizing, compliance, sanitary operation and future repair area.

g. Domestic Water. Both the primary and the second dwelling unit may utilize a common water supply provided that a minimum flow of three gallons per minute per unit is available for domestic use in addition to meeting water supply requirements for fire protection, and the system has been approved by both the Eenvironmental Hhealth Ddivision and the appropriate fire protection agency.

h. Utility Fees. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service (Government Code, Section 65852.2).

i. Building Permit. A building permit is required. The accessory dwelling unit shall be developed in accordance with the California Building Code (CBC) and any other adopted standards of federal, state or local agencies that would normally apply to construction of a single-family dwelling.

j. Fire Safe. The accessory dwelling unit shall meet the requirements of PRC § 4290 and PRC § 4291, or new structures and/or any adopted local fire code, provided, however, that an attached accessory dwelling unit shall not be required to provide fire sprinklers, or other life and protection improvements, if they are not required for the primary residence.

k. Rent. An ADU may not be used as short term rentals (under 30 days). ADUs can be used as rentals for longer than the 30-day timeframe.

l. Multifamily -

i. Detached ADUs. Up to two detached ADUs are allowed on a lot that has a proposed multifamily dwelling, or up to eight detached ADUs are allowed on a lot with an existing multifamily dwelling, not to exceed the number of existing units on the lot.

ii. A leasing office within an existing multifamily dwelling structure can be converted to at least one ADU – and up to 25 percent of the existing multifamily dwelling units – provided the ADUs comply with state building standards for dwellings. (Gov. Code, § 66323, subd. (a)(3)(A).) In addition, a leasing office on a lot with an existing multifamily dwelling may be converted into up to eight detached ADUs, not to exceed the number of existing units on the lot and subject to height limitations previously mentioned in this section.

17.80.70 ADU Bonus Program

A. To encourage the development of affordable ADUs, up to five (5) additional accessory dwelling units shall be allowed in multifamily zones if 50 percent of the total units on the parcel are reserved for lower income households (less than 80 percent of the median household income based on the most-recently published income eligibility requirements for low income housing, as determined annually by the California Department of Housing and Community Development (HCD). The determination of compliance with the 50 percent affordability requirement shall be based on the total number of final units including any additional ADUs allowed under this program, and affordability shall be guaranteed for a minimum of the first three years of occupancy by deed-restriction or other enforceable mechanism ensuring affordability.

B. To encourage the development of ADUs in low density single-family areas, single-family parcels may develop with additional ADUs beyond the minimum requirements of State, as follows:

i. Single-family residential uses:

1. Lots size <1 acre: up to two detached ADUs and one JADU and shall not be limited by maximum lot coverage requirements.
2. Lot size 1 to 2 acres: up to three detached ADUs and one JADU are allowed.
3. Lot size >2 acres: Up to four detached ADUs and one JADU are allowed.

C. Applicants requesting additional ADUs under this ADU Bonus Program shall provide evidence that the applicable site is within a public sewer district or has capacity to accommodate sufficient on-site septic.

~~17.80.10 Applicability~~

~~Allowable Zone Locations. The standards established in this Chapter apply to all accessory dwelling units and junior accessory dwelling units where allowed in compliance with State law and Part 2 of this Title. [Source: NEW]~~

~~Application~~

~~Ministerial Approval. An application for an ADU that complies with all applicable standards established in this Chapter and State law shall be approved ministerially through the Building Permit process. A Building Permit application for an ADU on a parcel with an existing single-family or multi-family dwelling shall be acted upon within 60 days of the Building Permit application being deemed complete. [Source: 17.30.040.C.3.i; NEW]~~

~~Failure to Act. If the County has not acted upon the completed application within 60 days, the application shall be deemed approved. [Source: NEW, State law]~~

~~17.80.20 Applicant's Right to Delay. The Building Permit applicant may request a delay in the County's processing of the Building Permit, which shall result in the tolling of the 60-day period, in compliance with Government Code Section 66317. [Source: NEW, State law]~~

~~General Plan Density Exemption~~

~~17.80.30 In compliance with Government Code Section 66319, ADUs are not considered new or separate dwelling units and are exempt from the density limitations established in the General Plan. [Source: Source: 17.30.040.C.3.d]~~

~~17.80.40~~17.80.80 General Requirements for Accessory Dwelling Units (ADUs)

All ADUs shall comply with the following general requirements.

. Where Allowed. ~~An a~~Accessory dwelling units and junior accessory dwelling units are allowed ~~may only be located~~ on any parcel zoned to allow ~~having an existing~~ single-family residential dwellings ~~unit and that is zoned rural residential (RR), single-family (R-1), duplex residential (R-2), multiple family (R-3), or residential-office (R-O); and on a parcel zoned unclassified (U) that lies within a rural residential (RR), community development (CD), village (V), single-family residential (SF/HD; SF/MD),~~ or multi-family residential dwellings and contains an existing or proposed primary dwelling~~(MFR) land use designation as described in the land use element of the Trinity County General Plan~~. [Source: 17.30.040.C.3.a, modified]

A. Rental Terms. ~~Rent/Sell.~~ An ~~accessory dwelling unit~~ADU may be rented independent of the primary dwelling for a rental term of no less than 30 consecutive days. [Source: 17.30.040.C.3.k, modified]

B. Separate Conveyance. ADUs ~~but~~ may not be sold independent of the primary dwelling ~~unit~~, except as allowed in Government Code Section 66341; or unless the original parcel upon which ~~it~~ the ADU is located is first subdivided in accordance with the rules and regulations of the California Subdivision Map Act and the Trinity County Subdivision Ordinance. [Source: 17.30.040.C.3.k, modified]

C. Owner Occupancy Requirement. The property owner is not required to occupy the ADU or primary dwelling located on the parcel. [Source: NEW, State law]

D. Recreational Vehicles. A recreational vehicle, as defined in Part 7 (Definitions), shall not be used as an ADU. [Source: NEW]

17.80.90 Location

An ADU shall be allowed in the following locations:

. Within an existing or proposed single-family dwelling, including attached garages, storage areas, or similar attached areas. When located within an existing structure, the existing structure shall only be enlarged by a maximum of 150 square feet to provide for exterior ingress and egress. [Source: NEW]

A. Within an existing or proposed multi-family dwelling structure in areas that are not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages; [Source: NEW]

B. An existing or proposed detached accessory structure; [Source: NEW]

~~17.80.50~~C. Above a garage that is attached to or detached from the primary dwelling; [Source: NEW]

17.80.100 **Number of Units Allowed Per Parcel**

. One ADU and one JADU on a parcel with an existing or proposed single-family dwelling. [Source: NEW]

A. No more than one ADU on a parcel with multiple detached single-family dwellings. [Source: NEW]

B. No more than two detached ADUs on a parcel with a proposed or existing multi-family dwelling. For the purposes of this Chapter, two or more attached dwellings on a single parcel shall be considered a multi-family dwelling. [Source: NEW]

~~17.80.60~~C. Within an existing multi-family dwelling structure, multiple ADUs shall be allowed that convert existing space not used as livable areas, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages. Such ADUs shall be allowed in a quantity equivalent to a maximum of 25 percent of the number of multi-family dwellings within the structure (e.g., a structure with eight units shall be allowed up to two ADUs). In no case shall less than one ADU be allowed. [Source: NEW]

~~17.80.70~~17.80.110 **Development Standards**

~~.~~ The following development standards ~~for~~ apply to ~~an~~ all ~~accessory dwelling unit~~ ADUs~~shall be as follows~~: [Source: 17.30.040.C.3, modified]

. Floor Area. Square footage is measured from the exterior walls at the building envelope, excluding any garage area or unenclosed covered porch areas. For the purposes of measurement, all attached and/or interior storage areas, mezzanines, lofts, and attics (except those less than seven feet in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage. ADUs shall comply with the following floor area standards: [Source: NEW]

0. Minimum Floor Area. All ADUs shall be at least 150 square feet to allow for an efficiency unit as defined in Health and Safety Code Section 17958.1. [Source: 17.30.040.C.3.c]

~~A.~~1. ~~Floor Area (~~Attached ADU~~)~~. ~~The increased~~ The maximum floor area of an attached ~~second unit~~ ADU shall not exceed ~~thirty~~ 50 percent of the existing ~~living area~~floor area of the primary dwelling, ~~nor be greater than~~ or ~~one thousand two hundred~~ 1,200 square feet, whichever is greater. [Source: 17.30.040.C.3.b, modified]

~~B.~~2. ~~Floor Area (~~Detached ADU~~)~~. ~~The total floor area of a detached second dwelling unit shall not be less than two hundred fifty-six square feet, or as defined by the California Building Code (CBC) as a minimum dwelling unit.~~ There is no maximum floor area for detached ADUs. [Source: 17.30.040.C.3.c, modified]

A. ~~Zoning District Standards~~Height. ~~The~~ An ~~second dwelling unit~~ ADU shall conform to the ~~development standards~~ maximum height requirements of the underlying ~~for the zoning district~~ zone in which it is located~~, including, but not limited to setback, height and lot coverage. For~~

~~purposes of density calculation, an accessory dwelling unit is considered an accessory use of the property and not counted as an additional residential unit.~~ [Source: 17.30.040.C.3.d]

B. Setbacks. ADUs shall comply with the following setbacks, unless they preclude the development of an ADU that is at least 800 square feet:

0. Attached ADU. An attached ADU shall comply with the front setback as the primary dwelling. The interior side, street side, and rear setbacks shall be a minimum of four feet. [Source: NEW]

1. New Detached ADU. A new detached ADU shall comply with the front setback of the underlying zone and provide a interior side, street side, and rear setbacks of at least four feet. [Source: NEW]

2. Conversion of Existing Living Space or Existing Accessory Structure. If an existing space of the existing primary dwelling, or an existing garage~~,~~ or ~~similar~~ other ~~out-building~~accessory structure, is being converted to an ~~accessory dwelling unit~~ADU, additional setbacks shall not be required except as required for fire and safety. ~~beyond those required for the garage~~. [Source: 17.30.040.C.3.d]

3. Replacement of Existing Structures. For an ADU constructed in generally the same location and to the same dimensions as an existing structure, setbacks of four feet from the interior side, street side, and rear property lines shall be provided. [Source: NEW]

~~C.~~

~~D.~~C. Parking. In addition to meeting parking requirements for the main dwelling, at least one off-street parking space shall be provided for an ~~accessory dwelling~~ADU, which may be used in tandem with other required parking or in setback areas.~~;~~ ~~provided, however, that no a~~Additional parking for an ADU shall not be required if any of the following apply: [Source: 17.30.040.C.3.e, modified]

~~E.~~0. The ~~accessory dwelling unit~~ADU is located within one-half mile of ~~a~~ qualifying public transit ~~stop~~as defined in Part 7 (Definitions);

~~F.~~1. The ~~accessory dwelling unit~~ADU is located within an architecturally and historically significant historic district;

2. The ~~accessory dwelling unit~~ADU is part of the existing primary residence or an existing accessory structure;

~~G.~~3. When on-street parking permits are required but not offered to the occupant of the ADU; or

4. Whe~~n~~re there is a car share vehicle located within one block of the ~~accessory dwelling unit~~ADU.

~~H.~~5. If a garage, carport, or covered parking is demolished in conjunction with the construction of an ADU or converted to an accessory dwelling unit, replacement parking is not required.

D. Access. An ADU shall have exterior access that is separate from the If a garage, carport, or covered parking is demolished in conjunction with the construction of an ADU or converted to an ADU, replacement parking is not required. [Source: NEW]

E. Utilities

0. Sewer. The ~~accessory dwelling unit~~ ADU shall be individually serviced by a sewer hook-up, unless the unit is contained within the existing space of a single-family residence or an existing accessory structure. [Source: 17.30.040.C.3.f]

a. If not within a community providing sewer service, a detached accessory dwelling unit shall be individually serviced by an individual on-site sewage disposal system approved by the Eenvironmental Hhealth Ddivision of the building and development services department. [Source: 17.30.040.C.3.f]

~~I.~~b. For an attached accessory dwelling, the Eenvironmental Hhealth Ddivision shall evaluate the existing system to ensure proper sizing, compliance, sanitary operation and future repair area. [Source: 17.30.040.C.3.f]

1. Domestic Water. ~~Both the~~The ~~primary and the second dwelling unit~~ ADU may ~~utilize~~ ~~use a common~~ the same water supply as the primary dwelling, provided the following:

a. ~~that a~~ There is a minimum flow of three gallons per minute per unit is available for domestic use in addition to meeting water supply requirements for fire protection, and [Source: 17.30.040.C.3.g]

~~J.~~b. ~~T~~the system has been approved by both the Eenvironmental Hhealth Ddivision and the appropriate fire protection agency. [Source: 17.30.040.C.3.g, modified]

~~K.~~2. Utility Fees. ~~Accessory dwelling units~~ADUs shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service, in compliance with (Government Code, Section 65852.2). [Source: 17.30.040.C.3.h, modified]

~~L. Building Permit. A building permit is required. The accessory dwelling unit shall be developed in accordance with the California Building Code (CBC) and any other adopted standards of federal, state or local agencies that would normally apply to construction of a single-family dwelling. [Source: 17.30.040.C.3.i]~~

~~M.~~F. Fire Safe. ~~The accessory dwelling unit~~ADUs shall meet the requirements of Public Resources Code ~~§~~ section 4290, the Trinity County Fire Safe Ordinance #1162 for new structures and/or any adopted local fire code, provided ~~, however, that~~ an attached ~~accessory dwelling unit~~ ADU shall not be required to provide fire sprinklers, or other life and protection improvements, if they are not required for the primary residence. A minimum ~~ten-foot~~ setback of 10 feet is required between newly constructed detached ~~accessory dwelling units~~ ADUs for fire safe purposes. This setback shall be increased to ~~sixty~~ 60 feet to comply with Cal-Fire and Ccounty fire safe standards for those parcels in the county where additional separation is necessary for fire protection, or meet the "same practical effect" if approved by Cal-Fire, in accordance with Public~~.~~ Resources Code~~,~~ ~~§~~ section 4290~~,~~ CCR ~~§§~~ sections 1270—1276, and ~~T.C.~~ Trinity

County ~~Ord #~~Ordinance 1162 (Fire Safe Ordinance). This provision does not apply to the conversion of an existing ~~permitted~~ structure to an ~~accessory dwelling unit~~ADU. [Source: 17.30.040.C.3.j, modified]

~~17.80.80~~17.80.120 Deed Restriction

Before issuance of a Building Permit for an ADU, a deed restriction shall be recorded against the title of the property in the County Recorder's office and a copy filed with the Community Development Department. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction shall be provided by the Department and shall provide that: [Source: NEW]

. A prohibition on the sale of the ADU separate from the sale of the single-family dwelling residence, except as otherwise provided in Government Code Section 66341. [Source: NEW]

A. A prohibition on short-term rentals and rental terms shorter than 30 consecutive days. [Source: NEW]

B. An acknowledgement that water pressure may change if the ADU is using or is proposed to be using the same water connection as primary dwelling. [Source: NEW]

C. An acknowledgement that additional nonpermeable surfaces may affect the water drainage pattern on the parcel. [Source: NEW]

D. An acknowledgement that the deed restriction runs with the land and shall be enforced against future property owners. [Source: NEW]

E. The deed restriction shall be enforceable by the County. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the County is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU in violation of the recorded restrictions or abatement of the illegal unit. [Source: NEW]

Chapter 17.85

Cannabis

Chapter 17.85 Cannabis

Sections ***Placeholder

17.85.10 Purpose and Intent
17.85.20 Applicability
17.85.30 Application Standards
17.85.40 Cannabis Retail
17.85.50 Cannabis Cultivation
17.85.60 Cannabis Manufacturing
17.85.70 Performance Standards

17.85.10 Purpose and Intent

Placeholder. Revised standards are currently being prepared

17.85.20 Applicability

Placeholder. Revised standards are currently being prepared

17.85.30 Application Standards

Placeholder. Revised standards are currently being prepared

17.85.40 Cannabis Opt-Out Overlay Zone Consistency

Placeholder. Revised standards are currently being prepared

17.85.50 Cannabis Retail

Placeholder. Revised standards are currently being prepared

17.85.60 Cannabis Cultivation

Placeholder. Revised standards are currently being prepared

17.85.70 Cannabis Manufacturing

Placeholder. Revised standards are currently being prepared

17.85.80 Performance Standards

Placeholder. Revised standards are currently being prepared

~~A.~~

Chapter 17.90

Density Bonus

Chapter 17.90 Density Bonus

Sections

17.90.10 Purpose and Intent
17.90.20 Authority and Conflicts
17.90.30 Eligibility
17.90.40 Density Bonus Standards

17.90.10 Purpose and Intent

A. The purpose of this Chapter is to implement Government Code Section 65915, which requires the County to provide incentives for the construction of affordable housing, student housing, land donations, senior housing, and childcare facilities. [Source: NEW]

B. Intent. It is not the intent of this Chapter to supersede or be in conflict with State law. In the event of any conflict between this Chapter and Government Code Section 65915, the provisions of the Government Code shall apply. [Source: NEW]

17.90.20 Authority and Conflicts

. Authority. This chapter and the provisions contained herein are adopted under the authority of Government Code Section 65915 et. seq. [Source: NEW]

A. Conflicts. Where regulations are not specifically addressed in this Chapter, or in the event of a conflict between the provisions of this Chapter and the Government Code, the provisions of the Government Code, as amended over time, shall apply. [Source: NEW]

B. An increase in permissible density may be provided per the provisions of Government Code Sections 65915 through 65918, as may be amended, should a developer agree to such requirements for provision of extremely low, very low, low, and/or moderate income housing consistent with other applicable development regulation and provided that enforceable commitments are secured to ensure that units continue as affordable housing for target groups.

~~17.90.10~~

17.90.30 Eligibility

. Compliance with State and Local Regulations. To be eligible for a density bonus, incentive, or concession under this Chapter, a proposed housing development project must satisfy the eligibility requirements established in Government Code Section 65915(b)(1) and comply with all other applicable provisions of this Zoning Ordinance, unless otherwise allowed by this Chapter. [Source: NEW]

A. Eligible Projects. Excluding any units allowed by the density bonus, the County shall grant a density bonus or incentive for eligible projects, if requested by the applicant, in compliance with Government Code Sections 65302, 65913, and 65915 et. seq. Eligible facilities include:

0. Very-low income housing with at least five percent of the total units restricted for sale or occupancy to very low income households in compliance with Government Code Section 65915(b)(1)(B);

1. Low-income housing with at least 10 percent of the total units restricted for sale or occupancy to low income households in compliance with the requirements of Government Code Section 65915(b)(1)(A);

2. Moderate-income housing with at least 10 percent of the total units restricted for sale to moderate income households in compliance with the requirements of Government Code Section 65915(b)(1)(D);

3. Land Donations in compliance with the requirements of Government Code Section 65915(g);

4. Senior citizen housing developments in compliance with the requirements Government Code Section 65915(b)(1)(C);

5. Student housing developments with at least 20 percent of the total units restricted for lower income students in compliance with the requirements Government Code Section 65915(b)(1)(F)

6. Housing developments with at least 10 percent of the total units restricted for transitional foster youth, disabled veteran, or homeless persons in compliance with the requirements of Government Code Section 65915(b)(1)(E) [Source: NEW]

7. Housing development projects with 100 percent of the units, exclusive of a manager's unit or units, restricted for lower income households, except that up to 20 percent of the total units and density bonus units may be for moderate income households, in compliance with the requirements of Government Code Section 65915(b)(1)(G).

~~17.90.20~~

17.90.40 Density Bonus Standards

. Concessions and Incentives.

0. Applicants can request a number of concessions or incentives that is allowed based upon the percentage of affordable units as established in Government Code Section 65915.

1. The types of incentives and concessions available to eligible applicants are established in Government Code Section 65915, and include, but are not limited to: [Source: NEW]

a. Reduction in development standards or a modification of zoning code requirements or architectural requirements, provided the reduction or modification exceeds the minimum building standards approved by the California Building Standards Commission in accordance with Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code;

b. Parking requirement reductions;

c. Increased building height or floor area ratio (FAR);

d. Approval of mixed-use zoning in conjunction with the housing development project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing development project and the existing planned development in the area where the proposed project is located;

e. Other regulatory incentives or concessions proposed by the developer or the County that result in identifiable and actual cost reductions to provide affordable housing costs, as defined in Health and Safety Code Section 50052.5, or affordable rent, as defined in Health and Safety Code Section 50053.

2. The requested concessions or incentives are subject to review and approval as established in Subparagraph (F) of this Section.

3. Notwithstanding anything to the contrary in this Section, the County shall not be required to approve any incentive or concession that is not required by Government Code Section 65915.

A. Waivers.

0. Requests. An applicant may request a waiver of any development standard that will have the effect of physically precluding the construction of a housing development project at the densities or with the concessions or incentives permitted for the project. The waiver may provide complete relief or partial reduction from a development standard.

1. Number of Waivers. A housing development that receives a waiver of any maximum controls on density in compliance with Government Code Section 65915 shall only receive a waiver to allow a height increase of up to three additional stories, or 33 feet, in compliance with Government Code Section 65915(e)(3).

2. The waivers are subject to review and approval as set forth in Subparagraph (F) of this Section.

3. Notwithstanding anything to the contrary in this Section, the County shall not be required to approve any waiver that is not required by Government Code Section 65915.

B. Parking. Upon the written request of the developer of a housing development that qualifies for a density bonus, the County shall permit vehicle parking ratios, inclusive of handicapped and guest parking, which do not exceed the parking ratios established pursuant to Government Code Section 65915.

C. Application Submittal and Processing.

0. Requests. Requests for a density bonus, incentive, waiver, or concession shall comply with the following:

a. An applicant for a density bonus which satisfies the eligibility requirements established in Section 18.190.030 (Eligibility and Requirements), shall submit a request for the specific density bonus, incentive, or concession established in California Government Code Sections 65915-65918. [Source: NEW]

b. Requests shall be made by filing a complete application along with all required information to the Planning Division in the form approved by the ~~Planning~~Community Development Director~~Zoning Administrator~~. [Source: NEW]

c. The applicant may file a request either before filing a development or entitlement approval of a proposed project or concurrently with an application for project approval. [Source: NEW]

1. Determination of Complete Request. Within 30 calendar days of filing the application, the Zoning Administrator shall notify the applicant in writing whether the application is complete and provide the applicant a determination as to: [Source: NEW]

a. The amount of the density bonus for which the project is eligible;

b. The parking ratio for which the project is eligible, if requested by the applicant; and

c. If a concession, incentive or waiver is requested, whether the applicant has provided enough information for the County to decide if the application is eligible for a concession, incentive, or waiver. [Source: NEW]

2. Review of Complete Application for Density Bonus.

a. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard shall be considered by and acted upon by the approval body with authority to approve the housing development. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed to the Planning Commission and from the Planning Commission to the County Council.

b. The applicant and County staff shall prepare a proposed written density bonus agreement with terms, conditions, covenants and restrictions for any density bonus, incentive, concession, waiver, modification or revised parking standard. The proposed density bonus agreement shall be presented to the approval body for review and approval or disapproval based upon the requirements of Government Code Section 65915 and this Section of the Municipal Code.

3. Consideration of Request for Concessions and Incentive. The County shall grant an incentive or concession requested by the applicant, unless the County makes a written finding, based on substantial evidence, of any the following: [Source: NEW]

a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with Government Code Section 65915(k) to provide for affordable housing costs, as defined in Health and Safety Code Section

50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c). [Source: NEW]

b. The concession or incentive would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households. [Source: NEW]

c. The concession or incentive would be contrary to State or Federal law. [Source: NEW]

4. Consideration of Request for Waivers. The County shall grant a waiver requested by the applicant, unless the County makes a written finding, based on substantial evidence, of either of the following:

a. The waiver would have a specific, adverse impact on health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

b. The requested waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

c. The waiver would be contrary to state or federal law.

5. Requirements for Density Bonus Agreement.

a. The density bonus agreement shall include the following items:

i. The total number of units including restricted units approved for the housing development, the number of density bonus units granted, and the number, type, location, unit size (square footage), number of bedrooms, tenure of restrictions and affordability, and level of affordability of restricted units.

ii. Standards for determining affordable rent or affordable ownership cost for the restricted units.

iii. A schedule for completion and occupancy of restricted units in relation to construction of nonrestricted units.

iv. A description of any incentive, concession, waiver, modification, or revised parking standard being provided by the County.

v. Provisions to ensure affordability of the restricted units, including but not limited to, and where applicable, tenure and conditions governing the initial sale of for-sale restricted units.

vi. Where applicable, tenure and conditions establishing rules and procedures for qualifying tenants and prospective purchasers, setting rental rates, filling vacancies, and operating and maintaining units for rental restricted units.

vii. A description of remedies for breach of the agreement by either party. The County may identify tenants or qualified purchasers as third-party beneficiaries under the agreement.

viii. The required term setting forth the duration of the density bonus agreement, which shall be at least fifty five (55) years for affordable units designated as rental housing, and forty five (45) years for affordable units designated as for-sale units.

ix. Other provisions to ensure implementation and compliance with this article and Government Code Section 65915-65918.

b. Execution and Recording.

i. The density bonus agreement approved by the County shall be executed by the applicant, property owner, or other person authorized to impose covenants, conditions, and restrictions on the property and the proposed housing development.

ii. Prior to issuance of a building permit, the density bonus agreement shall be recorded against the property in the Official Records of the County to ensure the housing development will comply with the affordability covenants for the duration of the density bonus agreement term.

c. Development and Operation.

i. The affordable units within a housing development that approved under this Section shall be constructed concurrently with the unrestricted units, except as specifically set forth in the density bonus agreement.

ii. Residents of the affordable units shall be entitled to use all of the same amenities within the housing development.

iii. The number of bedrooms of the affordable units shall be proportional to the number of bedrooms in the unrestricted units of the housing development.

iv. The exterior appearance of the affordable units shall be of the same design and appearance as the overall housing development by having the same building form, exterior construction materials, roof form, siding and trim, and window placement and type.

v. Housing developments shall comply with all applicable development standards, except those that may be modified as provided by this Section. In addition, all units in housing developments subject to this article must comply with all applicable California Building Standards Codes, including but not limited to residential and fire code requirements.

vi. No building permit shall be issued, nor any development approval granted, for any improvements within a housing development subject to this Section which do not meet the requirements of this Section.

vii. No affordable unit shall be rented or sold except in accordance with this Section and the recorded density bonus agreement.

viii. The entry into and execution of a density bonus agreement shall be a condition of any application for a discretionary land use permit, including but not limited to subdivision maps, site plans, and conditional use permits, for a housing development proposed under this Section.

D. Severability. If any provision of this Section or the application thereof to any person or circumstance is held invalid, the remainder of the Section and application of the provisions to other persons not similarly situated or to other circumstances shall not be effected thereby.

~~17.90.30~~

Chapter 17.95

Standards for Specific Land Uses

Chapter 17.95 Standards for Specific Land Uses

17.95.10 Purpose and Applicability
17.95.20 Agriculture
17.95.30 Agritourism
17.95.40 Animal Husbandry
17.95.50 Bed and Breakfast Inns

17.95.10 Purpose and Applicability

A. Purpose. The purpose of this Chapter is to provide site planning, operational, and development standards for specific land uses and activities established in Part 2 of this Title that require additional standards to ensure compatibility with adjacent land uses. [Source: NEW]

B. Applicability. The regulations in this Chapter apply to any zone in which the specified use is allowed as established in Part 2 of this Title. [Source: NEW]

C. Conflicts. The standards of this Chapter shall be considered in addition to the standards for each zone established in Part 2 and Part 3 of this Title. Where standards of this Chapter are in conflict with standards established in another Chapter or Section of this Title, the standards of the underlying zone shall supersede the standards in this Chapter. [Source: NEW]

~~17.95.10~~

17.95.20 Agriculture ~~- Horticulture~~

. Purpose. The purpose of this Section is to establish operational regulations for commercial horticultural uses, including, but not limited to the production of crops, horticulture, viticulture, and nurseries. [Source: NEW]

A. Applicability. The standards established in this Section shall apply to all zones where ~~commercial~~ agricultural uses are allowed and to all accessory uses and structures appurtenant to the agricultural use. [Source: NEW]

B. ~~Operational~~ Standards.

	Small Scale	Community	Commercial
Use Examples	Sustenance farming/home garden	Community Gardens	Selling to public
Sales	Selling of extra product... supplemental income	Sells extra produce to fund the garden but is not for profit of an individual	Majority of product is sold to the public and is the primary reason for the ~~horticulture~~agricultural operation.
Products	Produce (veggies and fruit), jarred goods,	Produce (veggies and fruit), jarred goods,	Produce (veggies and fruit), jarred goods,

	honey, dried culinary herbs, flower art, cut flowers, etc	honey, dried culinary herbs, flower art, cut flowers, etc.	honey, dried culinary herbs, nursery plants, cuttings, seeds, cut flowers...
Farm to Market	Temporary farm stand or occasional visit to Farm market.	Temporary farm stand or occasional visit to Farm market.	Routine visit to farmer's market, permaneeant farm stand/country store, supplies local grocery stores or restaurants.
Zones	Allowed by-right ~~with~~ in conjunction with a primary ~~any~~ residential use~~nce~~, applies to any zone that allows residences by-right.	Allowed in low-density residential through high-density residential zones.	See Agricultural and Resource Land Uses sections tables for permitting requirements or if it is allowed by-right for zones of interest.
Other Considerations	Invasive species and hemp production is prohibited. Used soil and compost piles* must be contained, so that it does not runoff into water ways or become a source of pest infestations. Diseased plant materials must be appropriately disposed of so as to not become a source of infection for other plants. *compost piles must be well ventilated to avoid combustion.		

Nuisance. The agricultural use shall not be conducted in a way as to constitute a nuisance. [Source: NEW]

0. Pesticide Use. The owner and operator of the agricultural uses shall comply with pesticide use and licensing requirements as established by the California Department of Pesticide Regulation and County Department of Agriculture. [Source; NEW]

1. In any enforcement action to determine if an agricultural use is a nuisance, the burden shall be upon the landowner, tenant, or person operating the land to provide evidence to the Community Development Director of the characteristics of the agricultural use and the date of commencement of the agricultural use. In their enforcement, the Community Development Director may require the operator to obtain a Director's Use Permit or a Conditional Use Permit. [Source: NEW]

~~17.95.20~~17.95.30 Agritourism

~~Recreational uses such as walking, hiking, picnicking, swimming, boating, fishing, or hunting. [Source: 17.13A.040.D]~~

~~Agricultural stores; or~~

~~Any other use deemed similar in nature, as determined by the Planning Director.~~

. General Standards. Agritourism operations shall comply with the following general standards:

0. Minimum Parcel Size. The minimum parcel size for an agritourism operation is 10 acres. [Source: NEW]

1. Maximum Lot Coverage. No more than 10 percent of the parcel, or five acres of total land area, whichever is the lesser amount, may be used for structures, facilities, or other improvements for agritourism uses. If there are multiple parcels involved in the agritourism use, the maximum amount or area shall be calculated based on the cumulative acreage of all parcels. [Source: NEW]

2. Access and Traffic. Any agritourism use shall have access from a road(s) which have adequate capacity for existing traffic and the traffic generated by the proposed agritourism use~~, as determined by the Planning Director~~, and shall comply with the paring and driveway standards established in Chapter _____ (Parking and Loading Spaces) [Source: NEW]

3. Adjacent to a Commercial Poultry ~~Operation~~Farm. If the agritourism use or activity is immediately adjacent to a commercial poultry operation, there shall be no exterior lights for the agritourism use or activity (except as minimally necessary for public safety) and there shall be no organized agritourism activities after sunset. This requirement may be waived by the County if the agritourism proponent obtains a signed waiver from the adjacent commercial poultry producer. This standard shall not apply if the agritourism operation is established before a poultry operation is established on the adjacent parcel. [Source: NEW]

4. Liability. The owner or operator of an agritourism use shall be responsible for the actions, impacts and damages of his or her guests, pursuant to California Civil Code Section 1714. [Source: NEW]

5. County Environmental Health Division ~~Unit~~ Requirements. The agritourism use or activity shall have adequate provisions as determined by the Environmental Health ~~Department~~Division for: [Source: NEW]

   a. Sewage disposal, either permanent or temporary; and

   b. Public water

6. On-site Parking. The agritourism use or activity shall provide required parking as specified in Chapter ___ (Parking and Loading Requirements). [Source: NEW]

7. Amplified Sound. In addition to the standards established in Chapter ___ (Noise Standards), outdoor amplified sound shall only be allowed from 10:00 a.m. to 10:00 p.m. [Source: NEW]

~~A.~~ Lighting. In addition to the standards established in Chapter ___ (Outdoor Lighting), all outdoor lighting shall be hooded and directed away from roads and neighboring parcels. [Source: NEW]

A. Farm Stay Operations. The following standards shall apply to any agritourism use that includes the lodging or overnight stay of guests.

0. Guest Rooms. No more than 10 guest rooms shall be allowed. [Source: NEW]

1. Accommodations. A farm stay operation shall not accommodate more than 20 total guests at any one time. [Source: NEW]

2. Food Service. Farm stay operations shall comply with the following food service standards: [Source: NEW]

a. Food shall be served only to registered guests, or as incidental meals to employees. [Source: NEW]

b. Lodging and meals shall be incidental and not the primary function of the farm stay operation. [Source: NEW]

B. Special Events. Agritourism uses are allowed to host temporary special events in compliance with the following: [Source: NEW]

0. General. The special event shall be directly related to the primary agricultural use or product. [Source: NEW]

1. Time Limit Per Event. Each individual event shall not exceed three days.

2. Number of Events Per Year. Agritourism uses are allowed to host a maximum of four special events per calendar year. Agritourism uses that host events beyond those established in Paragraphs 1 and 2 above, shall be considered special event facilities and shall comply with the standards established in Section [Special Event Facility]. [Source: NEW]

3. Notification. The property owner shall notify the County Community Development Department of a special event at least one month before the event is to take place. The notification shall include all of the following information and shall be consistent with the standards established in this Section and any conditions identified in the approved permit for the agritourism use. Notification is not required if the following event information is included in the approved permit for the agritourism use. [Source: NEW]

a. Date(s) of the event

b. Hours of operation. If the event is taking place over multiple days, hours of operation for each day shall be provided.

c. Anticipated number of guests.

~~17.95.30~~17.95.40 ~~Livestock in Residential Zoning Districts~~Animal Husbandry

. Purpose. The purpose of this Section is to establish standards for the raising and keeping of animals on private property for commercial and/or personal use. It is the intent of this Section to protect agricultural uses as source of income and livelihood for residents and promote the rural, agrarian lifestyle of Trinity County, while also minimizing potential adverse effects on surrounding land uses. [Source: NEW]

A. Applicability. The raising and keeping of animals as either an incidental or primary use shall comply with all standards established in this Section, except as provided in Subsection D, regardless of the required permit type indicated in Part 2 of this Title. This Section does not

apply to the keeping of common household pets (e.g., dogs, cats, guinea pigs, hamsters, rabbits, pot-belly pigs, reptiles) or breeding/kenneling of dogs and/or cats. [Source: NEW]

B. Animal Densities. The number of animals allowed in any zone shall comply with the following standards unless otherwise specified in a Director Use Permit or Conditional Use Permit.

	Animal Husbandry			Dairy	Cattle Feed Lots	Poultry Farms
	Small	Medium	Large			
# Animals per 20,000 square feet*	25	3	1	2	2	25
Shelter Living space per animal (square feet)		20	80 unconfined	80 unconfined,300 confined	80 unconfined, 300 confined	
Manure Management Plan and Biosecurity Plans				Required with submission of Permits to Planning Division	Required with submission of Permits to Planning Division	Required with submission of Permits to Planning Division
Setbacks of animal pens and feed from:						
On-site Residences	15 ft	25 ft	40 ft	50 ft	50 ft	25 ft
Off-site Residences	See property line setbacks below	50 ft	100 ft	150 ft	150 ft	100 ft
Side property line	20 ft	20 ft	40 ft	50 ft	50 ft	20 ft
Front property line	30 ft	30 ft	50 ft	60 ft	60 ft	30 ft

Rear property line	20 ft	20 ft	40 ft	50 ft	50 ft	20 ft
Maximum # of Animals for a location	50*					
Permit Requirements	See Animal Husbandry on Part 2 tables			See Dairy on Part 2 tables	See Cattle Feed Lots on Part 2 tables	See Poultry Farm on Part 2 tables
Notes:	*over 50 fowl see Poultry Farm Standards					

0. Large Animals. Large animals, including, but not limited to, horses, mules, and cattle shall not exceed one animal per every 20,000 square feet. [Source: 17.15.010, modified]

a. ~~Rural Residential (RR): One animal per 20,000 square feet~~

1. Medium Animals. Medium animals including, but not limited to, goats and sheep shall not exceed three animals per every 20,000 square feet. [Source: 17.15.010, modified]

2. Small Animals. Small livestock, including, but not limited to, chickens, ducks, geese, pigeons, and rabbits shall not exceed 25 animals per every 20,000 square feet, of which no more than three may be roosters. The keeping of more than 50 chickens, ducks, geese, pigeons, pheasants, peafowl, guinea fowl, or similar fowl shall be considered a poultry farm and comply with the standards in Subsection D.4. [Source: 17.15.010, modified]

C. Special Regulations for Certain Animal Types

0. Beekeeping (apiaries). The keeping of bees shall comply with the following standards

a. All beekeeping activities are subject to the California Apiary Protection Act (California Food and Agricultural Code Division 13).

b. Where Allowed.

i. Ten or Fewer Beehives. For the purposes of this Title the keeping of 10 or fewer hives shall be considered hobbyist beekeeping and shall not require a permit, provided the standards of this Subsection are met.

ii. More than 10 Beehives. The keeping of more than 10 beehives shall only be allowed in zones where apiaries are allowed in compliance with Part 2 of this Title.

c. In the R1, R2, and R3 zones, the property owner shall notify all adjacent property owners of the property proposing to keep bees. They shall provide evidence of notification to the Agricultural Commissioner prior to keeping bees.

d. Setbacks.

i. Dwelling Unit Separation. Beehives shall be at least 400 feet from any dwelling unit on the same property as the use or any adjacent property.

ii. Property Line. Beehives shall be at least 50 feet of any property line unless otherwise determined through mutual agreement with the adjoining property owner.

iii. Street Separation. Beehives shall be at least 150 feet of any public road, or street or highway.

e. The Agricultural Commissioner or ~~Planning~~Community Development Director shall have the discretion to deny beekeeping activity for parcels which are less than 20,000 square feet in area when beekeeping activity is determined to be a public nuisance.

1. Poultry Farm

a. No on-site retail sales of birds are permitted.

b. The subject lot where the poultry farm is proposed shall ~~meet the minimum area requirements of~~ comply with the minimum development standards established by the underlying zone as identified in Part 2.

c. Setbacks.

i. Poultry housing structures, outdoor enclosures, and manure storage areas shall be located a minimum of 100 feet from any property line.

ii. Such facilities shall be located a minimum of 300 feet from any existing dwelling on an adjacent parcel.

~~i.~~ No poultry housing or manure storage shall be located within 100 feet of any watercourse, wetland, or well. ~~All birds shall be kept, confined, housed, or maintained at least 40 feet from any residence, dwelling, or other structure used for human habitation on the property in which the use is located and adjacent properties.~~

iii.

d. Containment. Poultry shall be kept within fully enclosed structures or fenced outdoor enclosures at all times. Fencing shall be a minimum of six (6) feet in height where outdoor enclosures are provided. ~~All birds shall be maintained in~~

~~a sanitary condition at all times and shall not cause conditions considered detrimental or injurious to the public health, safety, or general welfare, as determined by the Planning Director..~~

e. Waste Disposal. Disposal or land application of manure shall occur only on-site or at an off-site location approved by the applicable regulatory agency, and shall not occur within 100 feet of property lines or water bodies.

f. Water Supply and Drainage. Poultry farms shall utilize an approved water source and shall not discharge wastewater, wash water, or stormwater containing manure or litter beyond the boundaries of the parcel.

D. Exceptions. The following instances of animal husbandry are allowed in residentially zoned parcels where animal husbandry is otherwise prohibited, provided the specified standards are met. [Source: NEW]

0. Animal Husbandry Project Waiver. The ~~P~~planningCommunity Development ~~D~~director shall establish a waiver process in conjunction with a ~~4-~~H, Future Farmers of America (FFA), or student livestock projects in residential ~~zoning districts~~zones where animal ~~rearing~~ husbandry is otherwise prohibited. [Source: 17.30.040.B.1]

a. Waiver Standards. The Community Development~~Pplanning~~ D~~d~~irector shall consult with the C~~c~~ounty A~~a~~griculture C~~c~~ommissioner, high school agricultural advisors, and the C~~c~~ounty 4-H advisor in developing standards for the waiver process. ~~Such w~~Waivers issued by the Community Development~~Planning~~ Director shall ~~include~~ clearly describe and define ~~but not be limited to~~ the following conditions: [Source: 17.30.040.B.1, modified]

i. T~~t~~he notification of neighbors, [Source: 17.30.040.B.1, modified]

ii. A~~a~~nnual renewal of waiver, [Source: 17.30.040.B.1, modified]

iii. ~~and provide for a~~Adequate setbacks to reasonably protect neighboring uses from noise, odors, or other nuisances, and [Source: 17.30.040.B.1, modified]

iv. Any additional conditions deemed necessary by the Community Development~~Planning~~ Director. [Source: 17.30.040.B.1, modified]

b. Duration. A~~n approved~~ waiver shall be approved for no more than 12 months ~~for less than one year and will~~ and shall terminate at the completion of the 4-H-related competition or activity~~Trinity County Fair~~. [Source: 17.30.040.B.1, modified]

~~A. The planning director shall consult with the county agriculture commissioner, high school agricultural advisors and the county 4H advisor in developing standards for the waiver process. [Source: 17.30.040.B.1]~~

~~B.~~1. Personal Keeping of Chickens. Up to six chickens (hens only, no roosters) may be kept in ~~a~~ the rear yard ~~(in the rear of the house)~~of a residentially zoned parcel where animal husbandry is otherwise prohibited. Chickens shall be kept within a fully contained coop

~~meeting~~ that meets all of the following ~~minimum~~ standards: [Source: 17.30.040.B.2, modified]

~~0.~~a. For the purposes of this Section, ~~The~~ a "coop" includes ~~would be considered to~~ both the solid material shelter ~~as well as~~ and the outdoor ~~yard~~ area within which the chickens are kept. [Source: 17.30.040.B.2, modified]

~~1.~~b. The coop ~~must~~ shall be ~~completely secured~~ fully enclosed by walls and/or fencing, including a roof or cover~~within walls and roof~~. [Source: 17.30.040.B.2, modified]

~~2.~~c. The coop shall be constructed and maintained to prevent wildlife or other outside predators from gaining entry. [Source: 17.30.040.B.2, modified]

~~3.~~d. The solid material ~~structure~~ shelter shall be ~~limited to a maximum of one hundred~~ no more than 100 square feet in size~~.~~, ~~There is no size limit for the outdoor area however the outdoor area is unlimited~~ provided it is completely ~~contained~~enclosed by a wall or fence. [Source: 17.30.040.B.2, modified]

~~4.~~e. The coop shall be located ~~to be a minimum of~~at least ~~twenty~~ 20 feet from any off-site residence and shall otherwise conform to setbacks of the ~~district~~underlying zone. [Source: 17.30.040.B.2, modified]

~~5.~~f. The coop shall be regularly cleaned and maintained. [Source: 17.30.040.B.2]

~~17.95.40~~17.95.50 Bed and Breakfast Inns

. ~~Use~~ Permit Required for Bed and Breakfast operations that have over 6 guests. A Conditional U~~u~~se P~~p~~ermit is required to establish a bed and breakfast inn in all ~~zoning districts~~zones except the ~~Retail Commercial (C-1) and General Commercial (C-2) zoning districts~~ zones where bed and breakfast inns (with 6 or less guests) are allowed by right subject to compliance with the development standards established in this Section. If an operation would like more than 6 guests in an area that allows it by-right, then a Director's Use Permit must be applied for. [Source: 17.30.130.A, modified]

A. Development and Operational Standards. All bed and breakfast inns shall comply with the following development and operational standards: [Source: 17.30.130.B, modified]

0. Parking. Parking requirements for bed and breakfast inns shall comply with the parking regulations established in Chapter 17.55 (Parking)~~At least two off-street parking spaces for the owner-manager and one space per each guest room shall be provided. On-street parking may be permitted for guest parking as long as the total number of spaces (parallel to the street) does not exceed the street frontage of the parcel being used as a bed and breakfast inn~~. [Source: 17.30.130.B.1, modified]

1. Alteration of Existing Residential Structure. The property proposed for use is suitable for conversion to a bed and breakfast inn, and the conversion will not alter the historical, architectural, or scenic character and appearance of the property. [Source: NEW]

2. Adequate Utility Services Required. Adequate water and sewer facilities shall be available or provided and said use shall not significantly increase traffic impacts or be

detrimental to the health, safety, and welfare of the surrounding areas. [Source: NEW]

~~1.~~3. Ancillary Activities. ~~Uses. In addition to overnight accommodations, the~~ Unless allowed by a Director ~~Conditional~~ Use Permit, bed and breakfast inns shall not ~~use permit may authorize~~ accommodate ~~limited~~ ancillary social gatherings,~~,~~ such as conferences, weddings, fund raisers, and similar events, attended by any non-lodger~~,~~ Such gatherings may be held with the approval of a ~~Conditional~~Director Use Permit, subject to ~~any~~ conditions imposed by the Community Development~~Planning~~ Director~~Commission or Board or Supervisors~~, as may be necessary to satisfy Chapter 17.~~32~~125 (Director Use Permit), including, but not limited to, restrictions on the frequency and timing of events, and the maximum number of persons per event. ~~Except as expressly authorized in the use permit, such activities are prohibited.~~ [Source: 17.30.130.C, modified]

~~17.95.50~~17.95.60 Campgrounds

~~.~~ Purpose. The purpose of this Section is to establish reasonable standards for campgrounds and recreational vehicle (RV) parks. [Source: NEW]

~~.~~A. General Occupancy Standards. A person shall not camp or place a recreational vehicle on a ~~lot or~~ parcel for more than ~~thirty~~ ~~30~~28 days in any ~~one-year~~ 12-month period or 14 consecutive nights per camper~~, measured from January 1 to December 31~~. Camping or placement of a recreational vehicle for more than ~~thirty~~ 30 days shall require a D~~d~~irector~~'s~~ U~~u~~se P~~p~~ermit and shall comply with the standards of S~~s~~ubsection F.D for extended stay permits. [Source: 17.30.080.C.1, modified]

B. Low-Impact Campgrounds. Low-impact campgrounds include those with minimal improvements to the site except for health, safety, and sanitation. [Source: NEW]

0. Minimum Size. ~~Tent camping is permissible only on parcels~~The minimum site area shall be five acres ~~or larger, unless such camping is done in association with and accessory to a permitted single-family dwelling on site~~. [Source: 17.30.080.C.2, modified]

1. Maximum Density. The number of campsites per acre shall not exceed ~~10~~9 campsites, 1 campsite per acre. Can be clustered together to decrease potential impacts to primary uses of the parcel~~.~~ Example, if the parcel is 5 acres, then 5 campsites would be allowed and could be in the same general area/acre leaving 4 acres for agricultural, recreational, or residential uses. ~~-~~[Source: NEW]

~~1.~~2. Setbacks. All portions of tents and associated camping equipment and facilities shall be a minimum of ~~one hundred~~ 100 feet from all property lines and 200 feet from off-site residences. ~~All portions of recreational vehicles shall be a minimum of thirty feet from all property lines.~~ [Source: 17.30.080.C.7, modified]

3. Sanitation facilities. Sanitation facilities ~~for the camping or recreational vehicles~~ shall ~~be either fully self-contained~~comply with Environmental Health Division standards and approved by ~~, or shall be connected to a fully permitted sewage disposal system serving the property~~. [Source: 17.30.080.C.4, modified]

~~2.~~4. Access. All campgrounds shall have clear and unobstructed access to a public roadway. [Source: NEW]

5. Prohibited Facilities. The following facilities shall be prohibited on low-impact campgrounds: [Source: NEW]

a. ~~No p~~Permanent ~~power~~ electrical service~~may be permitted in association with the camping use~~. [Source: 17.30.080.C.5, modified]

b. Permanent structures, except for the following: [Source: NEW]

i. Entry booths at the entrance and exits of the campground. [Source: NEW]

ii. Small utility or storage structures used for the operation and maintenance of the campground. Such structures shall not exceed 200 square feet. [Source: NEW]

~~3.~~

~~4.~~6. Noise. Generators or other noise generating devices shall not be operated between the hours of ~~nine~~ 9 p.m. and ~~seven~~ 7 a.m. ~~weekdays and nine p.m. and nine a.m. weekends.~~ [Source: 17.30.080.C.6, modified]

~~5.~~7. Fire Safe Standards. All camping shall comply with State Fire Safe Guidelines (see PRC 4290 and 4291). [Source: 17.30.080.C.9, modified]

C. Improved Campgrounds

~~6.~~0. Minimum Parcel Size. ~~Tent camping is permissible only on parcels~~The minimum parcel size shall be five acres ~~or larger, unless such camping is done in association with and accessory to a permitted single-family dwelling on site~~. [Source: 17.30.080.C.2, modified]

1. Maximum Density. The number of campsites per acre shall not exceed 15 campsites. [Source: NEW]

~~7.~~2. Setbacks. All portions of tents and associated camping equipment and facilities shall be a minimum of ~~one hundred~~ 100 feet from all property lines. ~~All portions of recreational vehicles shall be a minimum of thirty feet from all property lines.~~ [Source: 17.30.080.C.7, modified]

3. Sanitation facilities. Sanitation facilities ~~for the camping or recreational vehicles~~ shall be either fully self-contained~~, or shall be connected to a fully permitted sewage disposal system serving the property~~. [Source: 17.30.080.C.4, modified]

~~8.~~4. Access. All campgrounds shall have clear and unobstructed access to a public roadway. [Source: NEW]

5. Structures and recreational facilities. The following standards apply to structures on the site, apart from the personal residence of the property owner or caretaker: [Source: NEW]

a. Structures are limited to: restrooms/showers; clubhouse, which may contain one commercial kitchen facility and be used for minor recreational purposes; and, cabins, yurts, and permanent RV trailers for transient occupancy. [Source: NEW]

b. Campgrounds may include minor accessory recreational uses or structures such as but not limited to swimming pools and tennis courts. [Source: NEW]

6. Lighting. All lighting fixtures shall be shielded downward. [Source: NEW]

~~a.~~D. Recreational Vehicle Park. [Source: NEW]

~~A. No person shall camp on private property, or place or use any recreational vehicle on such property, except as provided in the zoning district in which the camping or RV use occur, and as further provided in this section. [Source: 17.30.080]~~

~~B. Camping and the placement of recreational vehicles on property shall be permitted on lots or parcels subject to compliance with all of the following requirements: [Source: 17.30.080.C]~~

0. Minimum Parcel Size. ~~Placement of recreational vehicles is permissible only on parcels~~ The minimum parcel size shall be two and one-half acres ~~or larger~~. [Source: 17.30.080.C.3]

1. Space Requirements. Each RV space shall comply with the following requirements [Source: NEW]

a. Minimum Size: 1,200 square feet [Source: NEW]

~~0.~~ ~~l~~b. I~~ndividual utility hookups (water, electric~~ c.~~County,~~ ~~sewer~~/septic ~~or dump station)~~ [Source: NEW]

~~1.~~a. ~~Tent camping is permissible only on parcels five acres or larger, unless such camping is done in association with and accessory to a permitted single-family dwelling on site. [Source: 17.30.080.C.2]~~

~~2. Outside cooking shall be subject to all applicable fire safe standards. [Source: 17.30.080.C.8]~~

~~3. At the termination of the term of camping or recreational vehicle use, all improvements, including tents, temporary structures, recreational vehicles, etc. shall be removed from the property. [Source: 17.30.080.C.10]~~

~~4.~~2. The recreational vehicle shall remain towable at all times and shall be currently registered with DMV within the State of California. No buildings may be attached to it. [Source: 17.30.080.C.11]

~~5. A recreational vehicle may be stored on a property. Such RV shall not be connected to utility (minor connection for prevention of mildew may be considered) and shall not be used for occupancy unless done so within the parameters of these provisions. The connection to any utility may be considered prima facie evidence of occupancy. [Source: 17.30.080.C.12]~~

6. These provisions shall limit camping in a tent or recreational vehicle to no more than one such unit on land less than five acres. On parcels greater than five acres there may be two such units. Provisions for greater numbers may be considered under variance procedures as provided in Chapter 17.31 of the zoning ordinance. [Source: 17.30.080.C.13]

7. All such permitted units shall post in a clearly visible location a placard to be issued by the County of Trinity that will indicate the subject unit is currently permitted under these provisions [Source: 17.30.080.C.14

C.E. Extended Stays. Extended camping or placement of a recreational vehicle may be permitted allowed on a parcel upon the granting approval of a Ddirector's Uuse Ppermit and subject, in addition to those provisions of Ssubsection EC, to the following additional standards: [Source: 17.30.080.D, modified]

0. Extended sSeasonal camping or recreational vehicle placement may be permitted allowed for up to a maximum of ninety 90 days in a 12 month12-month period. [Source: 17.30.080.D.1, modified]

1. Any connection to utility such as power, water, and septic must be approved by the building inspector, the Eenvironmental Hhealth Ddivision, and/or any other agency having jurisdiction over such utilities. [Source: 17.30.080.D.2, modified]

2. Prior to placement of the recreational vehicle, the applicant must obtain a septic permit from the Eenvironmental Hhealth Ddivision, install the sewage disposal system, and hook the recreational vehicle to the system. A portable toilet shall not meet the requirements of this sub-paragraph. [Source: 17.30.080.D.3]

3. The applicant shall demonstrate an approved, legal water source. [Source: 17.30.080.D.4]

4. An encroachment permit from the public right-of-way is required for the driveway. [Source: 17.30.080.D.5]

5. At the termination of the term of use, the recreational vehicle shall be removed from the property; however a fully permitted self-contained RV may be placed in dead storage, i.e. all utility connections shall be removed and no occupancy may occur. Connection to any utility shall be considered prima facie evidence of occupancy. [Source: 17.30.080.D.6]

6. By applying for the permit the applicant shall acknowledge that the county building official, division environmental health staff, and other staff have the ability to inspect the property to insure compliance with all applicable standards. [Source: 17.30.080.D.7]

7. All such units shall post in a clearly visible location a placard to be issued by the County of Trinity that will indicate the subject unit is currently permitted under these provisions. [Source: 17.30.080.D.8]

D.F. Temporary Construction Support. Temporary occupancy of a recreational vehicle to be occupied during the course of construction of a single-family dwelling may be permitted

regardless of parcel size upon granting of a Ddirector's Uuse Ppermit, subject to the following standards: [Source: 17.30.080.E, modified]

0. A valid Bbuilding Ppermit for the single-family dwelling to be constructed must be in effect. [Source: 17.30.080.E.1]

~~1. The applicant must obtain a permit from the building department for hookup of the recreational vehicle to utilities prior to occupancy. [Source: 17.30.080.E.2]~~

~~2.~~1. Prior to occupancy of the recreational vehicle, the applicant must obtain a permit from the Eenvironmental Hhealth Ddivision, install the sewage disposal system and hook the recreational vehicle to the system. A portable toilet shall not meet the requirements of this sub-paragraph. [Source: 17.30.080.E.3]

~~3.~~2. ~~The use permit is~~ Occupancy of the RV is allowed for ~~valid for~~ up to ~~one year~~ 12 months ~~only~~ from the date of issuance and may be renewed as ~~provided in Section 17.32.050(D) of this title,~~ provided the permit remains active and satisfactory progress in the construction of the dwelling is made. [Source: 17.30.080.E.4, modified]

~~4.~~3. The RV is subject to the vegetative clearance standards of Public Resources Code 4291 and that section's implementing regulations. [Source: 17.30.080.E.5]

~~5.~~4. Once the dwelling is cleared for occupancy, the recreational vehicle must be disconnected from all utilities. It may be stored on the property, but cannot be lived in. Connection to any utility shall be considered ~~prima facie~~ evidence of occupancy. [Source: 17.30.080.E.6, modified]

~~6.~~5. An encroachment permit shall be required for any connection to a public right-of-way. [Source: 17.30.080.E.7]

~~7.~~6. Generators or other noise generating devices shall not be operated between the hours of ~~nine~~ 9 p.m. and ~~seven~~ 7 a.m. weekdays and ~~nine~~ 9 p.m. and ~~nine~~ 9 a.m. weekends. [Source: 17.30.080.E.8, modified]

~~8. By applying for the permit the applicant shall acknowledge that the county building official, division environmental health staff, and other staff have the ability to inspect the property to insure compliance with all applicable standards. [Source: 17.30.080.E.9]~~

~~E.~~7. The provisions of this Ssection shall not apply to the storage of a recreational vehicle for personal use of a homeowner residing in a legal, permanent dwelling on the property. [Source: 17.30.080.F, modified]

~~17.95.60~~

17.95.70 ~~Residential~~ Caretaker Unit~~s~~

. Purpose. The purpose of this Section is to establish standards for caretaker units as defined in Section 17.225.030 (Residential Land Use Definitions). [Source: NEW]

A. Number Allowed. ~~Standards for residential caretaker unit.~~ Up to o~~O~~ne caretaker unit, in the form of a single-family residential dwelling, is allowed on commercial and industrial zoned

parcels, as established in Part 2 of this Title, single-family use who's primaryfor the purpose of providing residential quarters for an employee who's is responsibility is to take care of and provide watchman services for commercial and industrial uses and operations on-site for C-1, C-2, C-3, H-C, PF and I properties shall be subject to the granting of a commission issued use permit. [Source: 17.30.120, modified]

B. Permit Required. Caretaker units are allowed with the approval of a Director's Use Permit in compliance with Chapter (Director Use Permit). [Source: NEW]

C. Standards. Caretaker units The shall comply with the following special provisions must be complied with andbe reviewed during consideration of the use permit for such unitsas part of the Director Use Permit application: [Source: 17.30.120, modified]

0. Structural setbacks standards consistent with the underlyingrural residential zoning district zone standardsas established in Part 2 of this Title. [Source: 17.30.120.A, modified]

1. The caretaker unit shall be limited to no more than one thousandnot exceed 1,000 gross square feet. [Source: 17.30.120.B, modified]

2. The caretaker unit shall be located in such a manner so that it is not be visually intrusive or highly visible from arterial or collector roads abutting the subject siteparcel in which the caretaker unit is located. [Source: 17.30.120.C, modified]

3. The caretaker unit shall be located in such a manner so as to not interfere or adversely impact the use of the site or adjacent parcels. [Source: 17.30.120.D, modified]

17.95.80 Commercial Structures

A. Purpose. The purpose of this Section is to establish standards for all Commercial Structures, regardless of zone.

B. Permit Required.

a. In areas where commercial structures are allowed by-right, a permit will be required if the structure is over 5,000 square feet. Structures over 10,000 square feet may require an EIR and a Conditional Use Permit will be required.

b. If an area does not specifically state that the commercial structure is allowed by-right, then a Director Use Permit will be required for structures up to 5,000 square feet and anything over that would require a Conditional Use Permit.

C. Standards

a. Parking and loading standards from Section apply for all commercial structures. Building Code ADA requirements will apply.

b. Circulation plan will be required; it is to include pedestrian traffic in addition to vehicular traffic.

c. In review of projects that require permits, sidewalks and biking lanes may be required.

d. Drainage Plans must be submitted.

e. Landscaping is to include Native Plants or the Landscape Ordinance applies.

f. Screening fixtures from view: garbage containers, HVAC, transformers, and similar structures.

g. Outdoor storage must be orderly kept and must be in a designated area. It cannot interfere with circulation of pedestrian and vehicular traffic. Otherwise storage must be contained within a structure.

h. Private roads, driveways, and encroachments on to public roads, may have additional standards from relevant public agency (Trinity County Department of Transportation, CalTrans, CalFire, USFS).

i. The use of the building must be stated in the application for the Building Permit, Director Use Permit and/or Conditional Use Permit; else the most restrictive use for the zone would apply for determination of standards.

17.95.90 Dependent Unit Villages

A. Purpose. The purpose of this Section is to establish standards for dependent unit villages as defined in Section 17.225.030 (Residential Land Use Definitions). [Source: NEW]

B. Number Allowed. Groups of three (3) or more dependent sleeping units on one (1) parcel with common facilities. The number of units is subject to limitations of the site, shall not exceed a density greater than allowed by the General Plan for residential zones and all structures must comply with California Residential Building Code.

C. Permit Requirements. See Permitting Process _____ for Director Use Permits and Conditional Use Permits.

D. Standards. See table _____ for performance standards where this use is allowed by-right, with a director use permit, or with conditional use permit.

	Allowed by-right	Director Use Permit	Conditional Use Permit	Director Use Permit *	MU
Zone	R-3	R-2	R-1	C-1, C-2, HC, C-3	MU Low Density and MU High Density
General Plan Density (units per acre)	12-24	5-12	1-4	0-24	Low: 1-4 High: 5-24
Waste Water Disposal	Must be connect to Sewer System	Must be connected to Sewer System	Must be connected to sewer or adequate septic disposal	Must be connected to sewer (over 10 units) or adequate septic disposal	Low: Must be connected to sewer or adequate septic disposal. High: Must be connected to sewer.

				(under 10 units).	
Solid Waste Disposal	Centralized outside garbage disposal and routine drop off at a land fill transfer station or pick up. Must be in bear proof containers. .				
Kitchen	Commercial kitchen standards **	Commercial kitchen standards **	Restricted food service facility kitchen standards **	Commercial kitchen standards**	High: Commercial kitchen standards ** Low: Restricted food service facility kitchen standards **
Proximity of Kitchen	All units that are paired up with a kitchen (1 kitchen for every 6), must have safe and close (within 100 feet of each unit and within 20 feet for ADA units) access to the facility. Sidewalks lit pathways - downward casting soft even lighting, wildlife fencing (where applicable), laundry facilities may be within same building but in separate room, and adequate refrigeration and dry storage.				
Dining Area	Must have indoor dining space to accommodate all residences. Outdoor dining space is optional.				
ADA					
Open-space	Must have protected open-space between units and Kitchen/other community used structures. Can have outdoor dining, recreation/outdoor activities, fenced pet park, community gardens, native landscaping ***, pathways, and similar uses within open-space areas. Must not have vehicular traffic entering this protected space.				
Specific Parking and loading standards	See Parking Standards for number of spaces. Parking is not to enter protected open-space areas but can be located on the outskirts between units or on the outside edge of units. Kitchen/Other Community Structures parking and loading can occur in designated area outside the protected open-space. A Circulation Plan will be required for Director Use Permits and Conditional Use Permits.				
Other Community Structures	May have separate open-space protected areas from the kitchen and separate parking/loading areas; but it must have safe and easy access from all units that it serves. Examples of structures: pool, library, childcare, laundry facilities, art/business/game center, dining hall, playground, and etc.				
HCD Requirements	Mobile Home Park/Special Occupancy Park Permit require for more than one manufacture home or mobile homes.				
Land Use Overlaps	If Dependent Unit Village is being utilized for Supportive or Transitional housing, then the zones that allow Supportive/Transitional housing will be followed for the permitting (or use allowed by-right) but the performance standards from this section will apply.				

Table Notes	*If thresholds are exceeded or if location within the zone are determined by the Director to be unsuitable with land uses in the area; a conditional use permit may be required for the project to be evaluated by the Planning Commission **One kitchen is required per 6 dwelling units *** If native plants are not utilized for landscaping the MWELO application may be required. See Landscape Code

17.95.100 Emergency Shelters

. Purpose. The purpose of this Section is to establish development and operational standards for emergency shelters. The standards in this Section are intended to ensure needs for displaced and homeless individuals are met and to comply with the policies and guidelines of the General Plan. Housing Element, and California Government Code Section 65583 and Health and Safety Code. [Source: NEW]

A. Applicability. The standards of this Section shall apply to all existing and proposed emergency shelters operated within the County. [Source: NEW]

B. Exemptions. The standards of this Section shall not apply in situations of County or Statewide designated disasters or catastrophic conditions, but only for the duration of the designated disaster or catastrophic conditions. [Source: NEW]

C. Development and Operational Standards. Emergency shelters shall comply with all standards established in this Subsection as well as any applicable zoning standards for the development and use of the property on which the shelter is located. In any case where the standards of this Subsection are in conflict with State law, State law shall take precedence. [Source: NEW]

0. Maximum Number of Beds. The maximum number of beds allowed in an emergency shelter shall not exceed ~~No more than twelve~~ 12 beds, not including facilities for on-site staff~~, except:~~ [Source: 17.10, modified]

a. In response to a disaster; or [Source: NEW]

b. As authorized by a Director's Use Permit, subject to appeal to the Planning Commission. [Source: NEW]

1. Required Parking. The required number of parking spaces for an emergency shelter shall comply with the parking standards established in Chapter ___ (Parking and Loading). [Source: NEW]

2. Waiting and Intake Areas. An enclosed or screened waiting area, such as provided in a courtyard building configuration, shall be provided between the intake area and the public right-of-way. [Source: NEW]

~~4.~~3. Location Requirements. ~~Such facilities~~An emergency shelter shall be separated from other ~~such facilities~~emergency shelters by a minimum of ~~three hundred~~ 300 feet. [Source: 17.10, modified]

4. On-Site Management. Emergency Shelters shall comply with the following on-site management standards: [Source: NEW]

   a. On-site Personnel. ~~There~~ Emergency shelters shall ~~be~~ provide at least one on-site ~~staff~~ supervisor at all times. [Source: 17.10, modified]

   b. Designated Personnel Area. A designated area for on-sire personnel shall be located near the primary shelter entrance(s) for the purpose of controlling and monitoring admittance into the facility. [Source: NEW]

   c. Emergency Contact Information. Emergency contact information shall be posted on the exterior of the facility adjacent to the primary entrance(s), as well as on the interior of the facility in a location that is accessible to all clients. [Source: NEW]

5. Security. A written security plan shall be provided to the Ceounty Ssheriff ~~prior to~~ before operation. [Source: 17.10, modified]

6. Support Services. Emergency shelters that provide support services shall allocate sufficient areas on site and properly enclosed within the structure. Support services include, but are not limited to: [Source: NEW]

   a. Food preparation and dining areas [Source: NEW]

   b. Laundry facilities [Source: NEW]

   c. Restrooms and showers [Source: NEW]

   d. Areas to secure and store client belongings. [Source: NEW]

   ~~17.95.807~~. Hours of Operation. Emergency shelters shall establish and maintain set hours of operation for client intake and discharge. These hours shall be clearly displayed at the primary entrance(s) to the shelter. [Source: NEW]

~~17.95.90~~ ~~Employee and Farmworker Housing [Source: NEW]~~

17.95.110 Kenneling

. Purpose. The purpose of this Section is to establish standards for the raising and keeping of dogs, cats, and similar animals for commercial purposes. [Source: NEW]

A. Applicability. The standards of this Section shall apply to any parcel where more than four dogs, cats, or similar animals are boarded or kept for purposes of sale or breeding. [Source: NEW]

B. Findings. In zones where kenneling is allowed, as established in Part 2 of this Title, the Community Development~~Planning~~ Director ~~or Planning Commission~~ may approve a Director's Use Permit for a kennel after making all of the following findings:

   0. The kennel shall be in a rural area because of unusual site area or specific operational characteristics that pose a health or safety risk to more populated areas. [Source: NEW]

   1. The kennel will not significantly impact adjacent uses. [Source: NEW]

2. The kennel shall not have a detrimental impact on surface or groundwater. [Source: NEW]

0. The County shall record a Notice of Environmental Constraint against the title of the lands subject to the permit that the additional dwelling occupied under these provisions is temporary in nature, limited to provisions of this section and is solely for the use of the identified occupant(s). [Source: Ordinance 315-802]

~~17.95.100~~17.95.120 Home Occupation

. Purpose. ~~and intent. [Source: 17.30B.010]~~

~~0.~~. The purpose of this ~~chapter~~ Section is to provide for limited commercial or light manufacturing activity, in conjunction with an existing residential use, when conducted in a manner that will not create nuisances or adversely affect surrounding land uses. [Source: 17.30B.010, modified]

1. The intent is to provide opportunity for development of low impact commercial uses as home occupations and cottage industries that are necessary to help stimulate a transition and diversification from the traditional timber based economy of Trinity County, with particular emphasis on the most rural portions of the county where economic opportunity is limited. This is achieved by providing residents the ability to utilize their homes as a place of livelihood and for the production or supplementing of personal and family income. Additional benefits include recognition of a significant home industry which exists in the county, and the means to provide commercial services in remote areas where conventional commercial zoning is not available or would not be appropriate. [Source: 17.30B.010]

2. It is not the intent of this chapter to take precedence over the purpose and development standards of the zoning district in which the home occupation use occurs. Commercial activities that could interfere with the management and utilization of resource lands, or adversely affect the residential character of an area are not supported by this section. [Source: 17.30B.010]

~~A.~~

A. Applicability.

0. ~~This chapter~~ Section applies ~~when the zoning alone does not support business activity in conjunction with a residence, either directly or an accessory use. For example, this chapter~~ Section ~~would apply to a proposed home office (lawyer's, realtor's, etc.) in a residential zoning district~~zone such as "~~R~~rural ~~R~~residential" (RR).~~The~~ standards established in this Section shall apply to all home occupations as allowed for in each zone as specific in Part 2 of this Code. ~~It would not apply to a commercial use, such as a small retail shop or office, in conjunction with a residence located in a commercial zoning district, or an agricultural business and related home office on property zoned "agriculture" (AG), since in each case the zoning already supports the business activity.~~ [Source: 17.30B.020, modified]

1. A proposed home occupation use which has characteristics that exceed the ~~specific performance standards~~regulations established in Subsection E (General Provisions) and Subsection F (Specific Performance Standards), provided ~~for minor~~ home occupations ~~as established in this S~~section ~~(subsection 17.30B.060(A))~~ shall qualify as a ~~major home occupation~~ home enterprise and be subject to the specific standards and permit requirements for ~~a major home occupation use~~home enterprises as established in Section 17.95.070 (Home Enterprise). [Source: 17.30B.050.I, modified]

B. Cannabis-Related Activities. Any land use or activity involving cannabis, as defined by State law, that is proposed or conducted as a home occupation or home enterprise shall obtain and maintain all required State and local approvals, licenses, and permits prior to commencing operations.

~~0.~~ Such uses and activities shall be subject to and comply with all applicable cannabis-related land use regulations and performance standards established in Chapter _____ (Cannabis) of this Part, and shall not be deemed permitted solely by virtue of meeting the requirements for a home occupation or home enterprise. [Source: NEW]

~~B.~~

C. Permit R~~r~~equirements. [Source: 17.30B.040]

0. ~~Uses Permitted without a Use Permit~~No Permit Required. ~~Many home occupation uses are allowed as an accessory use of a residence without need of a use permit. These are typically uses that could have little or no effect on the surrounding area. The table provided in the following subsection identifies situations where use permit review is needed for home occupations due to proximity of surrounding homes, the property size, special zoning, and other considerations.~~ Home occupation uses ~~that do not have characteristics identified in the table~~ do not require a u~~u~~se p~~p~~ermit, except as identified in Subparagraph D.2 (Director's Use Permit Required), provided they comply with all ~~(note: G~~ general provisions and specific performance standards for home occupations ~~are provided in as established in Subsections E through GSections 17.30B.050 and 17.30B.060, and are applicable whether or not a use permit is required).~~ this Section. [Source: 17.30B.040.A]

1. Director's Use ~~Uses That Require a Use Permit~~Permit Required. Home occupation uses ~~having~~ with one or more of the following characteristics ~~identified in the following table~~ are subject to first securing ~~either~~ a ~~planning D~~director Use Permit's ~~or planning Commission issued use permit, prior to~~before the commencement of business activity~~, as follows:~~ [Source: 17.30B.040.B, modified]

a. The home occupation is located on a parcel under five5 acres and/or has a shared-privately maintained ~~,~~road, and includes one or both of the following characteristics: [Source: 17.30B.040.B, modified]

~~i. Use generates vehicle traffic as provided in Section 17.30B.060(A)(5) [Source: 17.30B.040.B]~~

i. Use generates vehicle traffic as provided in Section 17.30B.060(A)(5) [Source: 17.30B.040.B]

ii. ~~b]~~ Use includes the employment of an individual who resides off-site [Source: 17.30B.040.B]

~~b. The home occupation is located on a parcel under 5 acres, and includes one or both of the following characteristics: [Source: 17.30B.040.B, modified]~~

~~i. Use generates vehicle traffic as provided in Section 17.95.120(F)(3) [Source: 17.30B.040.B]~~

~~ii. Use includes the employment of an individual who resides off-site. [Source: 17.30B.040.B, modified]~~

~~c. The home occupation is located on a shared-privately maintained road or driveway, and involving one or both of the following characteristics: [Source: 17.30B.040.B, modified]~~

~~i. Use generates vehicle traffic as provided in Section 17.95.120(F)(3) [Source: 17.30B.040.B]~~

~~ii. Use includes the employment of an individual who resides off-site. [Source: 17.30B.040.B, modified]~~

~~d.~~b. Business operations and related activities are conducted in a detached accessory structure that has floor area that exceeds the gross square footage of the ~~related~~ primary residence on the property. [Source: 17.30B.040.B, modified]

~~Table __: Uses That Require a Use Permit [Source: 17.30B.040.B]~~

~~Home Occupation/Cottage~~	~~Director Use Permit~~
~~A. Minor Home Occupations that require a use permit:~~	
~~1] Minor home occupation use, except small family day care homes and small residential care facilities, located on a parcel under 5 acres in size and/or located on a shared-privately maintained road or driveway, and involving one or both of the following characteristics: a] Use generates vehicle traffic as provided in Section 17.30B.060(A)(5) b] Use includes employment on-site of an individual as provided in Section 17.30B.060(A)(4)~~	~~X~~
~~and/or located on a shared-privately maintained road or driveway, and involving one or both of the following characteristics: a] Use generates vehicle traffic as provided in Section 17.30B.060(A)(5)~~	
~~b] Use includes employment on-site of an individual as provided in Section 17.30B.060(A)(4)2] Minor home occupation use conducted in a detached accessory structure that has floor area that exceeds the gross square footage of the related residence on the property.~~	~~X~~

D. General Pprovisions. The following general provisions shall apply to all home occupations ~~and cottage industry uses~~: [Source: 17.30B.050]

0. Minimum Parcel Size. There is no minimum parcel size for home occupations.

1. Relation to Residential Use.

~~0.~~a. The home occupation ~~activity~~ shall be clearly incidental and secondary to the use of the property as a primary residence. [Source: 17.30B.050.A, modified]

~~1.~~b. The home occupation ~~use~~ shall be owned and ~~conducted~~ operated by at least one individual residing on the property. [Source: 17.30B.050.B, modified]

~~2.~~c. The home occupation ~~use~~ shall not adversely affect the residential character of an area, or interfere with the management and ~~utilization~~ use of resource lands. [Source: 17.30B.050.C, modified]

2. Compliance with Other Regulatory Standards.

~~3.~~a. The home occupation ~~use~~ shall comply with any applicable standards and permit requirements of the Ccounty's ~~B~~buildingCommunity Development Ddepartment~~, Hhealth Ddepartment,~~ and local fire protection authority. [Source: 17.30B.050.D, modified]

~~4.~~b. The home occupation use shall not discharge or dispose of any materials, fluids, or gases in a manner which is in violation of any applicable government code. [Source: 17.30B.050.E]

~~5.~~c. If conflicts occur between this Ssection and other written provisions of ~~the zoning ordinance~~this Title, the most restrictive shall apply. [Source: 17.30B.050.F, modified]

~~6.~~3. Hours of Operation. The primary hours of operation for home occupations shall be limited to ~~seven~~ 7:00 a.m. to ~~eight~~ 8:00 p.m. Monday through Saturday, and ~~eight~~ 8:00 a.m. to ~~five~~ 5:00 p.m. Sundays. No employee or customer traffic, deliveries, noise, or other aspects of the home occupation that are noticeable from neighboring residences are permitted after primary hours, unless other hours are conditioned by a Uuse Ppermit. [Source: 17.30B.050.G, modified]

~~7. Parking. No additional parking is required for home occupations. Sufficient room shall be available on-site to provide automobile parking for customers, clients, and/or employees related to a home occupation use, in addition to that parking required for the residential use on the property. The following parking standards shall apply to all home occupation uses:~~ [Source: 17.30B.050.H, modified]

~~a. One additional parking space shall be provided for each employee who resides off-site from the business. [Source: 17.30B.050.H.1~~

~~b.~~4. ~~One additional parking space shall be provided for each five hundred square feet of ground or floor area utilized by customers or clients. [Source: 17.30B.050.H.2]~~

~~8.~~5. Setbacks. All home occupation uses shall be subject to the same ~~property line~~ setback standards as provided in Section Chapter 17.30D (Accessory Buildings and Uses) of this Ttitle. [Source: 17.30B.050.J, modified]

~~9. The storage and/or maintenance of four or more commercial vehicles (three axles or six thousand + GVW), and/or heavy equipment (ten thousand + GBW) for use in a business conducted primarily off site (logging, construction, well drilling, etc.), shall be subject to the specific standards and permit requirements for a major home occupation use. [Source: 17.30B.050.K]~~

10. Large and small family day care homes, and small residential care facilities, that are licensed by the State Department of Social Services shall qualify as a minor home occupation use (local land use treatment regulated by state law). [Source: 17.30B.050.L]

E. Specific Pperformance Sstandards. [Source: 17.30B.060]

0.E. Minor Home Occupations. Specific Performance Standards. The following standards shall apply to minor home occupations uses: [Source: 17.30B.060.A, modified].

a. Minor home occupations may be allowed in all zoning districts in conjunction with a dwelling unit that exists legally. [Source: 17.30B.060.A.1]

0. On-Site Operations

b.a. Minor hHome occupations shall be conducted completely within a residence or permitted accessory structure, except ing outside play areas related to family day care homes. [Source: 17.30B.060.A.2, modified]

c.b. Minor hHome occupation uses shall not produce excessive noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal human sensory perception outside the structure, including transmittal through vertical or horizontal party walls. [Source: 17.30B.060.A.3, modified]

d.1. Employment. A minor home occupation or combination of minor home occupations on a single site parcel may includeshall not employ more than employment of no more than one individual who resides off-site, who reports to the property and is engaged in the related business activity occurring on the site, and receives financial or other compensation for services rendered. [Source: 17.30B.060.A.4, modified]

e.2. Traffic. A minor home occupation use or combination of minor home occupations on a single site parcel shall not involve more than two vehicles visiting the site at any one time or exceed an average of six vehicles a week. This provision shall apply to vehicles used by customers, clients, and shipping/delivery services. [Source: 17.30B.060.A.5, modified]

f. Signs. Signage shall be limited toNo more than one "residential nameplate sign" as provided in Section 30.1 (Sign Standards). [Source: 17.30B.060.A.6, modified]

1.]

F. Pre-Eexisting Uuses. Home occupation uses enterprises that existed prior to adoption of this Cchapter are subject to the provisions of Chapter 17.33 (Nonconforming Uses). The Pplanning Ddirector shall use the following criteria to establish if a home occupation enterprise qualifies as a legal nonconforming use: [Source: 17.30B.070, modified]

0. Home occupation uses established on property zoned "unclassified" (UNC) prior to March 6, 1985 shall qualify as legal, pre-existing, nonconforming use. [Source: 17.30B.070.A]

Home occupation uses that do not qualify for subsection A above, may apply for a Director's Use Permit within twelve 12 months of the adoption of the this Title ordinance codified in this chapter for a planning director's issued use permit, to qualify for a special pre-existing use status. The Uuse Ppermit shall be issued only if the Pplanning Ddirector determines, after notification of surrounding property owners, that the home occupation use does not present a nuisance to surrounding residences and is consistent with the intent of this Cchapter. [Source: 17.30B.070.B]

The It is the discretion of the Planning Director to include conditions to the Uuse Ppermit may be conditioned, at the discretion of the planning director, to address the specific needs of the business and/or to reduce or eliminate potential impacts from the business on the surrounding area. [Source: 17.30B.070.B]

1.3. At expiration of the twelve12-month special pre-existing use status period, home occupation uses that do not qualify for subsection A above shall fully comply with the provisions of this Sectionchapter, unless additional time is established by action of the Bboard of Ssupervisors. [Source: 17.30B.070.B, modified]

G.

17.95.11017.95.130 Cottage IndustryHome Enterprise

. Purpose and intent. The purpose of this chapter Section is to provide establish standards for home enterprise uses that include limited commercial or light manufacturing activity, in conjunction with an existing residential use, when conducted in a manner that will not create nuisances or adversely affect surrounding land usesthat is larger and/or more intense than home occupations. [Source: 17.30B.010, modified]

A. Applicability.

The standards established in this Section apply to home enterprises in all zones where home enterprise is an allowed use as established in Part 2 of this Title. Home enterprises are Limited commercial or light manufacturing activity conducted in conjunction with and accessory to a legal residential dwelling unit, that is larger and/or more intensive in nature than minor home occupations and have one or more of the following operational features, yet operates subject to standards that reduce or eliminates undesirable affects to surrounding uses. This chapter applies : [Source: 17.30B.030.B, modified]

a. Require rRegular visits by clients or customers; [Source: 17.30B.030.B, modified]

b. Fneed frequent delivery or shipment of goods; [Source: 17.30B.030.B, modified]

c. conduct rRegular business operations or storagee of materials outside of the residence, such as in an on-sire workshop or studio; [Source: 17.30B.030.B, modified]

d. have aA tendency to create noise, odors, or glare; [Source: 17.30B.030.B, modified]

e. Eemploy two or more individuals who reside off premisesnon-resident employees; andor, [Source: 17.30B.030.B, modified]

f.0. Hhave the potential to rapidly increase in size and intensity. [Source: 17.30B.030.B, modified]

~~Home enterprise uses may include but are not limited to: [Source: 17.30B.030.B, modified]~~

~~g. Beauty and barber shops~~

~~h. Commercial firewood operation~~

~~i. Micro-brewery~~

~~j. Organized classes with up to six students at one time~~

~~k. Photography studio~~

~~l. Small medical, dental, or counseling clinic~~

~~m. Small engine or appliance repairs~~

~~n. Upholstering~~

~~o. Vehicle repair and painting~~

~~p. Welding and metal fabrication~~

~~Woodworking, including or cabinet making.~~

~~A.~~1. This Section does not apply to any non-residential zones that include an on-site residence. ~~For example, this chapter would apply to a proposed home office (lawyer's, realtor's, etc.) in a residential zoning district such as "rural residential" (RR). It would not apply to a commercial use, such as a small retail shop or office, in conjunction with a residence located in a commercial zoning district, or an agricultural business and related home office on property zoned "agriculture" (AG), since in each case the zoning already supports the business activity.~~ [Source: 17.30B.020, modified]

B. Cannabis-Related Activities. Any land use or activity involving cannabis, as defined by State law, that is proposed or conducted as a home occupation or home enterprise shall obtain and maintain all required State and local approvals, licenses, and permits prior to commencing operations.

Such uses and activities shall be subject to and comply with all applicable cannabis-related land use regulations and performance standards established in Chapter ____ (Cannabis) of this Part, and shall not be deemed permitted solely by virtue of meeting the requirements for a home occupation or home enterprise. [Source: NEW

~~B.~~ Permit R~~r~~equirements. ~~[Source: 17.30B.040]~~

~~0.~~ ~~Uses Permitted without a Use Permit~~No Permit Required. ~~Many home occupation uses are allowed as an accessory use of a residence without need of a use permit. These are typically uses that could have little or no effect on the surrounding area. The table provided in the following subsection identifies situations where use permit review is needed for home occupations due to proximity of surrounding homes, the property size, special zoning, and other considerations. Home occupation enterprise uses that do not have characteristics identified in the tableTable 17.95-1 (Home Enterprise Use Permit Requirements) do not require a Uuse Ppermit, provided they comply with the general provisions and performance standards for home enterprises established in Subsection ___ below. (note: General provisions and specific~~

performance standards for home occupations are provided in Sections 17.30B.050 and 17.30B.060, and are applicable whether or not a use permit is required). [Source: 17.30B.040.A, modified]

Uses That Require a Use Permit Required.

C. Home occupation enterprise uses having with one or more characteristics identified in the following tableTable 17.95-1 (Home Enterprise Permit Requirements) are subject to first securing either a planning Director's Use Permit or Conditional Use Permitplanning Commission issued use permit, prior to commencement of business activity., as follows: [Source: 17.30B.040.B, modified]

1. Any home enterprise use that does not comply with the general provisions and performance standards in Subsections __ and __ shall require a Director Use Permit that may be referred to the Planning Commission at the discretion of the Planning Director. [Source: NEW]

Table 17.95-1—: Home Enterprise ~~Uses That Require a Use Permit~~Use Permit Requirements

~~Home Occupation/Cottage~~Home Enterprise Characteristic	Director Use Permit	~~Planning Commission~~Conditional Use Permit
~~B. Major Home Occupations that require a use permit:~~		
~~1] Major home occupation U~~use ~~is~~ located within 500 feet ~~from of~~ a single-family dwelling ~~located off-site~~(not including the dwelling unit on-site).	X	
~~2] Major home occupations~~Use ~~is~~ located in a ~~Plan Review (PR),~~ Scenic Conservation (SC), Flood Hazard (FH), or Recreational District (RD-1) overlay zone.	X	
~~3] Major home occupation u~~Use, ~~is~~ located on a parcel under 20 acres in size~~, that utilizes~~ and uses ~~area outside a building~~ outdoor areas for storage or to conduct all or part of regular business operations.	X	
~~4] Major home occupation use~~Use ~~is~~ located on property that has vehicle access provided from/by a shared-privately maintained road or driveway. **Required Finding~~:~~.** Adjacent property owners who share use of the road that provides access to the subject property, and/or affected road maintenance association, have been notified of the proposed ~~major home occupation~~home enterprise use. The project as conditioned mitigates potential impacts generated from the business to road maintenance and access.	X	
~~5] Major home occupation u~~Use ~~is~~ located on a parcel under ~~5~~ five acres in size. ~~**Required Finding.**~~ ~~The proposed major home occupation use is located on property that is clearly suitable in size to support the subject business activity without adversely affecting the residential character of the surrounding area, or interfering with the management and utilization of resource lands.~~		X
~~6] Major home occupation use involving retail sales of stocked merchandise, supplies, or products as the primary purpose of the business, and is open to the public.~~ ~~**Required Finding.**~~ ~~The proposed major home occupation is located in a sparsely populated region of Trinity County which lacks conventional commercial zoning, and the related products and services are needed and will be beneficial to the local community.~~		~~X~~
~~7] Major home occupation u~~Use ~~involving has~~ primary hours of operation other than those provided in Section ~~17.30B.060(C)17.95.130(D)(4)~~		X
~~8] Major home occupation u~~The u~~se that~~ satisfies the 2.5 ~~percent%~~ ~~ratio of~~ lot area standard but would exceed 10,000 square feet as provided in Section 17.30B.060(B)(4)		X

~~C.~~D. General ~~P~~provisions. The following general provisions shall apply to all home ~~occupation enterprises and cottage industry uses.~~: [Source: 17.30B.050, modified]

0. Minimum Parcel Size. The minimum size of a parcel in which a home enterprise is to be established shall be five acres. [Source: NEW]

1. Relation to Residential Use.

0.a. The home occupation enterprise activity shall be clearly incidental and secondary to the use of the property as a primary residence. [Source: 17.30B.050.A, modified]

1.b. The home occupation enterpriseuse shall be owned and conducted operated by at least one individual residing on the property. [Source: 17.30B.050.B, modified]

2.c. The operation of the home occupation enterprise use shall not adversely affect the residential character of an the surrounding area, or interfere with the management and utilization use of resource lands. [Source: 17.30B.050.C, modified]

2. Compliance with Other Regulatory Standards.

3.a. The home occupation enterpriseuse shall comply with any applicable standards and permit requirements of the Ccounty Bbuilding Ddepartment, Hhealth Ddepartment's Community Development Department, and local fire protection authority. [Source: 17.30B.050.D, modified]

4.b. The home occupation enterpriseuse shall not discharge or dispose of any materials, fluids, or gases in a manner which is in violation of any applicable government code. [Source: 17.30B.050.E, modified]

5.c. If conflicts occur between this Ssection and other written provisions of the this Zzoning Oordinance, the most restrictive shall apply. [Source: 17.30B.050.F, modified]

6.3. Hours of Operation. The primary hours of operation for home occupations shall be limited to seven 7:00 a.m. to eight 8:00 p.m. Monday through Saturday, and eight 8:00 a.m. to five 5:00 p.m. Sundays. No employee or customer traffic, deliveries, noise, or other aspects of the home occupation enterprise that are noticeable from neighboring residences are permitted allowed after outside primary hours, unless other hours are conditioned allowed with the approval of a Conditional a by Uuse Ppermit. [Source: 17.30B.050.G, modified]

7.4. Parking. Sufficient room shall be available on-site to provide automobile parking for customers, clients, and/or employees related to aThe following parking standards shall apply to all home occupation enterprisesuse, in addition to that parking required for the residential use on the property. The following parking standards shall apply to all home occupation uses: [Source: 17.30B.050.H, modified]

a. Home enterprises with employees who reside off-site: One additional off-street parking space shall be provided for each employee who resides off-site from the businesson the largest shift. [Source: 17.30B.050.H.1, modified]

b. Home enterprises with on-site clients or customers: One additional off-street parking space shall be provided for each five hundred500 square feet of ground or floor area utilized used by customers or clients. . [Source: 17.30B.050.H.2, modified]

8. A proposed home occupation use which has characteristics that exceed the specific performance standards provided for minor home occupations (subsection 17.30B.060(A)) shall qualify as a major home occupation and be subject to the specific standards and permit requirements for a major home occupation use. [Source: 17.30B.050.I]

9.5. Setbacks. All home occupation uses shall be subject to the same property line setback standards as provided in the underlying zone and Section Chapter 17.30D (Accessory Buildings and Uses) of this Ttitle. [Source: 17.30B.050.J, modified]

10.6. On-Site Commercial Vehicle Storage and Maintenance. The storage and/or maintenance of no more than four or more commercial vehicles (three axles or six thousand6,000 + GVW), and/or heavy equipment (ten thousand10,000 + GBW) for use in a business conducted primarily off site (logging, construction, well drilling, etc.), shall be allowed subject property at any given time. Subject to the approval of a Conditional Use Permit, an applicant may request the [parking of more than four commercial vehicles to the specific standards and permit requirements for a major home occupation use. [Source: 17.30B.050.K, modified]

11. Large and small family day care homes, and small residential care facilities, that are licensed by the State Department of Social Services shall qualify as a minor home occupation use (local land use treatment regulated by state law). [Source: 17.30B.050.L]

D.E. Specific Pperformance Sstandards. The following standards shall apply to home enterprises: [Source: 17.30B.060.B; 17.30B.060, modified]

0. Major Home Occupations. The following standards shall apply to major home occupations/cottage industry uses: [Source: 17.30B.060.B]

a. Major home occupation uses shall be allowed only in the "unclassified" (UNC), "rural residential" (RR), "agricultural" (A), and "agricultural forest" (AF) zoning districts on parcels larger than one acre in size, in conjunction with a dwelling unit that exists legally. [Source: 17.30B.060.B.1]

b.0. Noise. Major home occupation uses Activities related to the operation of a home enterprise shall not generate noise which exceeds fifty-five55 dBA as measured at the property line during allowable primary hours of operation. Noise originating from the major home occupationhome enterprise shall not be noticeable or exceed thirty-two32 dBA as measured at the property line after allowableoutside of primary hours of operation. [Source: 17.30B.060.B.2, modified]

1. On-Site Operations. Home enterprises and its principal activities shall be conducted primarily within structures or dwellings on the property, in compliance with the following standards:

c.a. Major home occupation uses that utilize aAreas outside a building of a structure used for storage or to conduct all or part of regular business operations, shall be situated and/or screened by fencing or landscaping, located or screened in a manner not to create a visual nuisance to surrounding

usesso as not to be visible from external property lines, streets, roads, or other public rights-of-way. [Source: 17.30B.060.B.3, modified]

d.b. A major home occupation use, or combination of such uses on a single property, shall not occupyNo more than two and one-half percent of the gross lot parcel area, up to a maximum of ten thousand10,000 total square feet, shall be used for business operations and related activities. Larger area that satisfies the two and one-half percent ration of lot area, but exceeds ten thousand square feet, may be allowed upon issuance of a use permit by the planning commission. [Source: 17.30B.060.B.4, modified]

e.2. Signs. Signage shall be limited to No more than one "appurtenant sign" as provided in Section 30.1 (Sign Standards). [Source: 17.30B.060.B.5, modified]

f. Employees. Major home occupation uses Home enterprises may include employment of a maximum of shall employ no more than three individuals who reside off-site, who report to the property and are engaged in the related business activity occurring on the site, and receive financial or other compensation for services rendered. [Source: 17.30B.060.B.6, modified]

E. Pre-Eexisting Uuses. Home occupation uses enterprises that existed prior to adoption of this Cchapter are subject to the provisions of Chapter 17.33 (Nonconforming Uses). The Pplanning Ddirector shall use the following criteria to establish if a home occupation enterprise qualifies as a legal nonconforming use: [Source: 17.30B.070, modified]

0. Home occupation uses established on property zoned "unclassified" (UNC) prior to March 6, 1985 shall qualify as legal, pre-existing, nonconforming use. [Source: 17.30B.070.A]

Home occupation uses that do not qualify for subsection A above, may apply for a Director's Use Permit within twelve 12 months of the adoption of the this Title ordinance codified in this chapter for a planning director's issued use permit, to qualify for a special pre-existing use status. The Uuse Ppermit shall be issued only if the Pplanning Ddirector determines, after notification of surrounding property owners, that the home occupation use does not present a nuisance to surrounding residences and is consistent with the intent of this Cchapter. [Source: 17.30B.070.B]

The It is the discretion of the Planning Director to include conditions to the Uuse Ppermit may be conditioned, at the discretion of the planning director, to address the specific needs of the business and/or to reduce or eliminate potential impacts from the business on the surrounding area. [Source: 17.30B.070.B]

1.3. At expiration of the twelve12-month special pre-existing use status period, home occupation uses that do not qualify for subsection A above shall fully comply with the provisions of this Sectionchapter, unless additional time is established by action of the Bboard of Ssupervisors. [Source: 17.30B.070.B, modified]

17.95.140 Live/Work Housing

. Purpose. The purpose of this Section is to establish standards that allow for a commercial property to provide a residential unit for the purpose of providing on-site housing for the proprietor or an employee of the established business. [Source: NEW]

A. Applicability. The standards of this Section apply to any property with an existing or proposed commercial business. [Source: NEW]

B. Number of Units Allowed. Up to one residential ~~A single-family~~ dwelling unit is allowed per business located on the parcel. [Source: 17.20.025]

C. Standards. The residential unit shall comply with all of the following standards:

0. Location. The unit shall be ~~provided said use is~~ located on ~~the second~~ an upper story ~~or above~~ or in the rear one-half of ~~any~~ the commercial structure. [Source: 17.20.025, modified]

1. Size. The unit shall ~~and a~~accounts for no more than ~~twenty-five~~ 25 percent of the gross square footage of said structure. [Source: 17.20.025, modified]

~~17.95.120~~2. Occupancy. The unit shall be occupied by either the owner or an employee of the business located on the property. [Source: NEW]

~~17.95.130~~17.95.150 Mobile Home Parks and Special Occupancy Parks ~~and Manufactured Homes Parks~~

. ~~General description~~Purpose. The purpose of this ~~zoning district~~ Section is to ~~provide for suitable sites~~ establish standards for the placement of mobile homes as permanent residences ~~both~~ within mobile and manufactured home parks ~~and on individual lots~~. ~~The mobile home district can be used as an independent or combining district.~~ [Source: 17.27.010, modified]

~~.~~A. Applicability. The standards established in this Section shall apply to all mobile home parks and special occupancy parks where allowed as established in Part 2 of this Code. [Source: NEW]

A. Development and Operational Standards.~~Regulations for mobile home parks and special occupancy parks. [Source: 17.27.020]~~

~~0.~~B. ~~Regulations for Mobile Home Parks and Special Occupancy Parks. The following provisions shall apply to the development, and maintenance of all mobile home parks and special occupancy parks within the independent mobile home zoning district, as well as other zoning districts where specified in the zoning ordinance.~~ [Source: 17.27.020.A, modified]

~~a. A planning commission issued use permit is required for the development of mobile home parks and special occupancy parks, pursuant to Chapter 17.32 of this title. [Source: 17.27.020.A.1]~~

~~b.~~0. Minimum Parcel Size: ~~For subdivision purposes, T~~the minimum parcel size required shall be ~~no less than~~ three acres. [Source: 17.27.020.A.2, modified]

~~c.~~1. Building Height. The maximum building height shall ~~be twenty-five feet~~comply with the underlying zone. [Source: 17.27.020.A.3, modified]

~~d.~~2. Minimum Lot Area Per Mobile Home. ~~.~~ The minimum lot area per mobile home shall be ~~four thousand five hundred~~ 4,500 square feet. ~~Minimum lot areas for recreational vehicles or trailers shall be as specified in the use permit.~~ [Source: 17.27.020.A.4, modified]

3. Setbacks. Mobile home parks shall comply with the following ~~minumum~~minimum setback requirements

~~e.~~a. Front Yard Setback~~: . The front yard setback shall have a minimum depth of twenty feet~~ 25 feet from exterior property lines. [Source: 17.27.020.A.5, modified]

~~f.~~b. Interior Side Yard Setback~~. The interior side yard setback shall be a minimum of six~~ Six feet from exterior property lines. [Source: 17.27.020.A.6, modified]

~~g.~~c. Rear Yard Setback~~. The rear yard setback shall be a minimum of fifteen~~ 15 feet from exterior property lines. [Source: 17.27.020.A.7, modified]

~~h. Development Standards. All development in any mobile home park or special occupancy park shall comply with the following standards: [Source: 17.27.020.A.8]~~

4. ~~Internal Streets~~Circulation and Streets.

~~i.~~a. All private internal streets within the mobile home or special occupancy park shall be not less than ~~thirty~~ 30 feet in width, and in the case of special occupancy parks such roads shall not be less than ~~eighteen~~ 18 feet in width for two-way traffic or ~~twelve~~ 12 feet in width for one-way traffic. All such roads shall have not less than four inches of aggregate base or equivalent. [Source: 17.27.020.A.8.a, modified]

~~ii.~~b. All points of vehicular access to and from public streets shall be approved by the ~~department of transportation~~ Ddirector of the Transportation Department. [Source: 17.27.020.A.8.d]

~~iii.~~c. All mobile homes and other occupancy spaces must be served from internal streets within the mobile home or special occupancy park, and there shall be no direct vehicular access from a mobile home space or a special occupancy space to a public street or alley. [Source: 17.27.020.A.8.e]

~~iv.~~5. Parking. ~~Two off-street parking spaces shall be provided per mobile home. Such parking may be incorporated into the internal street design~~Off-street parking requirements shall comply with Chapter ___ (Parking and Loading Spaces). [Source: 17.27.020.A.8.f, modified]

~~v.~~6. Accessory Buildings. ~~Maximum height, twenty-five feet~~All accessory buildings shall comply with Chapter 17.75 (Accessory Uses and Structures). [Source: 17.27.020.A.8.g, modified]

7. Recreation and Open Spaces

~~vi.~~a. All required open areas shall be maintained in accordance with the approved landscaping or recreation development plan. [Source: 17.27.020.A.8.b]

~~vii.~~b. ~~Recreation or open spaces shall be provided for e~~Each mobile home park ~~shall provide shared recreation or open spaces totaling of an area of~~ at least ~~two thousand~~ 2,000 square feet, ~~plus with one hundred fifty~~ an additional 150 square feet for each mobile home space over ~~ten~~10. ~~This open space may be used in more than one location, but no location~~ No individual open space area shall ~~contain~~ measure less than ~~one thousand~~ 1,000 square feet ~~and . Each recreational space~~ shall be accessible to all ~~of the~~ mobile home spaces in the facility~~, and shall not be used for any other purpose~~. [Source: 17.27.020.A.8.h, modified]

~~viii.~~8. Fences and Walls. ~~The planning commission shall require placement of visual barriers around the perimeter of a~~ The mobile home or special occupancy park shall be enclosed by a visual barrier such as a fence, wall, or vegetation, unless otherwise determined by the Community Development~~Planning~~ Director~~, unless it finds, because of conditions of the size, density, or layout of the home park or because of conditions of the density or type of surrounding development, that such a requirement would be unnecessary and unreasonable. Visual barriers may consist of fences, walls, or vegetation, as specified by the planning commission~~. [Source: 17.27.020.A.8.i, modified]

~~ix.~~9. Landscaping. Landscaping shall ~~be installed and maintained as required by the planning commission~~comply with Chapter ___ (Landscaping). [Source: 17.27.020.A.8.j, modified]

~~x.~~10. Signs. ~~Free-standing signage for the mobile home or special occupancy park shall be subject to the review and approval of the planning director~~Signage shall comply with Chapter ___ (Signs). [Source: 17.27.020.A.8.k, modified]

~~xi.~~ Drainage. A drainage plan shall be submitted for the review and approval of the D~~d~~epartment of T~~t~~ransportation. [Source: 17.27.020.A.8.l, modified]

~~B. "MH" and "MHS" overlays~~Mobile Homes and Manufactured Homes. ~~Mobile homes or manufactured homes located on individual parcels~~ Standards for manufactured homes ~~(mobile homes) located on parcels with mobile home (MH) or mobile homes standards (MHS) overlay~~shall comply with the following standards. ~~[Source: 17.27.030, modified]~~

~~0. Applicability. "MH" or "MHS" appearing after a zone abbreviation on the sectional district maps indicates that the property so classified is subject to the provisions of this subsection addition to those of the underlying zone~~Mobile homes or manufactured homes are allowed in the same zones as single-family dwellings provided all the standards in this Subsection are met. ~~[Source: 17.27.030.A, modified]~~

~~1. Mobile Home or "MH" Overlay. All manufactured homes (mobile homes) placed on parcels with mobile home or "MH" overlay zoning are permitted by right. [Source: 17.27.030.B]~~

~~2. Mobile Home Standards or "MHS" Overlay. Manufactured homes (mobile homes) placed on lots zoned for conventional single-family residential dwellings, and having~~

mobile home standards or "MHS" overlay zoning shall be subject to the following standardsDevelopment Standards: [Source: 17.27.030.C, modified]

a. Roof Standards. The roof of the manufactured home shall: [Source: 17.27.030.C.1]

i. Be designed and manufactured with a minimum 3:12 pitch; [Source: 17.27.030.C.1.a]

ii. Have roofing material which does not produce glare and which meets building and fire code requirements for a single-family dwelling; [Source: 17.27.030.C.1.b]

iii. Be designed and manufactured to meet the snowloadsnow load standard required by the Ccounty building department for construction of a single-family dwelling; and [Source: 17.27.030.C.1.c]

iv. Be designed and manufactured with roof eave and gable overhangs of not less than twelve 12 inches as measured from the exterior wall of the home. The use of gutters are encouraged, but do not contribute to meeting the roof overhang standard. [Source: 17.27.030.C.1.d, modified]

b. Ramadas. Ramada or similar structures shall not be allowed. [Source: 17.27.030.C.2]

c. Siding Material. The manufactured home shall be designed and manufactured with wood or simulated materials. These materials include, but are not limited to, wood lap siding, T1-11 siding, or composite materials manufactured to simulate wood siding. [Source: 17.27.030.C.3]

d. Skirting Standard. If the manufactured home is raised above ground level, the design, manufacture and installation of the manufactured home shall include perimeter skirting matching the home's siding material. The skirting shall be installed prior to issuance of a certificate of occupancy. [Source: 17.27.030.C.4]

e. Mobile Home Certification. The manufactured home shall be certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 5401, et seq.). [Source: 17.27.030.C.5]

f. Manufactured Home Age. The manufactured home shall be manufactured within the past ten 10 years of the application date for the Ccounty Bbuilding Ddepartment installation permit. Once a manufactured home meeting the standards of this section and has been installed on a parcel within an MHS area, it may be relocated to any other parcel in the county, provided that all other installation requirements of the Bbuilding Ccode are met. If the manufactured home is to be relocated to a parcel within an MHS area, then the Bbuilding Ppermit application to relocate the manufactured home must include sufficient information (including recent photographs) demonstrating that it meets all applicable standards of this Ssubsection. [Source: 17.27.030.C.6, modified]

g. Foundation. The manufactured home shall be installed as a permanent residence in accordance with the standards contained in Section 18551 of the California Health and Safety Code, and Section 1333 of Title 25 of the California Administrative Code. [Source: 17.27.030.C.7]

h. Front Entrance. The front entrance porch or deck shall be a covered structure with a roof overhang to complimentcomplement that of the manufactured home. [Source: 17.27.030.C.8]

i. Other Permits Required. The installation of the manufactured home shall meet all other applicable development requirements for construction of a single-family dwelling and the underlying zone. [Source: 17.27.030.C.9, modified]

C. Parcels zoned for single-family dwellings. This subsection shall apply to manufactured homes (mobile homes) to be used as permanent dwellings on parcels where a single-family use is permitted exclusive of mobile home parks, trailer parks, and mobile home (MH) or mobile home standard (MHS) overlay areas. [Source: 17.27.040]

0. Certified Mobile Homes. Mobile homes that are certified under the National Mobile Home Construction and Safety Standards Act of 1974 (42 USC Section 5401, et. seq.), are permitted subject to the following standards: [Source: 17.27.040.A]

a. Foundation. The mobile home shall be placed on a support or foundation system pursuant to Section 18551 of the California Health and Safety Code, and Title 25 of the California Administrative Code. [Source: 17.27.040.A.1]

b. Skirting Standard. Perimeter skirting shall be installed which consists of similar material and design utilized for siding on the mobile. [Source: 17.27.040.A.2]

1. Other Mobile Homes. Mobile homes that are not certified under the National Mobile Home Construction and Safety Standards Act of 1974, or do not meet the requirements of subsection A above are permitted subject to the following: [Source: 17.27.040.B]

a. A planning directorDirector issued use permit shall be required pursuant to Chapter 17.32 of this title. On parcels of less than ten acres, and where the proposed mobile home will be within two hundred feet of an adjacent property line, such permit shall be denied by the planning directorPlanning Director if 51 percent or more of residents or property owners located within a three hundred-foot radius of the subject parcel have submitted written objections to the request. [Source: 17.27.040.B.1]

D. Storage of Mmobile Hhomes. Unoccupied mobile homes or portions thereof that are not fixed to a foundation shall be stored only in a mobile home sales lot, an approved storage yard, or in a mobile home park. [Source: 17.27.050, modified]

E.11. Historic Ddistricts. The installation of manufactured homes o r(mobile homes) shall be precluded from all not be allowed in historical districts of the county which are listed on the National Register of Historic Places. [Source: 17.27.060, modified]

17.95.14017.95.160 Private Stables

. Purpose. The purpose of this Section is to establish standards for the operation and use of stables for the keeping of horses. [Source: NEW]

A. Applicability. The following standards in this Sectionregulations shall apply in all cases where ato any parcel where a Director's Use Permit or Conditional Uuse Ppermit has been issued for the establishment or maintenance of a private stable: [Source: 17.30.040.A.1, modified]

~~.~~B. Standards. Stables shall comply with all of the following standards.

0. Minimum ~~B~~building ~~S~~site ~~A~~area. One acre for the ~~ for the f~~first two horses, plus 20,000 square feet for e~~, e~~ach additional horse. [Source: 17.30.040.A.1, modified]

1. Setbacks. Stables and paddocks shall comply with the following setback requirements except or the setback requirements of the underlying zoning district, whichever is more restrictive.

   a. Front Setback: Minimum of 50 feet

   b. Side Setback: Minimum 20 feet

   c. Rear Setback: Minimum 20 feet

2. Separation from Residential Structures. Stables shall be a minimum of 40 feet from any residential dwelling. [Source: 17.30.040.A.1, modified]

17.95.170 Recreational Activities

~~17.95.150~~17.95.180 Service Stations

. Purpose. The purpose of this Section is to establish design standards for automobile service stations to be compatible with the character of surrounding development. [Source: NEW]

A. Applicability. The standards of this Section shall apply to all service stations as allowed in Part 2 of this Title. [Source: NEW]

~~.~~B. Standards. ~~Standards for service stations.~~ All automobile service stations shall be subject to the following standards. [Source: 17.30.110, modified]

0. ~~In any~~ Design. ~~S~~service stations shall be rustic or semi-rustic in design using wood, brick, stone, or other architectural features to enhance the appearance of the structure. [Source: 17.30.110.A, modified]

1. Roofing. The roofs of all service stations shall be pitched or sloped and shall have a surface of shingles, colored rock, shakes, or similar material. [Source: 17.30.110.B, modified]

17.95.190 Special Event Facility

. Purpose. The purpose of this Section is to establish a process through which special event facilities, as defined in Part 7, can be located in rural areas of the County while also protecting the rural character of surrounding communities and areas. [Source: NEW]

A. Applicability. The standards of this Section shall apply to all special event facilities where allowed as identified in Part 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]

B. Additional Location Requirements

0. Land Conservation and Williamson Act Contracts. Special event facilities shall not be allowed on parcels subject to a Land Conservation or Williamson Act contract, regardless of the underlying zone. [Source: NEW]

1. Parcel Size Requirements. No special event facilities are allowed on parcels less than 10 acres in size, however, if the property owner owns multiple adjacent parcels that total 10 or more acres, a special event facility may be allowed provided that all other standards of this Section are met. [Source: NEW]

C. Exempt Events. For the purposes of this Section, uses that are accessory to a single-family residential use, including private parties, private gatherings, and similar private activities that are not subject to an agreement or contract between a private individual or group and the property owner are not defined as a special event facility and are not subject to the standards established in this Section. [Source: NEW]

D. Permit Required. Special event facilities are subject to either a Director Use Permit or Conditional Use Permit as follows: [Source: NEW]

0. Small Special Event Facilities. Event facilities that meet the following criteria are subject to a Director Use Permit, in compliance with Chapter ___ (Director Use Permit): [Source: NEW]

a. Hosts 18 or fewer events per calendar year;

b. No individual event lasts for more than two consecutive days;

c. No event involves more than 200 guests or attendees at any time during the event; and

d. Is located on a parcel at least 10 acres in size.

1. Medium Special Event Facilities. Event facilities that meet the following criteria are subject to a Director Use Permit, in compliance with Chapter ___ (Director Use Permit): [Source: NEW]

a. Hosts 18 or fewer events per calendar year;

b. No individual event lasts for more than two consecutive days;

c. No event involves more than 300 guests or attendees at any time during the event; and

d. Is located on a parcel at least 20 acres in size.

2. Large Special Event Facilities. Event facilities that meet the following criteria are subject to a Conditional Use Permit, in compliance with Chapter ___ (Conditional Use Permit): [Source: NEW]

a. No event involves more than 500 guests or attendees at any time during the event; and

b. Is located on a parcel at least 40 acres in size.

c. The Planning Commission shall establish a maximum number of events allowed per calendar year as part of the Conditional Use Permit.

3. Annual and One-Time Events.

E. Operational Standards. All special event facilities shall comply with the following minimum requirements unless otherwise stated in an approved Director Use Permit or Conditional Use Permit. Additional requirements may be required as a condition of a Director Use Permit or Conditional Use Permit. It is the responsibility of the property owner to continuously comply with the following requirements and/or all requirements established by an approved Director or Conditional Use Permit. [Source: NEW]

0. Event Duration. The event duration, not including set-up or take-down, per day shall not exceed 12 hours per day. [Source: NEW]

1. Amplified Sound. Activities involving amplified sound shall only occur between the hours of 9:00 a.m. and 10:00 p.m. [Source: NEW]

2. Overnight Camping. On-site overnight camping associated with the event may be allowed, subject to a Special Occupancy Park Permit from the California Department of Housing and Community Development. [Source: NEW]

3. Vacation Rentals. A maximum of two vacation rentals may be developed on-site in conjunction with the special event facility. Vacation rentals shall comply with all applicable development code standards for vacation rentals. [Source: NEW]

4. Noise. Noise generated by an event, including amplified sound, shall not exceed 60 dBa at all property lines. If three or more complaints on three separate occasions are submitted regarding noise generated by a special event facility, the County may require the facility's operator to have a study conducted by a qualified acoustical consultant that includes recommendations for noise mitigation measures. The County shall have the authority to require the property owner to implement the recommendations from the study. [Source: NEW]

5. Access. All roadways from the nearest major collector or arterial roads serving the special event facility shall comply with appliable California Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds, and turnouts. [Source: NEW]

6. Parking. All special event facilities shall provide one off-street parking space for every four people based on maximum occupancy of events. Design and development standards shall comply with Chapter __ (Off-Street Parking and Loading). [Source: NEW]

7. Public Health. Special event facilities shall provide a potable domestic water supply and an on-site sewage disposal or sewer service connection necessary to accommodate all special events in compliance with the requirements of the Environmental Health Division. Bottled water and/or porta-potties may be provided to meet this requirement on a temporary basis, as determined appropriate by the Environmental Health Division. [Source: NEW]

8. Setbacks. Setbacks for all structures associated with the special event facility, permanent and temporary, shall be a minimum of 50 feet from parcel lines and adjoining road easements, Parking lots, parking lot access, and parking spaces may be located within the road easement setback area. [Source: NEW]

9. Lighting. All new exterior/outdoor lighting shall be shielded, and directed so that no direct light falls outside the parcel line, or onto the public. [Source: NEW]

10. Signs. All permanent and temporary signs shall comply with Chapter ___ (Signs). [Source: NEW]

11. Dust Control. Dust shall be minimized by reducing vehicle speeds on driveways and parking areas, and, during dry conditions, the application of water or other approved dust palliative. Paving or gravel of appropriate depth may also be provided. [Source: NEW]

12. Liability Insurance. Proof of current and up-to-date liability and property damage insurance or bonding shall be provided to the Community DevelopmentPlanning Director before any events take place on site. [Source: NEW]

13. Building Occupancy. All structures to be used as part of the event facility shall obtain the required permit(s) for occupancy, including all applicable Fire Code requirements. [Source: NEW]

14. California Building Code Compliance. All requirements of California Building Code and applicable accessibility laws shall be met for the structures and facilities. [Source: NEW]

15. Additional Permits. The property owner is responsible for obtaining all other applicable permits based on the activities and/or development that will take place as part of the special event facility. Other permits may include, but are not limited to, a Building Permit, Grading Permit, liquor license from the California Alcohol and Beverage Control (ABC), or Food Facilities Permit. [Source: NEW]

16. Fire Safe Standards. Projects shall implement all fire safe standards required by CAL FIRE. [Source: NEW]

17. Non-Compliance. Non-compliance with operational standards or conditions of approval adopted for a project may result in the revocation of the permit to operate the facility. [Source: NEW]

17.95.200 Tiny Home Villages

. Purpose. The purpose of this Section is to establish standards for tiny home villages as defined in Section 17 (Residential Land Use Definitions). [Source: NEW]

A. Number Allowed. Groups of three (3) or more tiny home units on one (1) parcel with common facilities. The number of units is subject to limitations of the site, shall not exceed a density greater than allowed by the General Plan for residential zones and all structures must comply with California Residential Building Code.

B. Permit Requirements. See Permitting Process for Director Use Permits and Conditional Use Permits.

C. Standards. See table _____ for performance standards where this use is allowed by-right, with a director use permit, or with conditional use permit. Tiny Homes must adhere to Trinity County Building Code for design and building standards for the individual units within the Tiny Home Village.

	Allowed by-right	Director Use Permit	Conditional Use Permit	Director Use Permit *	MU
Zone	R-3	R-2	R-1	C-1, C-2, HC, C-3	MU Low Density and MU High Density
General Plan Density (units per acre)	12-24	5-12	1-4	0-24	Low: 1-4 High: 5-24
Waste Water Disposal	Must be connect to Sewer System	Must be connected to Sewer System	Must be connected to sewer or adequate septic disposal	Must be connected to sewer (over 10 units) or adequate septic disposal (under 10 units).	Low: Must be connected to sewer or adequate septic disposal. High: Must be connected to sewer.
Solid Waste Disposal	Centralized outside garbage disposal and routine drop off at a land fill transfer station or pick up. Must be in bear proof containers.				
Open-space	Must have protected open-space between units and community used structures. Can have outdoor dining, recreation/outdoor activities, fenced pet park, community gardens, native landscaping **, pathways, and similar uses within open-space areas. Must not have vehicular traffic entering this protected space.				
Specific Parking and loading standards	See Parking Standards _____ for number of spaces. Parking is not to enter protected open-space areas but can be located on the outskirts between units or on the outside edge of units. Kitchen/Other Community Structures parking and loading can occur in designated area outside the protected open-space. A Circulation Plan will be required for Director Use Permits and Conditional Use Permits.				
Community Structures	There must be safe and easy access from all units that community structures serve. Examples of structures: pool, library, childcare, laundry facilities, art/business/game center, community hall, playground, and etc.				
HCD Requirements	Mobile Home Park/Special Occupancy Park Permit require for more than one manufacture home or mobile homes.				

Land Use Overlaps	If Tiny Home Village is being utilized for Supportive or Transitional housing, then the zones that allow Supportive/Transitional housing will be followed for the permitting (or use allowed by-right) but the performance standards from this section will apply.
Table Notes	*If thresholds are exceeded or if location within the zone are determined by the Director to unsuitable with land uses in the area; a conditional use permit may be required for the project to be evaluated by the Planning Commission ** If native plants are not utilized for landscaping the MWELO application may be required. See Landscape Code

~~17.95.160~~

~~0.~~

Chapter 17.100

Wireless Telecommunication Facilities

Chapter 17.100 Wireless Telecommunication Facilities

Sections

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17.100.00 Purpose and Intent

The purpose of this Chapter is to establish standards for the design, placement, and operation of wireless telecommunication facilities in the County. These standards are intended to promote public safety, community welfare, and the visual quality of the County in compliance with the General Plan, while providing for the installation of new communication facilities in compliance with the Telecommunications Act of 1996.

17.100.10 Applicability

The standards established in this Chapter shall apply only to major wireless communication facilities, and the following modifications to existing major wireless communication facilities that substantially change the appearance of the structure on which it is located., ~~as determined by the Planning Director:~~ [Source: NEW]

~~Modifications to preexisting wireless telecommunication facilities. [Source: NEW]~~

~~Wireless telecommunication facilities added to an approved co-located or multiple-user wireless telecommunication facility. [Source: NEW]~~

~~Wireless telecommunication facilities located on the exterior of a structure, including water tanks. [Source: NEW]~~

~~Wireless telecommunication facilities located on an electrical transmission tower or utility pole. [Source: NEW]~~

17.100.20 Exemptions

The following facilities are exempt from the standards established in this Chapter:

. Minor Wireless Telecommunication Facility. A facility accessory to and located on the same parcel as another use where the facility is meant to provide service to the occupants of the parcel. Such facilities may include, but are not limited to: [Source: NEW]

A. Wireless telecommunication facilities, community networks, or neighborhood repeaters that provide service to occupants other than those on the parcel on which the facility is located and that comply with the following criteria: [Source: NEW]

0. The facility is located, designed, and screened to blend in with the existing natural or built surroundings; [Source: NEW]

1. The facility is compatible with neighboring development with consideration to massing, location, and height; [Source: NEW]

2. The facility complies with all applicable radio frequency emissions regulations of the Federal Communications Commission; and [Source: NEW]

3. A plan for a wireless communication facility, community network, or neighborhood repeater shall be submitted to the Community Development~~Planning~~ Director providing the following information to demonstrate that the facility complies with the criteria listed above: [Source: NEW]

a. A map showing the location of the proposed facility and all land uses adjacent to the parcel; [Source: NEW]

b. A map identifying the boundaries of the area that will be served by the proposed facility and all related facilities within the County that are part of the same network of coverage as the proposed facility; [Source: NEW]

c. Proof of legal access to the parcel on which the proposed facility is to be located; [Source: NEW]

d. The design of the facility and any accessory equipment, including a visual simulation with mock-ups or photomontages, to demonstrate that it will blend with its surroundings; [Source: NEW]

e. The telecommunication towers are designed in a way to prevent or deter climbing to reduce the potential for trespass and injury; and [Source: NEW]

f. A plan identifying the source of power to the proposed facility. [Source: NEW]

B. All wireless telecommunication facilities located a minimum of 1,000 feet from the nearest property line and public road easements and rights-of-way, and on parcels that cannot be subdivided. [Source: NEW]

C. All wireless telecommunication facilities specifically established for and used temporarily during a declared local, State, or Federal emergency or disaster. [Source: NEW]

17.100.30 Permit and Application Requirements

. Permit Required. All wireless telecommunication facilities in the County, except as established in Section 17.100.030 (Exemptions), shall be installed or erected in compliance with the permit requirements established in this Section and Part 2 of this Title. [Source: NEW]

A. Replacement and Removal of Transmission Equipment. The removal or replacement of transmission equipment is allowed by right provided that removal or modification does not significantly change or alter the facility. For the purpose of this Subsection, to “change” or “alter”

shall mean to increase the visual impacts of the facility, and/or to modify the physical dimensions of the existing facility (i.e., height). [Source: NEW]

B. Co-located Facilities. Co-located facilities are allowed by right when proposed to be co-located on a facility that was complies with all of the following: [Source: NEW]

0. The facility is in compliance with all current zoning regulations;

1. The facility was previously subject to discretionary review;

2. The facility has an adopted environmental impact report, negative declaration, or mitigated negative declaration in compliance with the California Environmental Quality Act, and the co-location facility incorporates all required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration. [Source: NEW]

C. Facilities in Public Right-of-Way. Wireless telecommunication facilities and equipment (i.e., microcell, small cell, other co-located facilities), when affixed to County-owned facilities (i.e., streetlights, utility poles) in the public right-of-way, shall be required to obtain an Encroachment Permit. [Source: NEW]

17.100.40 Application Requirements

When a Director Use Permit or Conditional Use Permit is required, the permit application shall include all of the following, in addition to any materials required in compliance with Chapter ___ (Director Use Permit) and Chapter ___ (Conditional Use Permit): [Source: NEW]

. Map. A map showing the location of the proposed facility and all parcels, zoning, and existing land uses within 500 hundred feet of the boundaries of the parcel on which the facility is proposed. [Source: NEW]

A. Design. The design of the facility, including a cross-sectional area and/or silhouette of the proposed facility. [Source: NEW]

B. Visual Impact Analysis. A visual impact analysis drawn to scale, including a visual impact demonstration through mock-ups or photo simulations, story poles, elevations or other visual or graphic illustrations of the facility. The purpose of the analysis is to determine potential visual impacts of the proposed facility including structure design and height, size and massing of structure(s), proper coloration, material reflectivity, and blending of the facility with the proposed site. [Source: NEW]

C. Boundary Map(s). Map(s) identifying the boundaries of the area that will be served by the proposed facility. [Source: NEW]

D. Service Providers Existing Network. A map, if applicable, showing how the proposed facility fits into the service provider's network of existing and proposed facility sites. This map, or an additional map, shall show all similar or related facilities within a five-mile radius of the project site that are part of the same network of coverage as the proposed facility. [Source: NEW]

E. Alternative Sites Analysis. An analysis showing that all alternate sites for placement of the facility have been considered and analyzed and reasons for their rejection. The alternative site analysis shall include a table indicating why each of these other sites was rejected or found inferior to the proposed site. The analysis shall also address alternatives to reduce visual

impacts, economic impacts, and other potential environmental impacts. The analysis may be required to provide alternative types of facilities that may be utilized to achieve similar or same coverages with different technological approaches and design. [Source: NEW]

F. Landscape Plan. A landscape plan that shows existing vegetation, indicating any vegetation proposed for removal, and identifying proposed plantings by type, size, and location. [Source: NEW]

G. Radiation Analysis and Summary. A report or summary of the estimates of the nonionizing radiation generated by the facility (EMF/RF Study). The report shall include estimates of the maximum electric and magnetic field strength at the edge of the facility site, and the extent that measurable fields extend in all directions from the facility. The report shall be prepared by an appropriately licensed professional stating that the system, including the antennas and associated base transceiver stations, conforms to the radio-frequency radiation emission standards adopted by the Federal Communications Commission (FCC). [Source: NEW]

H. FCC Certification. A copy of the certification from the FCC specifying that the facility's radio frequency emissions will comply with the application regulations of the FCC. [Source: NEW]

I. National Environmental Policy Act (NEPA) Checklist. The FCC's National Environmental Policy Act (NEPA) Checklist for all applications for service providers who will be using the facility. Additional information required by the FCC to satisfy compliance with NEPA when required by the FCC for issuance of a license to operate wireless communication facilities. [Source: NEW]

J. Marking of Hazards Statement. A statement as to how the facility satisfies the recommendations outlined in the Federal Aviation Administration's (FAA) Advisory Circular pertaining to the marking of hazards. [Source: NEW]

K. Security and Safety Plan. Information addressing security considerations, including exterior lighting, fencing, gates, and access. [Source: NEW]

L. Electrical Service Plan. A plan identifying the source of power to the proposed facility. If electrical service is proposed, the plan shall include the location of proposed overhead or underground distribution lines to extend service to the proposed facility. [Source: NEW]

17.100.50 Service Gap Exception

. The Community Development~~Planning~~ Director may consider an application for a wireless telecommunication facility in a location at which it would otherwise be prohibited, excluding setback standard requirements, if the applicant establishes that: [Source: NEW]

0. The facility is necessary to comply with Federal law; or [Source: NEW]

1. The facility will fill an existing significant gap in the applicant's communication service to remote users. [Source: NEW]

A. The applicant shall establish that there is no alternative to the proposed location, and that the manner in which it proposes to fill the service gap complies in all other respects with the provisions established in this Chapter. These requirements may be waived if an applicant establishes an inability to comply with these provisions that would prevent the facility from being constructed at that location. As a condition of approval of a Director Use Permit for a wireless

telecommunication facility to fill a service gap, the Community Development~~Planning~~ Director may require the facility to be designed and used as a co-location or multiple user facility. [Source: NEW]

17.100.60 General Development and Design Standards

The following development and design standards shall apply to all proposed wireless telecommunication facilities. These standards shall be applicable for the life of the project. [Source: NEW]

. Stealth Design. State of the art stealth design technology shall be used as appropriate to the site and type of facility. Where no stealth design technology is proposed for the site, a detailed analysis as to why stealth design technology is physically and technically infeasible for the project shall be submitted with the application. [Source: NEW]

A. Color and Material. All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a nonreflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. [Source: NEW]

B. Setbacks. All equipment and structures associated with the wireless telecommunications facility shall comply with the minimum setback requirements of the underlying zone as established in Part 2 of this Title. [Source: NEW]

C. Height. The following height requirements shall apply: [Source: NEW]

0. Minimum Functional Height. All wireless telecommunication equipment and support structures shall be designed to be the minimum functional height required to support the proposed facility. [Source: NEW]

1. Ground-Mounted Facilities. Ground-mounted facilities and/or equipment (e.g., towers, antennas) shall not exceed 150 feet in height. [Source: NEW]

2. Structure-Mounted Facilities. Structure-mounted facilities and equipment shall not exceed 15 feet above the height limit of the underlying zone or 15 feet above the top of the structure in which it is mounted, whichever is less. [Source: NEW]

D. Equipment Shelters/Appurtenant Structures. All equipment shelters and appurtenant structures shall be screened from adjacent properties and public roadways. [Source: NEW]

E. Lighting. Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night. [Source: NEW]

F. Signs. No signs shall be located on a support tower or equipment shelter except for required warning and safety signs. The use of any portion of a communication facility for signs other than warning or equipment information signs is prohibited. [Source: NEW]

17.100.70 Noise

Wireless telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to neighboring uses. The following measures shall be implemented to minimize disruption: [Source: NEW]

. Construction. Construction activities shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday, Sunday, and County holidays, unless otherwise approved by the Community Development~~Planning~~ Director. [Source: NEW]

A. On-Site Generators. All generators shall be enclosed within structures and insulated to minimize off-site noise impacts in compliance with Section (Noise) and the General Plan. [Source: NEW]

B. Equipment Testing and Maintenance. Exterior testing of equipment and maintenance activities shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the wireless communication system. [Source: NEW]

C. Noise Exposure. The facility shall not exceed the normally acceptable Community Noise Exposure Ldn or CNEL range between dB 50 and 60 at any property line of the parcel on which it is located. [Source: NEW]

17.100.80 Co-Located and Multiple User Facilities

. All co-located and multiple user wireless telecommunication facilities shall be designed to promote and enable facility and site sharing, including but not limited to parking areas, access roads, utilities, and equipment structures. The purpose of this requirement is to minimize overall visual impact of wireless communication facilities to the community. [Source: NEW]

A. Any new facility shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity. Requests for facility space use and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the Department. Co-location is not required in cases where the addition of the new services or facilities would cause quality of service impairment to the existing facility or if it would be necessary for the host to go off-line for a maximum of 24 hours. [Source: NEW]

B. Approval for the establishment of facilities on a site or parcel already improved with an existing microwave band or other public service use or facility which is anticipated to create interference as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. The applicant shall be responsible for paying all costs associated with the relocation of these facilities. [Source: NEW]

C. Co-located and multiple user facilities shall comply with FCC regulations. [Source: NEW]

17.100.90 Abandonment of the Facility

A major wireless communication facility which has not been used for a period of 18 months shall be deemed abandoned and shall be removed in compliance with the agreement to maintain and remove the facility in compliance with Section 17.100.110 (Agreement and Security to Maintain and Remove). [Source: NEW]

17.100.100 Agreement and Security to Maintain and Remove

. Agreement. An agreement to maintain the wireless telecommunication facility or to remove it upon abandonment of the facility or upon determination that the facility has become structurally obsolete shall be signed by the owner of the property on which the facility is proposed. The agreement shall be submitted to the Community Development Director, along with a security in the form of a surety bond, an irrevocable letter of credit, assigned certificate of deposit or other security as approved by the Community Development Director, to guarantee maintenance and removal of the major wireless communication facility before issuance of a Building Permit for the facility. [Source: NEW]

A. Security Amount. The amount of security shall be based upon an engineer's estimate submitted by the property owner for the cost of maintaining the facility over the life of the facility and the cost to remove the facility. A surety bond or irrevocable letter of credit shall be adjusted for inflation every three years by the facility owner and the updated instrument shall be provided to the Community Development Director. [Source: NEW]

B. Binding Agreement. The agreement shall bind the property owner and the property owner's successors-in-interest to properly maintain the exterior appearance and structural integrity of and ultimately remove the facility in compliance with the provisions of this Chapter and any conditions of approval of the Administrative Use Permit. It shall further bind the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the County for all costs incurred to perform any work required of the applicant by the agreement that the applicant fails to perform. It shall also specifically authorize the County or its agents to enter into the agreement on behalf of the County. [Source: NEW]

C. Lien. If payment is not made, and the required service is not performed, a lien will be rendered by the County on the real property for the actual cost to the County to abate the situation resulting from the failure of performance of the terms of the agreement. [Source: NEW]

~~17.100.00~~

Chapter 17.105~~0~~

Surface Mining

Chapter 17.105 Surface Mining

Sections

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17.105.10 Purpose and Intent

A. The County of Trinity recognizes that the extraction of minerals is essential to the continued economic well-being of the county and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect ~~the~~ public health and safety. The Ccounty also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly. [Source: 17.30A.010]

B. The purpose and intent of this ~~section~~ Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA," Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Section 8, Subchapter 1, Sections 3500 et seq.), to ensure that: [Source: 17.30A.010]

1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition, which is readily adaptable for alternative land uses. [Source: 17.30A.010.A]

2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment. [Source: 17.30A.010.B]

3. Residual hazards to ~~the public~~public health and safety are eliminated. [Source: 17.30A.010.C]

17.105.20 Applicability

. Applicable ~~zoning districts~~Zones. Surface ~~mines~~ mining shall be allowed in ~~any zoning district~~compliance with Part 2 of this Title and with the approval of a Conditional Uuse Ppermit and reclamation plan~~, except for the following zoning districts:~~ [Source: 17.30A.040, modified]

~~0. Single-family residential (R-1);~~

~~1. Duplex residential (R-2);~~

~~2. Multi-family residential (R-3);~~

~~3. Highway commercial (HC);~~

~~4. Retail commercial (C-1);~~

~~5. General commercial (C-2); and~~

~~6. Heavy commercial (C-3).~~

A. Scope. Except as provided in this Cchapter, no person shall conduct surface mining operations unless a Conditional Uuse Ppermit, reclamation plan, and financial assurances for reclamation have first been approved by the Ccounty. Any applicable exemption from this requirement does not automatically exempt a project or activity from ~~the application of~~ other regulations, ordinances or policies of the Ccounty, including but not limited to, the application of CEQA, the requirement of other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Cchapter shall apply to all lands within the Ccounty, public and private. This Cchapter shall not apply to the following activities, subject to the above-referenced exceptions: [Source: 17.30A.050, modified]

0. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster. [Source: 17.30A.050.A]

1. Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions: [Source: 17.30A.050.B]

a. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA," Public Resources Code, Division 13, Section§ 21000 et seq.). [Source: 17.30A.050.B.1, modified]

b. The Cc~~o~~unty's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA. [Source: 17.30A.050.B.2]

c. The approved construction project is consistent with the Gg~~g~~eneral Pp~~l~~an or zoning of the site. [Source: 17.30A.050.B.3, modified]

d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued. [Source: 17.30A.050.B.4]

2. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions: [Source: 17.30A.050.C]

a. The plant site is located on lands designated for industrial or commercial uses in the county's general plan. [Source: 17.30A.050.C.1]

b. The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the county. [Source: 17.30A.050.C.2]

c. None of the minerals being processed are being extracted onsite. [Source: 17.30A.050.C.3]

d. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred onsite after January 1, 1976. [Source: 17.30A.050.C.4]

3. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand cubic yards in any one location of one acre or less over the life of the mine. [Source: 17.30A.050.D]

4. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose. [Source: 17.30A.050.E]

5. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. [Source: 17.30A.050.F]

6. Emergency excavations or grading conducted by the CA Dd~~D~~epartment of Ww~~W~~ater R ~~r~~esources or the ~~reclamation board~~Surface Mining and Geology Board for the purpose of

averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies. [Source: 17.30A.050.G]

7. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with State Mining and Geology Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post-closure uses in consultation with the Ddepartment of Fforestry and Ffire Pprotection. This exemption does not apply to onsite excavation or grading that occurs within one hundred feet of a Class One watercourse or seventy-five feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes. [Source: 17.30A.050.H]

8. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions: [Source: 17.30A.050.I]

   a. The operations are being conducted in accordance with Division 3 (commencing with Section 3000) of the State Mining and Geology Board's regulations; [Source: 17.30A.050.I.a]

   b. The operations are consistent with the Ccounty's general plan or zoning applicable to the site; [Source: 17.30A.050.I.b]

   c. The earthmoving activities are within oil or gas field properties under a common owner or operator; and [Source: 17.30A.050.I.c]

   d. No excavated materials are sold for commercial purposes. [Source: 17.30A.050.I.d]

9. An exemption under this title does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the county, including but not limited to the application of CEQA (Public Resources Code Section 21000 et seq.), the requirement of use permits, grading permits, or other permits or the imposition of monitoring fees or exactions as may be permitted by law. [Source: 17.30A.050.J]

10. Any person desiring a determination of exemption from this chapter may request such a written determination by submitting a complete written description of the proposed project or activity and its location together with a filing fee to the ~~planning department~~Planning Division. [Source: 17.30A.050.K]

17.105.30 Incorporation by Reference

Incorporation by reference. The provisions of SMARA (PRC Section§ 2710 et seq.), Public Resources Code Section 2207, and state regulations California Code of Regulations §§ Section 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this Cchapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Cchapter are more restrictive than correlative Sstate provisions, this Cchapter shall prevail. [Source: 7.30A.030, modified]

17.105.40 Vested Rights

. No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a Conditional Use Ppermit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, Sstate regulations, and this sectionChapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, he they shall obtain Ccounty approval of a reclamation plan covering the mined lands disturbed by such subsequent surface mining. [Source: 17.30A.060, modified]

A. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976). [Source: 17.30A.060]

B. No new vested right operations shall be recognized after January 2001. [Source: 17.30A.060]

C. All other requirements of S state law and this chapter shall apply to vested mining operations. [Source: 17.30A.060, modified]

17.105.50 Mineral Resource Protection

. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Cchapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the county's Ggeneral Pplan. [Source: 17.30A.190, modified]

A. In accordance with PRC Section§ 2762, the Ccounty's Ggeneral Pplan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within twelve months of receipt from the State Mining and Geology Board of such information. [Source: 17.30A.190, modified]

B. Land use decisions within the Ccounty will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts. [Source: 17.30A.190, modified]

17.105.60 Process

. Applications for a Conditional Uuse Ppermit and/or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the Pplanning Ddepartment. Said application shall be filed in accordance with this Cchapter and procedures established by the planning directorin Chapter [Conditional Use Permits]. [Source: 17.30A.070.A, modified]

A. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (Sections§ 2772-2773), and Sstate regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, to be established at the discretion of the Community DevelopmentPplanning Ddirector. As many copies of the reclamation plan as may be required by the Community DevelopmentPplanning Ddirector shall be submitted to the Pplanning Ddepartment. [Source: 17.30A.070.B]

B. As many copies of a reclamation plan application as may be required shall be submitted in conjunction with all applications for use permits for surface mining operations. For surface mining operations that are exempt from a Conditional Uuse pPermit pursuant to this Ssection, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan. All documentation for the reclamation plan shall be submitted to the county at one time. [Source: 17.30A.070.C]

C. Applications shall include all required environmental review forms and information prescribed by the planning directorCommunity DevelopmentPlanning Director and shall be accompanied by aerial photographs. The information shall include a site plan and benchmark elevations. These benchmarks shall be maintained throughout the life of the project. Applications for operations located in areas that may potentially be unstable due to geology, soils, or slope; and applications for operations located in areas with ultramafic soils or soils that may contain naturally occurring asbestos shall submit a geotechnical report that describes possible geological hazards and recommends mitigation to minimize potential impacts from any hazard identified. The geotechnical report shall meet the standards stated in Recommended Procedures for Implementation of DMG Special Publication 117: Guidelines for Analyzing and Mitigating Landslide Hazards in California, published by the American Society of Civil Engineering and Southern California Earthquake Center for slope stability analysis. Asbestos shall be evaluated as required by the Air Resources Board Guidelines. [Source: 17.30A.070.D]

D. Upon completion of the environmental review procedure and filing of all documents required by the planning directorCommunity DevelopmentPlanning Director, consideration of the Conditional Use Permit use permit or reclamation plan for the proposed or existing surface mine shall be completed pursuant to Chapter 17.32 (Conditional Use Permit) of the Trinity County Zoning Ordinance at a public hearing before the Planning Commission, and pursuant to Section 2774 of the Public Resources Code. [Source: 17.30A.070.E, modified]

E. Within thirty 30 days of acceptance of an application for a use permitConditional Use Permit for surface mining operations and/or a reclamation plan as complete, the planning departmentPlanning Division shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the one hundred100-year flood plain of any stream, as shown in Zzone A or Zone AE of the flood insurance rate maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any Sstate highway bridge, the planning departmentPlanning Division shall also notify the State Department of Transportation that the application has been received. Whenever mining operations are proposed within one mile, upstream or downstream, of any county bridge, the planning departmentPlanning Division shall also notify the Trinity County

Department of Transportation that the application has been received. [Source: 17.30A.070.F, modifeid]

F. The ~~planning department~~Planning Division shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the Cc~~o~~unty's environmental review guidelines. [Source: 17.30A.070.G, modified]

~~G. Subsequent to the appropriate environmental review, the planning department shall prepare a staff report with recommendations for consideration by the planning commission. [Source: 17.30A.070.H]~~

~~H. The planning commission shall hold at least one noticed public hearing on the use permit and/or reclamation plan. [Source: 17.30A.070.I]~~

~~I.~~G. Prior to final approval of a reclamation plan, financial assurances (as provided in this Cc~~h~~apter), or any amendments to the reclamation plan or existing financial assurances, the Pp~~l~~anning Cc~~o~~mmission shall certify to the State Department of Conservation that the reclamation plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Pp~~l~~anning Cc~~o~~mmission may conceptually approve the reclamation plan and financial assurance before submittal to the State Department of Conservation. If a ~~use permit~~Conditional Use Permit is being processed concurrently with the reclamation plan, the Pp~~l~~anning Cc~~o~~mmission may simultaneously also conceptually approve the ~~use permit~~Conditional Use Permit. However, the Pp~~l~~anning Cc~~o~~mmission may defer action on the ~~use permit~~ Conditional Use Permit until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the Pp~~l~~anning Cc~~o~~mmission may conditionally approve the ~~use permit~~application with the condition that the ~~planning department~~Planning Division shall not issue the Conditional U~~u~~se Pp~~e~~rmit for the mining operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances. [Source: 17.30A.070.J, modified]

~~J.~~H. Pursuant to PRC Section§ 2774(d), the State Department of Conservation shall be given ~~thirty~~ 30 days to review and comment on the reclamation plan and ~~forty-five~~45 days to review and comment on the financial assurance. The Pp~~l~~anning Cc~~o~~mmission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. ~~In particular, when~~When the Pp~~l~~anning Cc~~o~~mmission's position is at ~~variance with~~varies from the recommendations and objections raised in the Ss~~t~~ate's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. [Source: 17.30A.070.K, modified]

~~K.~~I. Copies of any written comments received and responses prepared by the Pp~~l~~anning Cc~~o~~mmission shall be promptly forwarded to the operator/applicant. [Source: 17.30A.070.L, modified]

~~L.~~J. The Pp~~l~~anning Cc~~o~~mmission shall then take action to approve, conditionally approve, or deny the application for the Conditional U~~u~~se Pp~~e~~rmit and/or reclamation plan, and to approve the

financial assurances pursuant to PRC Section§ 2770(d). [Source: 17.30A.070.M, modified]

~~M.~~K. The ~~planning department~~Planning Division shall forward a copy of each approved Conditional Use Permit~~use permit~~ for mining operations and/or approved reclamation plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1 of each calendar year, the ~~planning department~~Planning Division shall submit to the State Department of Conservation for each active or idle mining operation a copy of the ~~use permit~~Conditional Use Permit or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year. [Source: 17.30A.070.N, modified]

~~N.~~L. Reclamation plan and ~~use permit~~Conditional Use Permit amendments shall be submitted to the ~~planning department~~Planning Division for review and approval prior to implementation. Substantial deviations from the approved reclamation plan or ~~use permit~~Conditional Use Permit, as determined by the ~~planning director~~Community Development~~Planning~~ Director, shall require Pplanning Ccommission approval. Minor amendments from the approved reclamation plan may be approved by the ~~planning director~~Community Development~~Planning~~ Director. All amendments to reclamation plans shall be forwarded to the Ddepartment of Cconservation for comment prior to approval. The Ddepartment of Cconservation shall have ~~thirty~~ 30 days to comment on the amendment prior to approval by the ~~planning director~~Community Development~~Planning~~ Director or the Pplanning Ccommission. If an amendment is approved, the financial assurances shall be amended accordingly prior to implementation of the reclamation plan or ~~use permit~~Conditional Use Permit amendment. [Source: 17.30A.070.O, modified]

17.105.70 Standards for Reclamation

. Standards for Rreclamation. [Source: 17.30A.080, modified]

0. All reclamation plans shall comply with the provisions of SMARA (Section§ 2772 and ~~§~~ Section 2773) and Sstate regulations (California Code of Regulations ~~§§~~ Sections 3500—3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously approved reclamation plans, shall also comply with the requirements for reclamation performance standards (California Code of Regulations Sections ~~CCR §§~~ 3700—3713). [Source: 17.30A.080.A, modified]

1. The Ccounty may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of countywide performance standards. [Source: 17.30A.080.B, modified]

2. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the Ccounty. Each phase of reclamation shall be specifically described in the reclamation plan and shall include: [Source: 17.30A.080.C, modified]

a. The beginning and expected ending dates for each phase; [Source: 17.30A.080.C.1]

b. All reclamation activities required; [Source: 17.30A.080.C.2]

c. Criteria for measuring completion of specific reclamation activities; [Source: 17.30A.080.C.3]

d. Estimated costs for completion of each phase of reclamation. [Source: 17.30A.080.C.4]

3. Reclamation shall commence within ~~thirty~~ 30 days after operations have ceased in any area which will not be subject to additional mining, or in any section of a mining operation which has become idle, unless an interim reclamation plan has been submitted to the Cc~~e~~ounty for review. [Source: 17.30A.080.D, modified]

A. Statement of R~~r~~esponsibility. The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said statement shall be kept by the ~~planning department~~Planning Division in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the ~~planning department~~Planning Division for placement in the permanent record, which is dated to correspond with the change in ownership. [Source: 17.30A.090, modified]

B. Hold H~~h~~armless A~~a~~greement. The mine operator and owner of the property to be mined shall sign an agreement which holds the County of Trinity and the State of California harmless from any and all claims, litigation, and damages, including costs of repair, related to and/or arising from environmental contamination from hazardous materials caused by the mining operations. The form of said document shall be approved by Cc~~e~~ounty Cc~~e~~ounsel prior to submittal. The hold harmless agreement shall be submitted to the Cc~~e~~ounty prior to commencement of mining operations and shall become part of the permanent record for the mine operation. [Source: 17.30A.100, modified]

17.105.80 Findings for Approval

. Conditional Use Permits. In addition to any findings required for Conditional Use Permits established in Chapter ~~ (Conditional Use Permit) by the Trinity County Zoning Ordinance~~, Conditional U~~u~~se P~~p~~ermits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and S~~s~~tate regulations. [Source: 17.30A.110.A, modified]

A. Reclamation Plans. For reclamation plans, the following findings shall be required: [Source: 17.30A.110.B]

0. That the reclamation plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions; [Source: 17.30A.110.B.1]

1. That the reclamation plan complies with applicable requirements of S~~s~~tate regulations (CCR §§ 3500—3505, and §§ 3700—3713). [Source: 17.30A.110.B.2, modified]

2. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with this Cehapter and the ~~county's general plan~~ General Plan~~and any applicable resource plan or element~~. [Source: 17.30A.110.B.3, modified]

3. That the reclamation plan has been reviewed pursuant to CEQA and the Ceounty's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible. [Source: 17.30A.110.B.4, modified]

4. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values. [Source: 17.30A.110.B.5]

5. That the reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the general plan and applicable resource plan. [Source: 17.30A.110.B.6]

6. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that department. Where the Ceounty's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted. [Source: 17.30A.110.B.7, modified]

7. That adequate financial assurances exist to implement the reclamation plan and any additional conditions of approval required by the ~~use permit~~Conditional Use Permit. [Source: 17.30A.110.B.8, modified]

17.105.90 Conditions of Approval

. All conditions of approval shall be incorporated into the operating plan and reclamation plan for the mining operation prior to commencement. [Source: 17.30A.120]

A. The following conditions shall be incorporated as conditions of approval for ~~use permits~~ Conditional use Permits for every mining operation: [Source: 17.30A.120, modified]

0. All mining operations and activities; method of mining and equipment used; and area to be mined shall be those described in the approved final reclamation plan. ——The limits of the mine area (described in the reclamation plan, and identified on the aerial map included in the plan) shall be flagged and posted on the site and benchmarks shall be established. The mine operation boundaries and benchmarks shall be maintained throughout the life of the mine for easy identification during operations and annual inspections. [Source: 17.30A.120.A]

1. The reclamation plan shall be amended if site conditions, mining operations, or other activities necessitate a re-evaluation of mine operations and reclamation in relation to standards contained in Section 3700 et Seq. (Article 9, Reclamation Standards) of the California Code of Regulations, including any amendments to the standards. [Source: 17.30A.120.B]

2. A copy of the approved reclamation plan and all ~~use permit~~Conditional Use Permit conditions shall be maintained on the mine site during active mining operations. [Source: 17.30A.120.C, modified]

3. Operations shall comply with all local, Sstate, and Ffederal regulations. [Source: 17.30A.120.D, modified]

4. Copies of all required local, Sstate, and Ffederal permits associated with the project, or verification that a permit is not required, shall be submitted to the ~~planning department~~Planning Division prior to mining operations. Subsequent updates of permits shall also be supplied to the ~~planning department~~Planning Division and shall be maintained as part of the active mine's file. [Source: 17.30A.120.E, modified]

5. Materials safety data sheets shall be maintained on site for all hazardous materials. A map showing the location of any hazardous materials storage areas shall also be maintained on site. A copy of this information shall be submitted to the ~~Trinity County Planning Department~~Planning Division and the local fire department. Absorbent materials for cleanup of hazardous materials shall be maintained on site at all times. The location of these materials shall be identified on the hazardous materials storage map. Any spillage of hazardous materials including fuels, lubricants, solvents, etc. shall be immediately contained. Cleaning materials and contaminated materials shall be disposed of according to state regulations. [Source: 17.30A.120.F, modified]

6. Fuel storage on the project site shall be in approved fuel storages containers. All fuel storage containers shall have a non-permeable, secondary containment system. [Source: 17.30A.120.G]

7. Any other conditions deemed necessary by the Pplanning Ceommission. [Source: 17.30A.120.H, modified]

17.105.100 Financial Assurances

. To ensure that reclamation will proceed in accordance with the approved reclamation plan, the county shall require, as a condition of approval, security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method acceptable to the county and the State Mining and Geology Board as specified in Sstate regulations, and which the Ceounty reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the County of Trinity and the State Department of Conservation. [Source: 17.30A.130.A, modified]

A. Financial assurances will be required to ensure compliance with elements of the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary. [Source: 17.30A.130.B]

B. Cost estimates for the financial assurance shall be submitted to the ~~planning department~~Planning Division for review and approval prior to the operator securing financial

assurances. The ~~planning director~~Community Development~~Planning~~ Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within ~~forty-five~~45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the Ccounty has reason to determine that additional costs may be incurred. The ~~planning director~~Community Development~~Planning~~ Director shall have the discretion to approve the financial assurance if it meets the requirements of this chapter, SMARA, and state regulations. [Source: 17.30A.130.C, modified]

C. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates shall be prepared by a qualified professional, with experience in preparing financial assurance estimates, retained by the operator and approved by the ~~planning director~~Community Development~~Planning~~ Director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances. [Source: 17.30A.130.D, modified]

D. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the county or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site. [Source: 17.30A.130.E]

E. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required). [Source: 17.30A.130.F]

F. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year. [Source: 17.30A.130.G]

G. Revisions to financial assurances shall be submitted to the ~~planning director~~Community Development~~Planning~~ Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and

anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required. [Source: 17.30A.130.H, modified]

H. Financial assurances shall include the cost of removal of all structures and equipment associated with the surface mine operation. Salvage value for equipment and structures shall not be used in calculations for financial assurances. [Source: 17.30A.130.I]

17.105.110 Interim Management Plans

. Within ~~ninety~~ 90 days of a surface mining operation becoming idle, the operator shall submit to the ~~planning department~~Planning Division a proposed interim management plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all ~~use permit~~Conditional Use Permit conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the ~~planning department~~Planning Division, and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review, unless the IMP substantially deviates from the approved reclamation plan. [Source: 17.30A.140.A, modified]

A. Financial assurances for idle operations shall be maintained as though the operation were active. [Source: 17.30A.140.B]

B. Upon receipt of a complete proposed IMP, the ~~planning department~~Planning Division shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least thirty days prior to approval by the Pplanning Ccommission. [Source: 17.30A.140.C, modified]

C. Within ~~sixty~~ 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the ~~planning director~~Community Development~~Planning~~ Director and the operator, the ~~planning director~~Community Development~~Planning~~ Director shall review and approve or deny the IMP in accordance with this Cchapter. The operator shall have ~~thirty~~ 30 days, or a longer period mutually agreed upon by the operator and the ~~planning director~~Community Development~~Planning~~ Director, to submit a revised IMP. The ~~planning director~~Community Development~~Planning~~ Director shall approve or deny the revised IMP within ~~sixty~~ 60 days of receipt. If the ~~planning director~~Community Development~~Planning~~ Director denies the revised IMP, the operator may appeal that action to the Pplanning Ccommission. [Source: 17.30A.140.D, modified]

D. The IMP may remain in effect for a period not to exceed five years, at which time the Pplanning Ccommission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan. [Source: 17.30A.140.E, modified]

17.105.120 Annual Report Requirements

. Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the ~~county planning department~~Planning Division on a date established by the State Department of Conservation, upon forms furnished by the State Mining

and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within ~~thirty~~ 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report. [Source: 17.30A.150, modified]

17.105.130 Fees

. The Cc~~o~~unty shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Cc~~h~~apter and the Ss~~t~~ate regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the Cc~~o~~unty, at the time of filing of the Conditional U~~u~~se P~~p~~permit application, reclamation plan application, and at such other times as are determined by the Cc~~o~~unty to be appropriate in order to ensure that all reasonable costs of implementing this Cc~~h~~apter are borne by the mining operator. [Source: 17.30A.180, modified]

A. Inspection fees shall be due and payable within ~~ninety~~ 90 days of the inspection date. Failure to pay inspection fees shall be grounds for revocation of the ~~use permit~~Conditional Use Permit, in addition to any other remedies available to the Cc~~o~~unty. [Source: 17.30A.180, modified]

17.105.140 Inspections

. The ~~planning department~~Planning Division shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in Section 12.14, to determine whether the surface mining operation is in compliance with the approved ~~use permit~~ Conditional Use Permit and/or reclamation plan, approved financial assurances, and Ss~~t~~ate regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a Ss~~t~~ate-registered geologist, Ss~~t~~ate-registered civil engineer, Ss~~t~~ate-licensed landscape architect, or Ss~~t~~ate-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous ~~twelve~~ 12 months, or other qualified specialists, as selected by the ~~planning director~~Community Development~~Planning~~ Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board. [Source: 17.30A.160, modified]

A. The ~~planning department~~Planning Division shall notify the State Department of Conservation within ~~thirty~~ 30 days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection. [Source: 17.30A.160, modified]

B. Additional inspections may be performed by the ~~planning department~~Planning Division throughout the year. These inspections may be performed at the request of the operator, the ~~planning department~~Planning Division, or in response to a written complaint. [Source: 17.30A.160]

17.105.150 Violations and Penalties

If the ~~planning director~~Community Development ~~Planning~~ Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Cchapter, the applicable ~~use permit~~Conditional Use Permit, any required permit and/or the reclamation plan, the Ccounty shall follow the procedures set forth in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions ~~of the Trinity County Zoning Ordinance~~this Title for revocation and/or abandonment of a ~~use permit~~Conditional Use Permit which are not preempted by SMARA. [Source: 17.30A.170, modified]

Chapter 17.110

Temporary Uses

Chapter 17.110 Temporary Uses

Sections

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17.110.00 Purpose and Intent

The purpose of this Chapter is to establish regulations that allow for short-term activities that may not otherwise be allowed in the underlying zone. It is the intent of this Chapter to ensure temporary uses are compatible with surrounding uses and are not a detriment to the general public health and safety. [Source: NEW]

17.110.10 ~~General Requirements~~Permit Requirements

. Permit Requirements

0. Temporary Use Permit. Except as provided in Subparagraph B.2, all temporary uses are subject to the approval of a Temporary Use Permit in compliance with Chapter 17.135 (Temporary Use Permits). Temporary uses may include, but are not limited to: [Source: NEW]

a. Storage yards, sheds, and offices operated in conjunction with an approved construction project but located on a different site than the approved construction project. [Source: NEW]

b. Entertainment and assembly events (e.g., carnivals, car shows, circuses, concerts, festivals) not associated with a special event facility or other facility permitted to hold entertainment events. [Source: NEW]

c. Swap meets, flea markets, rummage sales, and similar events held on private property. [Source: NEW]

d. Seasonal sales unless related to and located within an existing business. [Source: NEW]

1. No Permit Required. The following temporary activities are allowed without the approval of a Temporary Use Permit: [Source: NEW]

a. Temporary car washes (e.g., school fundraising event) when operated in compliance with local and State regulations. [Source: NEW]

b. On-site storage yards, sheds, and offices when operated in conjunction with an approved construction project. [Source: NEW]

c. Emergency public health and safety facilities established by a public agency. [Source: NEW]

d. Entertainment or assembly events held within auditoriums, stadiums, special event facilities, or other facilities intended for assembly, provided the event is consistent with the intended use of the facility. [Source: NEW]

e. Events operated by the County. [Source: NEW]

f. Events held on school grounds and that are in conjunction with the school use. [Source: NEW]

g. Garage and yard sales held on private property, provided they occur no longer more than two consecutive days and up to four times per calendar year. [Source: NEW]

h. Private parties held on private property where there is no sale of food or beverage to attendees. [Source: NEW]

17.110.20 General Development Standards

. Conformance with Underlying Zone. Temporary uses and activities shall comply with the standards for off-street parking, setbacks, and other development standards of the underlying zone or category of use as determined by the Community Development~~Planning~~ Director. [Source: NEW]

A. Long-Term Improvements. Improvements to the property shall not exceed the duration of the temporary use, including but not limited to landscaping and paving. [Source: NEW]

B. Duration of Use. The duration of temporary use shall not exceed 12 months. [Source: NEW]

C. Access and Circulation. All temporary uses shall provide efficient and orderly ingress and egress from the site. [Source: NEW]

D. Fire Protection. All temporary uses are subject to review by the Fire Service District in which the parcel is located. [Source: NEW]

E. Food and Alcohol.

0. Any food or beverage served or sold as part of the temporary use shall comply with the California Retail Food Code (Section 113700 of the Health and Safety Code). [Source: NEW]

1. The sale and service of alcoholic beverages shall be conducted in compliance with State law and is subject to any applicable permit(s) as required by the County or State Department of Alcoholic Beverage Control. [Source: NEW]

F. Site Maintenance. All temporary uses shall be kept clean and organized. Temporary use operators shall restore all areas used for the activity, including contiguous public roads, sidewalks, rights-of-way, and easements to substantially the same condition as existing prior to the activity following the conclusion of the use. [Source: NEW]

~~17.110.00~~G. Additional standards may be required at the discretion of the Community Development~~Planning~~ Director (e.g., security, medical services) due to the size, nature, or location of the activity. [Source: NEW]

~~17.110.10~~17.110.30 Temporary Residential Caretaker ~~Family Care~~ Units

. Purpose. The purpose of this Section is to provide support housing for special needs households by allowing for caretakers to reside in a recreational vehicle (RV) or mobile home on the same property as a primary resident requiring in-home care. [Source: NEW; 2025 Housing Element]

A. Applicability. This Section applies to all single-family residential zones on parcels where an existing residential unit is located. [Source: NEW]

B. Permit Required. A Director Use Permit is required for residential caretaker units in compliance with Chapter (Director Use Permits). [Source: Ordinance 315-802, modified]

C. Development Standards for Residential Caretaker Units. All residential caretaker units shall comply with all of the following criteria: ~~Family Care Mobile Homes and Recreational Vehicles.~~

~~.~~0. Number Allowed. Up to ~~O~~one mobile home or ~~recreational vehicle~~RV in addition to the principal~~a~~ dwelling unit otherwise permitted under this ~~ordinance~~ Title may be temporarily placed on a parcel ~~if all of the following criteria are met:~~ [Source: Ordinance 315-802, modified]

1. Occupancy. The temporary mobile home or ~~recreational vehicle~~ RV is for the exclusive use ~~and~~ as a temporary ~~home~~ residential unit by either: [Source: Ordinance 315-802, modified]

a. A designated caretaker ~~to provide~~providing in-home care to an ~~grandparent or grandparents, parent or parents, siblings or children, or other immediate family member of the~~ occupant of the principal dwelling unit; or [Source: Ordinance 315-802, modified]

~~0.~~b. The individual requiring care, where the principal dwelling is the occupied by the caretaker~~the principal dwelling unit may be designated as the family care residence, in which case the temporary mobile home or recreational vehicle shall be utilized by the family member providing the care; and~~ [Source: Ordinance 315-802, modified]

2. Written Verification of Need. The Adult Services Dedivision of the County Department of Health and Human Services has provided written verification to the ~~Planning Director~~Community Development~~Planning~~ Director confirming that there is an existing medical or other need for temporary in-home care. Subject to the restrictions of HIPPA, the written verification shall be satisfactory if ~~a clinician provides~~ the following information is provided:

a. ~~written substantiation~~Confirmation of the necessity of care and/or the individual(s) are senior citizens of at least 62 years of age;~~.~~

~~1.~~b. ~~The written verification shall be in~~ Includes sufficient detail ~~so that the Planning Director, or the Planning Commission, can determine what~~ regarding what

services are required to enable the person to be maintained in ~~his or her home~~a residential environment, rather than being placed in a skilled nursing facility or other housing facility. The assets or income of the person or the family shall not be a factor determining the need for in-home care. [Source: Ordinance 315-802, modified]

~~2.~~c. ~~Written verification by~~ Adult Services provides an description as to why ~~that~~ the intended occupant(s) of the mobile home or ~~recreational vehicle~~ RV cannot reasonably be housed in the principa~~l~~le dwelling unit on site. ~~Said~~ This ~~written verification~~ description shall state the limitations of the principa~~l~~le dwelling and the needs of the proposed occupant that establish the mobile home or ~~recreational vehicle~~ RV is necessary. [Source: Ordinance 315-802, modified]

3. Requirements of the County's Community Development Department ~~Health Department, the Building Department,~~ and other public agencies have been met, including the requirement to connect to all utilities such as power, water, and septic. [Source: Ordinance 315-802]

4. The mobile home or ~~recreational vehicle~~ RV ~~shall~~ meet~~s~~ any required snow load requirement which may include the construction of a ramada to protect the unit. [Source: Ordinance 315-802, modified]

5. ~~A "recreational vehicle"~~ The RV ~~that may be utilized~~ used under these provisions ~~shall be limited to~~ is a Class A or C motor home~~s~~, travel trailer~~s, or and~~ fifth wheels. ~~It specifically does not include s~~Slide in truck campers, folding camp trailers, or van conversions are prohibited for use as a residential caretaker unit.

~~5.~~6. Residential caretaker ~~The~~ units ~~shall~~ contain complete provisions for independent living including specified areas and facilities for living, food preparation, and sanitation. [Source: Ordinance 315-802, modified]

~~6.~~D. Required Placard Identification. All ~~such~~ residential caretaker units shall post a placard issued by the County in a clearly visible location ~~a placard to be issued by the County of Trinity~~ on the mobile home or RV that ~~will~~ indicate~~s~~ the ~~subject~~ unit is currently permitted under ~~these provisions~~this Section. [Source: Ordinance 315-802, modified]

~~17.110.20~~

~~17.110.30~~17.110.40 ~~—~~ **~~Operational and Development Standards~~ Temporary Asphalt or Concrete Batch Plants, Portable Rock Screening or Crushing Units**

~~A. Purpose. The purpose of this Section is to establish standards for the Temporary Asphalt or Concrete Batch Plants, Portable Rock Screening or Crushing Units. [Source: 17.30.020.E]~~

~~A.~~ ~~t~~Temporary operation of a portable asphalt or concrete batch plant, portable rock screening unit or crusher and/or similar uses as determined by the Community Development~~Planning~~ Director or Planning Commission~~planning commission~~. Examples of such projects include, but are not limited to,: ~~t~~The construction, maintenance or repair of roads, bridges, airports, flood

control facilities, utilities, bicycle or pedestrian paths; and improvement projects for fish and wildlife habitat.

~~B.~~A. Applicability. [Source: 17.30.020.E.2.c]

0. This Ssection applies only to processing of materials derived from sources that are in compliance with, or exempt from, the Surface Mining and Reclamation Act (SMARA). [Source: 17.30.020.E.2.c.ii]

1. This Ssection does not apply to:

~~1.~~a. ~~M~~mining. [Source: 17.30.020.E.2.c.i]

~~2.~~b. ~~This section does not apply to s~~Sites within the Shasta-Trinity National Recreation Area (RD-1), a Sscenic Cconservation Ooverlay zone (SC), ~~flood hazard zone (FH), F~~flood Hhazard Ooverlay zone (FHO), ~~special treatment overlay zone (ST)~~ or on Sstate or Ffederal land. [Source: 17.30.020.E.2.c.iii, modified]

~~a.~~B. Duration. The Temporary Uuse Ppermit shall specify the length of time the ~~temporary~~ use is permitted to operate, ~~not but shall not~~ to exceed ~~two years~~ 24 months without ~~further~~ additional review or renewal by the ~~planning commission~~Community Development~~Planning~~ Director. [Source: 17.30.020.E.1, modified]

C. Permit Required. The o~~O~~peration of a portable concrete batch plant and/or rock sorting (screening) unit ~~may be permitted~~ is allowed in any ~~district~~ zone subject to a ~~planning director~~Temporary Use Permit ~~issued use permit, pursuant to Chapter 17.32 of this title~~in compliance with Chapter ___ (Temporary Use Permits). The permit shall be specific for each site, rather than for a specific operator or piece of equipment. ~~The permit and shall be renewable~~ may be renewed annually with Community Development~~Planning~~ Director review. [Source: 17.30.020.E.2.a.vii; 17.30.020.E.2, 17.30.020.E.2.c.iv, modified]

~~a.~~D. Permit Application. In addition to the application requirements for a Temporary Use Permit as established in Chapter ___ (Temporary Use Permits), a Temporary Use Permit application for a portable concrete catch plant or similar use shall include all of the ~~, if all of the~~ following ~~criteria are met~~: [Source: 17.30.020.E.2]

~~i. Site Plan. The issuance of a planning director's use permit shall be subject to the following processing requirements: [Source: 17.30.020.E.2.a]~~

~~(1)~~0. A site plan ~~shall be submitted with the application,~~ indicating the location of rivers, streams and riparian areas, distance to closest residences, access points from public roads, and the proposed location of batch plants, aggregate processing equipment, generators, utilities, fuel storage, concrete washouts, materials stockpiles, water storage tanks, fencing, saturation facilities, equipment and materials storage areas, parking areas and any other appurtenant facilities. [Source: 17.30.020.E.2.a.i, modified]

1. Fire Plan. ~~The application shall include a~~A fire plan that includes the following:~~,~~

a. ~~A designating an~~ designated individual responsible for ~~its~~ fire plan implementation. ~~,~~ [Source: 17.30.020.E.2.a.iii, modified]~~The plan shall include~~

b. Aa description of the fire equipment to be kept on site, [Source: 17.30.020.E.2.a.iii, modified]

c. (minimum: Spark arresters on internal combustion engines, fire extinguishers and a water tank or trailer with a minimum of three hundred gallons), Sstorage locations of any flammable materials, and [Source: 17.30.020.E.2.a.iii, modified]

(2)d. Aany site-specific fire prevention measures such as vegetation clearing (no riparian vegetation removal), mowing, designated smoking areas, and reporting procedures in the event of a fire. [Source: 17.30.020.E.2.a.iii, modified]

(3)2. Water Source. The application shall identify tThe water source that will be used for initial fire suppression, processing, water and dust suppression shall be indicated on the application. If water is to be drafted from a stream or river, a permit or agreement must be obtained from California Department of Fish and Game. [Source: 17.30.020.E.2.a.iv, modified]

(4)3. Encroachment Permit. If the entrance to the batch plant will encroach onto a Ccounty road or Sstate highway, the applicant shall submit an encroachment permit application to Trinity County Department of Transportation for operations accessing Ccounty roads, or to Caltrans for operations accessing directly onto a Sstate highway. The Temporary Uuse Ppermit shall not be valid until an approved encroachment permit or waiver bas been issued and all required improvements have been made. [Source: 17.30.020.E.2.a.v, modified]

E. Other Department and Agency Review.

(5)0. Airport Land Use Commission (ALCU). All proposals for concrete batch plants and/or rock processing operations within two miles of a public airport, or within a designated airport influence area, shall be subject to review and approval by the Trinity County Airport Land Use Commission (ALUC) unless and until the ALUC has delegated such review to the planning directorCommunity DevelopmentPlanning Director or certified building official, through a resolution or through adoption of an airport land use compatibility plan. These approvals, if applicable, shall be obtained prior to approval of the Temporary Uuse Ppermit. [Source: 17.30.020.E.2.a.vi, modiifed]

(6)1. Fire District. The local fire district shall be notified of the location and duration of the batch plant operation. [Source: 17.30.020.E.2.a.ii, modified]

D.F. Operational Standards. The batch plant shall be operated under all of the following conditions: [Source: 17.30.020.E.2.b, modified]

0. Minimum On-Site Fire Equipment. The batch plant shall have, at minimum, the following fire suppressing equipment on-site:

a. (minimum: Spark arresters on internal combustion engines

b. , Ffire extinguishers

a.c. and aA water tank or trailer with a minimum of three hundred 3002500 gallons of water.),

i.1. State and Regional Standards. The portable concrete batch plant, rock screening plant and any diesel generators must comply with all applicable California Air Resources Board and North Coast Unified Air Quality Management District rules and regulations. [Source: 17.30.020.E.2.b.i]

ii.2. Dust Suppression. Roads, operations areas, and stockpiles that emit visible dust during operations shall be wetted, treated with dust palliative, or covered/surfaced to minimize dust emissions. [Source: 17.30.020.E.2.b.ii, modified]

iii.3. Utility Hookups. Any utility hookups shall require a Ceounty Bbuilding Ppermit. [Source: 17.30.020.E.2.b.iii, modified]

iv.4. Lighting. If nighttime lighting is deemed necessary for security reasons, light beams shall be directed away from, or shielded from, nearby sensitive receptors such as roadways, residences, hotels, motels, campgrounds, hospitals, and nursing homes, and similar land uses. [Source: 17.30.020.E.2.b.iv, modified]

v.5. Parking. Off-street parking areas shall Adequate parking area must be provided on site for all trucks, equipment, and employee and owner vehicles within the limits of the batch plant property. [Source: 17.30.020.E.2.b.v, modified]

vi.6. Portable concrete plants and aggregate processors shall not produce material for retail sale within ten road miles of a permitted permanent plant producing a similar product, unless the portable operation is part of a construction project and produces material only for that project or unless the temporary plant was established on the site prior to the start of operations at the permanent plant. [Source: 17.30.020.E.2.b.vi]

vii.7. Hours of Operation. Operations shall be limited to seven 7:00 a.m. to seven 7:00 p.m. Monday through Saturday. (Additional or more restrictive hours of operation may be, unless otherwise specified by the planning directorCommunity DevelopmentPlanning Director.) [Source: 17.30.020.E.2.b.vii, modified]

viii.8. Separation from Sensitive Receptors. Concrete batch plants and rock screening oOperations shall be located no closer than six hundred 600 feet from a residence, hotel, motel, campground, school, day care center, hospital, nursing home, meeting hall, church, library or museum, unless such structures are occupied. (These requirements are waived for structures on the same parcel as the operation and/or structures occupied by the owner or operator of the operation. Shorter distances may be allowed by the planning directorCommunity DevelopmentPlanning Director if it can be demonstrated that a noise barrier (such as a solid wall, hill, bluff, or thick vegetation) will effectively reduce noise levels to fifty-five 55 dB Leq at outdoor activity areas of the nearest sensitive land use.) [Source: 17.30.020.E.2.b.viii, modified]

9. Waterway Setbacks. Batch plants, sorters, stockpiles, concrete washout areas or fuel storage areas shall not be located within the following distances (whichever is further) fromcomply with the minimum setbacks established in Table 17.105-1: [Source: 17.30.020.E.2.b.ix, modified]

Table 17.105-1: Minimum Setbacks ~~for Batch Plants, Sorters, Stockpiles, Concrete Washout Areas, or Fuel Storage Areas~~from Waterways

~~Setback From:~~ Waterway	Top of Bank	Outer Dripline of Riparian Trees
Rivers and forks of rivers:	150 feet	75 feet
Perennial tributaries:	100 feet	50 feet
Intermittent streams:	50 feet	25 feet

~~ix.~~10. Fuel Storage. Fuel storage tanks shall have secondary containment one and one-half times the capacity of the original container. Containment may be prefabricated material, concrete, or berms of earth, straw bales or sand bags lined with plastic or other impermeable material. [Source: 17.30.020.E.2.b.x]

~~x.~~11. Washout Facility. Concrete batch plants shall include a concrete washout facility constructed of prefabricated material, concrete, or berms of earth, straw bales or sand bags lined with plastic or other impermeable material. [Source: 17.30.020.E.2.b.xi]

~~xi.~~12. Sanitation Facilities. Sanitation facilities shall be provided and adequately maintained. [Source: 17.30.020.E.2.b.xii]

~~xii.~~13. Signs. ~~Advertising signs shall not be erected on site or off site. Directional signs shall be limited to a maximum size of three feet by three feet~~Signs shall comply with Chapter __ (Signs). [Source: 17.30.020.E.2.b.xiv, modified]

14. Historic and Cultural Resources.

~~xiii.~~a. In the event that previously unidentified cultural or paleontological resources are encountered during operations, there shall be no further excavation or disturbance of that area. The owner/developer shall avoid the materials and their context. The Community Development ~~Trinity County Planning Director~~Planning Director shall be notified immediately, and an archaeologist consulted to determine if the find is significant and make recommendations for appropriate mitigation. Work shall not continue in the area until mitigations have been implemented and written authorization to resume work has been provided by the ~~planning director~~Community Development~~Planning~~ Director. [Source: 17.30.020.E.2.b.xv, modified]

~~xiv.~~b. In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he/she will contact the Native American Heritage Commission who will contact the most likely descendent who will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. Work shall not continue in the area until the human remains have been dealt with according to the recommendations of the county coroner, Native American Heritage Commission and/or the most likely descendent. [Source: 17.30.020.E.2.b.xvi]



17 – Zoning Code

Part 4 – Standards for Specific Land Uses

ADMINISTRATIVE DRAFT

JANUARY 2026

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Chapter 17.75

Accessory Uses and Structures

Chapter 17.75 Accessory Uses and Structures

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17.75.020 Applicability
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17.75.040 Residential Use of an Accessory Structure
17.75.050 Attached Accessory Structures
17.75.060 Detached Accessory Structures

17.75.00 Purpose and Intent

The purpose of this Chapter is to establish location and development standards for accessory structures and uses to ensure compatibility with the primary use of the parcel. except where more restrictive requirements are established by other sections of this title. [Source: 17.30D.005, modified]

17.75.10 Applicability

. The standards established in this Chapter shall apply to all accessory uses and structures, except where more restrictive requirements are established by other Sections of this Title. [Source: 17.30D.005, modified]

A. The standards of this Chapter do not apply to accessory dwelling units (ADUs). ADUs shall comply with the standards established in Chapter 17.80 (Accessory Dwelling Units). [Source: NEW]

17.75.20 General Standards

Accessory uses and structures shall be incidental, compatible, and accessory to the principal use of the parcel and shall not alter the character of it. [Source: 17.30D.010, modified]

0. For example- on a Rural Residential Parcel less than 10 acres, an Apiary requires a Director Use Permit. However an Apiary is described as 10 or more beehives, else it is considered a hobby. With less than 10 beehives it would be considered an accessory use and allowed on a rural residential parcel that has less than 10 acres.

1. An example of accessory buildings and uses normally incidental to the uses allowed by-right could be barn, animal pens, and hoop houses for agriculturally based uses. [Source: 17.13A.040.A]

2. See Home Occupation and Home Enterprise sections for findings and parameters for Accessory Uses.

17.75.30 Residential Use of an Accessory Structure

It shall be unlawful and a violation of this Title for any person to use any garage, barn, stable, or other accessory structure for residential purposes without first obtaining any permits to support a legal conversion of use. [Source: 17.30D.020, modified]

17.75.40 Attached Accessory Structures

Accessory buildings which are attached to the primary use building or dwelling (e.g.. garage attached to a house, storage shed attached to the side of a business) are allowed in any zone, provided the following standards are met: [Source: 17.30D.030, modified]

. Minimum Driveway. Any accessory structure to be used for the parking or storing of vehicles shall be located on a parcel in a way that allows for a driveway measuring a minimum of 20 feet in length between the accessory structure and any road easement, right-of-way line, or alley. [Source: 17.30D.030.A, modified]

A. Setbacks. Attached accessory structures shall comply with all applicable setback requirements as the primary structure, except where more restrictive setback standards are established by other Sections of this Title, the Trinity County Floodplain Ordinance, or by the Trinity County Fire Safe Ordinance. [Source: 17.30D.030.B, modified]

17.75.50 Detached Accessory Structures

. Detached accessory buildings (e.g., garages, carports, agricultural structures, wood sheds) are allowed in any zone and shall comply with all of the following requirements, except where more restrictive standards are established elsewhere in this Title, the Trinity County Floodplain Ordinance, or by the Trinity County Fire Safe Ordinance: [Source: 17.30D.040, modified]

0. Timing of Construction. Accessory buildings, temporary structures, and swimming pools shall be constructed or otherwise established at the same time as, or after the main building or use, except where earlier construction is allowed as follows: [Source: 17.30D.040.A, modified]

   a. A Director Use Permit is obtained, in compliance with Chapter __ of this Title, that states an accessory structure can be constructed before the primary structure, except as provided in Subparagraphs b and c below.. [Source: 17.30D.040.A.1, modified]

   b. Agricultural Accessory Structures. Construction of agricultural structures, including but not limited to barns, agricultural equipment sheds, and coops, shall be allowed before the primary structure is built, provided the structure is in compliance with all other applicable standards established in this Chapter and California Building Code. [Source: 17.30D.040.A.2, modified]

   c. A one-story garage or storage shed not exceeding 750 square feet in floor area may be constructed prior to the primary residential structure in the "RR", "A", "AF", and "TPZ" zones. [Source: 17.30D.040.A.3, modified]

1. General Setbacks. Detached accessory buildings shall be subject to the following driveway and setback standards. [Source: 17.30D.040.B, modified]

a. Minimum Driveway. Any accessory structure to be used for the parking or storing of vehicles shall be located on a parcel in a way that allows for a driveway with a minimum length of 20 feet between the accessory structure and any road easement, right-of-way line, or alley. [Source: 17.30D.040.B.1, modified]

b. Setbacks. Detached accessory buildings and uses in all zones, except as provided in Subparagraph b(i) below, shall comply with the minimum setbacks established in Table __ (Minimum Setbacks for Detached Accessory Structures). [Source: 17.30D.040.B.3, modified]

i. Commercial, Industrial, and Public Facility Zones. Detached accessory buildings and uses located in any commercial, industrial, or public facility zone ("MUL, MUH", "C1", "C2", "C3", "HC", "I", or "PF") shall meet the same setback requirements as the primary structure. [Source: 17.30D.040.B.2, modified]

Table __: Minimum Setbacks for Detached Accessory Structures

Location	Minimum Setback
Front	20 feet
Road easement or right-of-way 1] If situated along the front yard 2] If situated along the side or rear yards	 20 feet 10 feet
Interior side	5 feet
Street side (corner parcels)	10 feet
Rear	5 feet
Rear (alley)	10 feet

2. Maximum Height.

a. The maximum height for a detached accessory structure shall be limited to 25 feet, except as provided in Subparagraph 3(b). An increase to the maximum allowable height may be allowed with the approval of a Directors Use Permit in compliance with Chapter 17.___ (Directors Use Permit) of this Title.

b. Agricultural structures shall comply with the maximum height requirements for the underlying zone. [Source: 17.30D.040.C, modified]

Chapter 17.80

Accessory Dwelling Units

Chapter 17.80 Accessory Dwelling Units

Sections

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17.80.030 Application
17.80.040 General Plan Density Exemption
17.80.050 Definitions.
17.80.060 Process and Timing.
17.80.070 Development Standards.
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17.80.100 Location
17.80.110 Number of Units Allowed Per Parcel
17.80.120 Development Standards
17.80.130 Deed Restriction

17.80.00 Purpose and Intent

The purpose of this Chapter is to establish standards and procedures for constructing accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs) in compliance with California Government Code Section 66310 et seq, and ensuring such units are compatible with existing development. [Source: 17.30.040.C.1, modified] It is the intent of this subsection to provide a procedure whereby one additional dwelling unit can be located on a lot already developed with a single-family dwelling. Furthermore, it is also the intent of this section to require that such units only be located on parcels which are physically capable of accommodating an additional dwelling unit, have verified legal access, and meet other development standards that also apply to development of a single-family dwelling, but are no more restrictive.

17.80.10 Applicability

The standards established in this Chapter apply to all accessory dwelling units and junior accessory dwelling units where allowed in compliance with State law and Part 2 of this Title. [Source: NEW]

17.80.20 Application

. Ministerial Approval. An application for an ADU that complies with all applicable standards established in this Chapter and State law shall be approved ministerially through the Building Permit process. A Building Permit application for an ADU on a parcel with an existing single-

family or multi-family dwelling shall be acted upon within 60 days of the Building Permit application being deemed complete. [Source: 17.30.040.C.3.i; NEW]

A. Failure to Act. If the County has not acted upon the completed application within 60 days, the application shall be deemed approved. [Source: NEW, State law]

B. Applicant's Right to Delay. The Building Permit applicant may request a delay in the County's processing of the Building Permit, which shall result in the tolling of the 60-day period, in compliance with Government Code Section 66317. [Source: NEW, State law]

17.80.30 General Plan Density Exemption

In compliance with Government Code Section 66319, ADUs are not considered new or separate dwelling units and are exempt from the density limitations established in the General Plan. [Source: Source: 17.30.040.C.3.d]

17.80.40 Definitions.

As used in this subsection, the following terms shall mean:

"Accessory dwelling unit" (ADU) means an "attached" or "detached" or "repurposed existing space" residential dwelling unit which provides complete independent living facilities for one or more persons.

It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

a. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.

b. A manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Living area" means the interior 'habitable' area of a dwelling unit including basements and attics but does not include a garage or any accessory structure (Government Code Section 65852.2).

"Multifamily Dwelling" For the purposes of State ADU Law, a structure with two or more attached dwellings on a single lot is considered a multifamily dwelling. Multiple detached single-family dwellings on the same lot are not considered multifamily dwellings for the purposes of State ADU Law.

17.80.50 Process and Timing.

A. An ADU or JADU application shall be considered and approved ministerially, without discretionary review or a hearing.

B. The County must approve or deny an application to create an ADU or JADU within 60 days from the date that the County receives a completed application. If the County has not approved or denied the completed application within 60 days, the application shall be deemed approved unless either:

a. The applicant requests a delay, in which case the 60-day time period is tolled for the period of the requested delay; or

b. An application to create an ADU or JADU is submitted with a permit application to create a new single-family or multi-family dwelling on the lot, in which case the County may delay acting on the permit application for the ADU or JADU until the County acts on the permit application to for the new single-family or multi-family dwelling, but the application to create the ADU or JADU will still be considered ministerially without discretionary review or a hearing.

c. If the County denies an application to create an ADU or JADU, the County shall provide the applicant written comments that include a list of all the defective or deficient items and a description of how the application may be remedied by the applicant. Notice of the denial and corresponding comments must be provided to the applicant within the 60-day time period established by this Ordinance.

d. A demolition permit for a detached garage that is to be replaced with an ADU shall be reviewed with the application for the ADU and issued at the same time.

17.80.60 Development Standards.

A. The development standards for an accessory dwelling unit shall be as follows:

a. Allowable Zone Locations. Allowed by-right in all zones that allow for single-family dwellings and multifamily dwellings with some restrictions as stated in this section TCC 17.30.040 (C).

b. Floor Area (Attached). The increased floor area of an attached second unit shall not exceed fifty percent of the existing living area, nor be greater than one thousand two hundred square feet.

c. Floor Area (Detached). The total floor area of a detached second dwelling unit shall not be less than a hundred fifty square feet, or as defined by the California Building Code (CBC) as a minimum dwelling unit. Maximum square feet of one thousand two hundred square feet.

d. Zoning District Standards.

i. Setbacks for ADUs are 4 foot and it cannot restrict development of a unit with the minimum size of 800 square feet.

i. ADU height shall not exceed 25 feet or the height of the primary dwelling. Example, if the house is 20 feet in height, the ADU cannot exceed 20 feet. If a detached two-story ADU can be built according to the height allowances required under State ADU Law while remaining compliant with the building code, a local agency cannot deny an ADU application to create a two-story ADU, irrespective of the underlying zoning that might restrict a primary dwelling to one story. (Gov. Code, §§ 66321, subd. (b)(4)(D); 66314, subd. (d)(8).)

e. Parking. In addition to meeting parking requirements for the main dwelling, one parking space shall be provided for each ADU; provided, however, that no additional parking shall be required if:

i. The accessory dwelling unit is located within one-half mile of a public transit stop;

ii. The accessory dwelling unit is located within an architecturally and historically significant historic district;

iii. The accessory dwelling unit is part of the existing primary residence or an existing accessory structure;

iv. When on-street parking permits are required but not offered to the occupant of the ADU;

v. When there is a car share vehicle located within one block of the accessory dwelling unit;

vi. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in Government Code section 66322, subdivision (a)(1)-(5).

f. Sewer. The accessory dwelling unit shall be individually serviced by a sewer hook-up, unless the unit is contained within the existing space of a single-family residence or an existing accessory structure. If not within a community providing sewer service, a detached accessory dwelling unit shall be individually serviced by an individual on-site sewage disposal system approved by the Environmental Health Division. For an attached accessory dwelling, the Environmental Health Division shall evaluate the existing system to ensure proper sizing, compliance, sanitary operation and future repair area.

g. Domestic Water. Both the primary and the second dwelling unit may utilize a common water supply provided that a minimum flow of three gallons per minute per unit is available for domestic use in addition to meeting water supply requirements for fire protection, and the system has been approved by both the Environmental Health Division and the appropriate fire protection agency.

h. Utility Fees. Accessory dwelling units shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service (Government Code, Section 65852.2).

i. Building Permit. A building permit is required. The accessory dwelling unit shall be developed in accordance with the California Building Code (CBC) and any other adopted standards of federal, state or local agencies that would normally apply to construction of a single-family dwelling.

j. Fire Safe. The accessory dwelling unit shall meet the requirements of PRC § 4290 and PRC § 4291, or new structures and/or any adopted local fire code, provided, however, that an attached accessory dwelling unit shall not be required to provide fire sprinklers, or other life and protection improvements, if they are not required for the primary residence.

k. Rent. An ADU may not be used as short term rentals (under 30 days). ADUs can be used as rentals for longer than the 30-day timeframe.

l. Multifamily -

i. Detached ADUs. Up to two detached ADUs are allowed on a lot that has a proposed multifamily dwelling, or up to eight detached ADUs are allowed on a lot with an existing multifamily dwelling, not to exceed the number of existing units on the lot.

ii. A leasing office within an existing multifamily dwelling structure can be converted to at least one ADU – and up to 25 percent of the existing multifamily dwelling units – provided the ADUs comply with state building standards for dwellings. (Gov. Code, § 66323, subd. (a)(3)(A).) In addition, a leasing office on a lot with an existing multifamily dwelling may be converted into up to eight detached ADUs, not to exceed the number of existing units on the lot and subject to height limitations previously mentioned in this section.

17.80.70 ADU Bonus Program

A. To encourage the development of affordable ADUs, up to five (5) additional accessory dwelling units shall be allowed in multifamily zones if 50 percent of the total units on the parcel are reserved for lower income households (less than 80 percent of the median household income based on the most-recently published income eligibility requirements for low income housing, as determined annually by the California Department of Housing and Community Development (HCD). The determination of compliance with the 50 percent affordability requirement shall be based on the total number of final units including any additional ADUs allowed under this program, and affordability shall be guaranteed for a minimum of the first three years of occupancy by deed-restriction or other enforceable mechanism ensuring affordability.

B. To encourage the development of ADUs in low density single-family areas, single-family parcels may develop with additional ADUs beyond the minimum requirements of State, as follows:

i. Single-family residential uses:

1. Lots size <1 acre: up to two detached ADUs and one JADU and shall not be limited by maximum lot coverage requirements.

2. Lot size 1 to 2 acres: up to three detached ADUs and one JADU are allowed.

3. Lot size >2 acres: Up to four detached ADUs and one JADU are allowed.

C. Applicants requesting additional ADUs under this ADU Bonus Program shall provide evidence that the applicable site is within a public sewer district or has capacity to accommodate sufficient on-site septic.

17.80.80 General Requirements for Accessory Dwelling Units (ADUs)

All ADUs shall comply with the following general requirements.

. Where Allowed. Accessory dwelling units and junior accessory dwelling units are allowed on any parcel zoned to allow single-family residential dwellings or multi-family residential dwellings and contains an existing or proposed primary dwelling. [Source: 17.30.040.C.3.a, modified]

A. Rental Terms. An ADU may be rented independent of the primary dwelling for a rental term of no less than 30 consecutive days. [Source: 17.30.040.C.3.k, modified]

B. Separate Conveyance. ADUs may not be sold independent of the primary dwelling, except as allowed in Government Code Section 66341; or unless the original parcel upon which the ADU is located is first subdivided in accordance with the rules and regulations of the California Subdivision Map Act and the Trinity County Subdivision Ordinance. [Source: 17.30.040.C.3.k, modified]

C. Owner Occupancy Requirement. The property owner is not required to occupy the ADU or primary dwelling located on the parcel. [Source: NEW, State law]

D. Recreational Vehicles. A recreational vehicle, as defined in Part 7 (Definitions), shall not be used as an ADU. [Source: NEW]

17.80.90 Location

An ADU shall be allowed in the following locations:

. Within an existing or proposed single-family dwelling, including attached garages, storage areas, or similar attached areas. When located within an existing structure, the existing structure shall only be enlarged by a maximum of 150 square feet to provide for exterior ingress and egress. [Source: NEW]

A. Within an existing or proposed multi-family dwelling structure in areas that are not used as livable space, including but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages; [Source: NEW]

B. An existing or proposed detached accessory structure; [Source: NEW]

C. Above a garage that is attached to or detached from the primary dwelling; [Source: NEW]

17.80.100 Number of Units Allowed Per Parcel

. One ADU and one JADU on a parcel with an existing or proposed single-family dwelling. [Source: NEW]

A. No more than one ADU on a parcel with multiple detached single-family dwellings. [Source: NEW]

B. No more than two detached ADUs on a parcel with a proposed or existing multi-family dwelling. For the purposes of this Chapter, two or more attached dwellings on a single parcel shall be considered a multi-family dwelling. [Source: NEW]

C. Within an existing multi-family dwelling structure, multiple ADUs shall be allowed that convert existing space not used as livable areas, including but not limited to storage rooms, boiler

rooms, passageways, attics, basements, or garages. Such ADUs shall be allowed in a quantity equivalent to a maximum of 25 percent of the number of multi-family dwellings within the structure (e.g., a structure with eight units shall be allowed up to two ADUs). In no case shall less than one ADU be allowed. [Source: NEW]

17.80.110 Development Standards

The following development standards apply to all ADUs: [Source: 17.30.040.C.3, modified]

. Floor Area. Square footage is measured from the exterior walls at the building envelope, excluding any garage area or unenclosed covered porch areas. For the purposes of measurement, all attached and/or interior storage areas, mezzanines, lofts, and attics (except those less than seven feet in height accessed by a crawlspace and/or other code compliant access), and similar uses shall be counted in the total square footage. ADUs shall comply with the following floor area standards: [Source: NEW]

0. Minimum Floor Area. All ADUs shall be at least 150 square feet to allow for an efficiency unit as defined in Health and Safety Code Section 17958.1. [Source: 17.30.040.C.3.c]

1. Attached ADU. The maximum floor area of an attached ADU shall not exceed 50 percent of the existing floor area of the primary dwelling, or 1,200 square feet, whichever is greater. [Source: 17.30.040.C.3.b, modified]

2. Detached ADU. There is no maximum floor area for detached ADUs. [Source: 17.30.040.C.3.c, modified]

A. Height. An ADU shall conform to the maximum height requirements of the underlying zone in which it is located. [Source: 17.30.040.C.3.d]

B. Setbacks. ADUs shall comply with the following setbacks, unless they preclude the development of an ADU that is at least 800 square feet:

0. Attached ADU. An attached ADU shall comply with the front setback as the primary dwelling. The interior side, street side, and rear setbacks shall be a minimum of four feet. [Source: NEW]

1. New Detached ADU. A new detached ADU shall comply with the front setback of the underlying zone and provide a interior side, street side, and rear setbacks of at least four feet. [Source: NEW]

2. Conversion of Existing Living Space or Existing Accessory Structure. If an existing space of the existing primary dwelling, or an existing garage or other accessory structure, is being converted to an ADU, additional setbacks shall not be required except as required for fire and safety.. [Source: 17.30.040.C.3.d]

3. Replacement of Existing Structures. For an ADU constructed in generally the same location and to the same dimensions as an existing structure, setbacks of four feet from the interior side, street side, and rear property lines shall be provided. [Source: NEW]

C. Parking. In addition to meeting parking requirements for the main dwelling, at least one off-street parking space shall be provided for an ADU, which may be used in tandem with other

required parking or in setback areas. Additional parking for an ADU shall not be required if any of the following apply: [Source: 17.30.040.C.3.e, modified]

0. The ADU is located within one-half mile of qualifying public transit as defined in Part 7 (Definitions);
1. The ADU is located within an architecturally and historically significant historic district;
2. The ADU is part of the existing primary residence or an existing accessory structure;
3. When on-street parking permits are required but not offered to the occupant of the ADU; or
4. Where there is a car share vehicle located within one block of the ADU.
5. If a garage, carport, or covered parking is demolished in conjunction with the construction of an ADU or converted to an accessory dwelling unit, replacement parking is not required.

D. Access. An ADU shall have exterior access that is separate from the If a garage, carport, or covered parking is demolished in conjunction with the construction of an ADU or converted to an ADU, replacement parking is not required. [Source: NEW]

E. Utilities

0. Sewer. The ADU shall be individually serviced by a sewer hook-up, unless the unit is contained within the existing space of a single-family residence or an existing accessory structure. [Source: 17.30.040.C.3.f]
    a. If not within a community providing sewer service, a detached accessory dwelling unit shall be individually serviced by an individual on-site sewage disposal system approved by the Environmental Health Division of the building and development services department. [Source: 17.30.040.C.3.f]
    b. For an attached accessory dwelling, the Environmental Health Division shall evaluate the existing system to ensure proper sizing, compliance, sanitary operation and future repair area. [Source: 17.30.040.C.3.f]
1. Domestic Water. The ADU may use the same water supply as the primary dwelling, provided the following:
    a. There is a minimum flow of three gallons per minute per unit is available for domestic use in addition to meeting water supply requirements for fire protection, and [Source: 17.30.040.C.3.g]
    b. The system has been approved by both the Environmental Health Division and the appropriate fire protection agency. [Source: 17.30.040.C.3.g, modified]
2. Utility Fees. ADUs shall not be considered new residential uses for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service, in compliance with Government Code Section 65852.2. [Source: 17.30.040.C.3.h, modified]

F. Fire Safe. ADUs shall meet the requirements of Public Resources Code section 4290, the Trinity County Fire Safe Ordinance 1162 for new structures and/or any adopted local fire code, provided an attached ADU shall not be required to provide fire sprinklers, or other life and protection improvements, if they are not required for the primary residence. A minimum setback of 10 feet is required between newly constructed detached ADUs for fire safe purposes. This setback shall be increased to 60 feet to comply with Cal-Fire and County fire safe standards for those parcels in the county where additional separation is necessary for fire protection, or meet the "same practical effect" if approved by Cal-Fire, in accordance with Public Resourses Code section 4290, CCR sections 1270—1276, and Trinity County Ordinance 1162 (Fire Safe Ordinance). This provision does not apply to the conversion of an existing structure to an ADU. [Source: 17.30.040.C.3.j, modified]

17.80.120 Deed Restriction

Before issuance of a Building Permit for an ADU, a deed restriction shall be recorded against the title of the property in the County Recorder’s office and a copy filed with the Community Development Department. The deed restriction shall run with the land and bind all future owners. The form of the deed restriction shall be provided by the Department and shall provide that: [Source: NEW]

. A prohibition on the sale of the ADU separate from the sale of the single-family dwelling residence, except as otherwise provided in Government Code Section 66341. [Source: NEW]

A. A prohibition on short-term rentals and rental terms shorter than 30 consecutive days. [Source: NEW]

B. An acknowledgement that water pressure may change if the ADU is using or is proposed to be using the same water connection as primary dwelling. [Source: NEW]

C. An acknowledgement that additional nonpermeable surfaces may affect the water drainage pattern on the parcel. [Source: NEW]

D. An acknowledgement that the deed restriction runs with the land and shall be enforced against future property owners. [Source: NEW]

E. The deed restriction shall be enforceable by the County. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the County is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU in violation of the recorded restrictions or abatement of the illegal unit. [Source: NEW]

Chapter 17.85

Cannabis

Chapter 17.85 Cannabis

Sections ***Placeholder

17.85.10 Purpose and Intent
17.85.20 Applicability
17.85.30 Application Standards
17.85.40 Cannabis Retail
17.85.50 Cannabis Cultivation
17.85.60 Cannabis Manufacturing
17.85.70 Performance Standards

17.85.10 Purpose and Intent

Placeholder. Revised standards are currently being prepared

17.85.20 Applicability

Placeholder. Revised standards are currently being prepared

17.85.30 Application Standards

Placeholder. Revised standards are currently being prepared

17.85.40 Cannabis Opt-Out Overlay Zone Consistency

Placeholder. Revised standards are currently being prepared

17.85.50 Cannabis Retail

Placeholder. Revised standards are currently being prepared

17.85.60 Cannabis Cultivation

Placeholder. Revised standards are currently being prepared

17.85.70 Cannabis Manufacturing

Placeholder. Revised standards are currently being prepared

17.85.80 Performance Standards

Placeholder. Revised standards are currently being prepared

Chapter 17.90

Density Bonus

Chapter 17.90 Density Bonus

Sections

17.90.10 Purpose and Intent
17.90.20 Authority and Conflicts
17.90.30 Eligibility
17.90.40 Density Bonus Standards

17.90.10 Purpose and Intent

A. The purpose of this Chapter is to implement Government Code Section 65915, which requires the County to provide incentives for the construction of affordable housing, student housing, land donations, senior housing, and childcare facilities. [Source: NEW]

B. Intent. It is not the intent of this Chapter to supersede or be in conflict with State law. In the event of any conflict between this Chapter and Government Code Section 65915, the provisions of the Government Code shall apply. [Source: NEW]

17.90.20 Authority and Conflicts

. Authority. This chapter and the provisions contained herein are adopted under the authority of Government Code Section 65915 et. seq. [Source: NEW]

A. Conflicts. Where regulations are not specifically addressed in this Chapter, or in the event of a conflict between the provisions of this Chapter and the Government Code, the provisions of the Government Code, as amended over time, shall apply. [Source: NEW]

B. An increase in permissible density may be provided per the provisions of Government Code Sections 65915 through 65918, as may be amended, should a developer agree to such requirements for provision of extremely low, very low, low, and/or moderate income housing consistent with other applicable development regulation and provided that enforceable commitments are secured to ensure that units continue as affordable housing for target groups.

17.90.30 Eligibility

. Compliance with State and Local Regulations. To be eligible for a density bonus, incentive, or concession under this Chapter, a proposed housing development project must satisfy the eligibility requirements established in Government Code Section 65915(b)(1) and comply with all other applicable provisions of this Zoning Ordinance, unless otherwise allowed by this Chapter. [Source: NEW]

A. Eligible Projects. Excluding any units allowed by the density bonus, the County shall grant a density bonus or incentive for eligible projects, if requested by the applicant, in compliance with Government Code Sections 65302, 65913, and 65915 et. seq. Eligible facilities include:

0. Very-low income housing with at least five percent of the total units restricted for sale or occupancy to very low income households in compliance with Government Code Section 65915(b)(1)(B);

1. Low-income housing with at least 10 percent of the total units restricted for sale or occupancy to low income households in compliance with the requirements of Government Code Section 65915(b)(1)(A);

2. Moderate-income housing with at least 10 percent of the total units restricted for sale to moderate income households in compliance with the requirements of Government Code Section 65915(b)(1)(D);

3. Land Donations in compliance with the requirements of Government Code Section 65915(g);

4. Senior citizen housing developments in compliance with the requirements Government Code Section 65915(b)(1)(C);

5. Student housing developments with at least 20 percent of the total units restricted for lower income students in compliance with the requirements Government Code Section 65915(b)(1)(F)

6. Housing developments with at least 10 percent of the total units restricted for transitional foster youth, disabled veteran, or homeless persons in compliance with the requirements of Government Code Section 65915(b)(1)(E) [Source: NEW]

7. Housing development projects with 100 percent of the units, exclusive of a manager's unit or units, restricted for lower income households, except that up to 20 percent of the total units and density bonus units may be for moderate income households, in compliance with the requirements of Government Code Section 65915(b)(1)(G).

17.90.40 Density Bonus Standards

. Concessions and Incentives.

0. Applicants can request a number of concessions or incentives that is allowed based upon the percentage of affordable units as established in Government Code Section 65915.

1. The types of incentives and concessions available to eligible applicants are established in Government Code Section 65915, and include, but are not limited to: [Source: NEW]

   a. Reduction in development standards or a modification of zoning code requirements or architectural requirements, provided the reduction or modification exceeds the minimum building standards approved by the California Building Standards Commission in accordance with Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code;

   b. Parking requirement reductions;

   c. Increased building height or floor area ratio (FAR);

d. Approval of mixed-use zoning in conjunction with the housing development project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing development project and the existing planned development in the area where the proposed project is located;

e. Other regulatory incentives or concessions proposed by the developer or the County that result in identifiable and actual cost reductions to provide affordable housing costs, as defined in Health and Safety Code Section 50052.5, or affordable rent, as defined in Health and Safety Code Section 50053.

2. The requested concessions or incentives are subject to review and approval as established in Subparagraph (F) of this Section.

3. Notwithstanding anything to the contrary in this Section, the County shall not be required to approve any incentive or concession that is not required by Government Code Section 65915.

A. Waivers.

0. Requests. An applicant may request a waiver of any development standard that will have the effect of physically precluding the construction of a housing development project at the densities or with the concessions or incentives permitted for the project. The waiver may provide complete relief or partial reduction from a development standard.

1. Number of Waivers. A housing development that receives a waiver of any maximum controls on density in compliance with Government Code Section 65915 shall only receive a waiver to allow a height increase of up to three additional stories, or 33 feet, in compliance with Government Code Section 65915(e)(3).

2. The waivers are subject to review and approval as set forth in Subparagraph (F) of this Section.

3. Notwithstanding anything to the contrary in this Section, the County shall not be required to approve any waiver that is not required by Government Code Section 65915.

B. Parking. Upon the written request of the developer of a housing development that qualifies for a density bonus, the County shall permit vehicle parking ratios, inclusive of handicapped and guest parking, which do not exceed the parking ratios established pursuant to Government Code Section 65915.

C. Application Submittal and Processing.

0. Requests. Requests for a density bonus, incentive, waiver, or concession shall comply with the following:

a. An applicant for a density bonus which satisfies the eligibility requirements established in Section 18.190.030 (Eligibility and Requirements), shall submit

a request for the specific density bonus, incentive, or concession established in California Government Code Sections 65915-65918. [Source: NEW]

b. Requests shall be made by filing a complete application along with all required information to the Planning Division in the form approved by the Community Development Director. [Source: NEW]

c. The applicant may file a request either before filing a development or entitlement approval of a proposed project or concurrently with an application for project approval. [Source: NEW]

1. Determination of Complete Request. Within 30 calendar days of filing the application, the Zoning Administrator shall notify the applicant in writing whether the application is complete and provide the applicant a determination as to: [Source: NEW]

   a. The amount of the density bonus for which the project is eligible;

   b. The parking ratio for which the project is eligible, if requested by the applicant; and

   c. If a concession, incentive or waiver is requested, whether the applicant has provided enough information for the County to decide if the application is eligible for a concession, incentive, or waiver. [Source: NEW]

2. Review of Complete Application for Density Bonus.

   a. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard shall be considered by and acted upon by the approval body with authority to approve the housing development. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed to the Planning Commission and from the Planning Commission to the County Council.

   b. The applicant and County staff shall prepare a proposed written density bonus agreement with terms, conditions, covenants and restrictions for any density bonus, incentive, concession, waiver, modification or revised parking standard. The proposed density bonus agreement shall be presented to the approval body for review and approval or disapproval based upon the requirements of Government Code Section 65915 and this Section of the Municipal Code.

3. Consideration of Request for Concessions and Incentive. The County shall grant an incentive or concession requested by the applicant, unless the County makes a written finding, based on substantial evidence, of any the following: [Source: NEW]

   a. The concession or incentive does not result in identifiable and actual cost reductions, consistent with Government Code Section 65915(k) to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5, or for rents for the targeted units to be set as specified in Government Code Section 65915(c). [Source: NEW]

b. The concession or incentive would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon the public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households. [Source: NEW]

c. The concession or incentive would be contrary to State or Federal law. [Source: NEW]

4. Consideration of Request for Waivers. The County shall grant a waiver requested by the applicant, unless the County makes a written finding, based on substantial evidence, of either of the following:

a. The waiver would have a specific, adverse impact on health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

b. The requested waiver would have an adverse impact on any real property that is listed in the California Register of Historical Resources.

c. The waiver would be contrary to state or federal law.

5. Requirements for Density Bonus Agreement.

a. The density bonus agreement shall include the following items:

i. The total number of units including restricted units approved for the housing development, the number of density bonus units granted, and the number, type, location, unit size (square footage), number of bedrooms, tenure of restrictions and affordability, and level of affordability of restricted units.

ii. Standards for determining affordable rent or affordable ownership cost for the restricted units.

iii. A schedule for completion and occupancy of restricted units in relation to construction of nonrestricted units.

iv. A description of any incentive, concession, waiver, modification, or revised parking standard being provided by the County.

v. Provisions to ensure affordability of the restricted units, including but not limited to, and where applicable, tenure and conditions governing the initial sale of for-sale restricted units.

vi. Where applicable, tenure and conditions establishing rules and procedures for qualifying tenants and prospective purchasers, setting rental rates, filling vacancies, and operating and maintaining units for rental restricted units.

vii. A description of remedies for breach of the agreement by either party. The County may identify tenants or qualified purchasers as third-party beneficiaries under the agreement.

viii. The required term setting forth the duration of the density bonus agreement, which shall be at least fifty five (55) years for affordable units designated as rental housing, and forty five (45) years for affordable units designated as for-sale units.

ix. Other provisions to ensure implementation and compliance with this article and Government Code Section 65915-65918.

b. Execution and Recording.

i. The density bonus agreement approved by the County shall be executed by the applicant, property owner, or other person authorized to impose covenants, conditions, and restrictions on the property and the proposed housing development.

ii. Prior to issuance of a building permit, the density bonus agreement shall be recorded against the property in the Official Records of the County to ensure the housing development will comply with the affordability covenants for the duration of the density bonus agreement term.

c. Development and Operation.

i. The affordable units within a housing development that approved under this Section shall be constructed concurrently with the unrestricted units, except as specifically set forth in the density bonus agreement.

ii. Residents of the affordable units shall be entitled to use all of the same amenities within the housing development.

iii. The number of bedrooms of the affordable units shall be proportional to the number of bedrooms in the unrestricted units of the housing development.

iv. The exterior appearance of the affordable units shall be of the same design and appearance as the overall housing development by having the same building form, exterior construction materials, roof form, siding and trim, and window placement and type.

v. Housing developments shall comply with all applicable development standards, except those that may be modified as provided by this Section. In addition, all units in housing developments subject to this article must comply with all applicable California Building Standards Codes, including but not limited to residential and fire code requirements.

vi. No building permit shall be issued, nor any development approval granted, for any improvements within a housing development subject to this Section which do not meet the requirements of this Section.

vii. No affordable unit shall be rented or sold except in accordance with this Section and the recorded density bonus agreement.

viii. The entry into and execution of a density bonus agreement shall be a condition of any application for a discretionary land use permit, including but not limited to subdivision maps, site plans, and conditional use permits, for a housing development proposed under this Section.

D. Severability. If any provision of this Section or the application thereof to any person or circumstance is held invalid, the remainder of the Section and application of the provisions to other persons not similarly situated or to other circumstances shall not be effected thereby.

Chapter 17.95

Standards for Specific Land Uses

Chapter 17.95 Standards for Specific Land Uses

17.95.10 Purpose and Applicability
17.95.20 Agriculture
17.95.30 Agritourism
17.95.40 Animal Husbandry
17.95.50 Bed and Breakfast Inns

17.95.10 Purpose and Applicability

A. Purpose. The purpose of this Chapter is to provide site planning, operational, and development standards for specific land uses and activities established in Part 2 of this Title that require additional standards to ensure compatibility with adjacent land uses. [Source: NEW]

B. Applicability. The regulations in this Chapter apply to any zone in which the specified use is allowed as established in Part 2 of this Title. [Source: NEW]

C. Conflicts. The standards of this Chapter shall be considered in addition to the standards for each zone established in Part 2 and Part 3 of this Title. Where standards of this Chapter are in conflict with standards established in another Chapter or Section of this Title, the standards of the underlying zone shall supersede the standards in this Chapter. [Source: NEW]

17.95.20 Agriculture

. Purpose. The purpose of this Section is to establish operational regulations for commercial horticultural uses, including, but not limited to the production of crops, horticulture, viticulture, and nurseries. [Source: NEW]

A. Applicability. The standards established in this Section shall apply to all zones where agricultural uses are allowed and to all accessory uses and structures appurtenant to the agricultural use. [Source: NEW]

B. Standards.

	Small Scale	Community	Commercial
Use Examples	Sustenance farming/home garden	Community Gardens	Selling to public
Sales	Selling of extra product... supplemental income	Sells extra produce to fund the garden but is not for profit of an individual	Majority of product is sold to the public and is the primary reason for the agricultural operation.
Products	Produce (veggies and fruit), jarred goods, honey, dried culinary	Produce (veggies and fruit), jarred goods, honey, dried culinary	Produce (veggies and fruit), jarred goods, honey, dried culinary herbs, nursery plants,

	herbs, flower art, cut flowers, etc	herbs, flower art, cut flowers, etc.	cuttings, seeds, cut flowers...
Farm to Market	Temporary farm stand or occasional visit to Farm market.	Temporary farm stand or occasional visit to Farm market.	Routine visit to farmer's market, permanent farm stand/country store, supplies local grocery stores or restaurants.
Zones	Allowed by-right in conjunction with a primary residential use, applies to any zone that allows residences by-right.	Allowed in low-density residential through high-density residential zones.	See Agricultural and Resource Land Uses sections tables for permitting requirements or if it is allowed by-right for zones of interest.
Other Considerations	Invasive species and hemp production is prohibited. Used soil and compost piles* must be contained, so that it does not runoff into water ways or become a source of pest infestations. Diseased plant materials must be appropriately disposed of so as to not become a source of infection for other plants. *compost piles must be well ventilated to avoid combustion.		

Nuisance. The agricultural use shall not be conducted in a way as to constitute a nuisance. [Source: NEW]

0. Pesticide Use. The owner and operator of the agricultural uses shall comply with pesticide use and licensing requirements as established by the California Department of Pesticide Regulation and County Department of Agriculture. [Source; NEW]

1. In any enforcement action to determine if an agricultural use is a nuisance, the burden shall be upon the landowner, tenant, or person operating the land to provide evidence to the Community Development Director of the characteristics of the agricultural use and the date of commencement of the agricultural use. In their enforcement, the Community Development Director may require the operator to obtain a Director's Use Permit or a Conditional Use Permit. [Source: NEW]

17.95.30 Agritourism

. General Standards. Agritourism operations shall comply with the following general standards:

0. Minimum Parcel Size. The minimum parcel size for an agritourism operation is 10 acres. [Source: NEW]

1. Maximum Lot Coverage. No more than 10 percent of the parcel, or five acres of total land area, whichever is the lesser amount, may be used for structures, facilities, or other improvements for agritourism uses. If there are multiple parcels involved in the

agritourism use, the maximum amount or area shall be calculated based on the cumulative acreage of all parcels. [Source: NEW]

2. Access and Traffic. Any agritourism use shall have access from a road(s) which have adequate capacity for existing traffic and the traffic generated by the proposed agritourism use, and shall comply with the paring and driveway standards established in Chapter _____ (Parking and Loading Spaces). [Source: NEW]

3. Adjacent to a Commercial Poultry Farm. If the agritourism use or activity is immediately adjacent to a commercial poultry operation, there shall be no exterior lights for the agritourism use or activity (except as minimally necessary for public safety) and there shall be no organized agritourism activities after sunset. This requirement may be waived by the County if the agritourism proponent obtains a signed waiver from the adjacent commercial poultry producer. This standard shall not apply if the agritourism operation is established before a poultry operation is established on the adjacent parcel. [Source: NEW]

4. Liability. The owner or operator of an agritourism use shall be responsible for the actions, impacts and damages of his or her guests, pursuant to California Civil Code Section 1714. [Source: NEW]

5. County Environmental Health Division Requirements. The agritourism use or activity shall have adequate provisions as determined by the Environmental Health Division for: [Source: NEW]

   a. Sewage disposal, either permanent or temporary; and

   b. Public water

6. On-site Parking. The agritourism use or activity shall provide required parking as specified in Chapter __ (Parking and Loading Requirements). [Source: NEW]

7. Amplified Sound. In addition to the standards established in Chapter __ (Noise Standards), outdoor amplified sound shall only be allowed from 10:00 a.m. to 10:00 p.m. [Source: NEW]

Lighting. In addition to the standards established in Chapter __ (Outdoor Lighting), all outdoor lighting shall be hooded and directed away from roads and neighboring parcels. [Source: NEW]

A. Farm Stay Operations. The following standards shall apply to any agritourism use that includes the lodging or overnight stay of guests.

0. Guest Rooms. No more than 10 guest rooms shall be allowed. [Source: NEW]

1. Accommodations. A farm stay operation shall not accommodate more than 20 total guests at any one time. [Source: NEW]

2. Food Service. Farm stay operations shall comply with the following food service standards: [Source: NEW]

   a. Food shall be served only to registered guests, or as incidental meals to employees. [Source: NEW]

b. Lodging and meals shall be incidental and not the primary function of the farm stay operation. [Source: NEW]

B. Special Events. Agritourism uses are allowed to host temporary special events in compliance with the following: [Source: NEW]

0. General. The special event shall be directly related to the primary agricultural use or product. [Source: NEW]

1. Time Limit Per Event. Each individual event shall not exceed three days.

2. Number of Events Per Year. Agritourism uses are allowed to host a maximum of four special events per calendar year. Agritourism uses that host events beyond those established in Paragraphs 1 and 2 above, shall be considered special event facilities and shall comply with the standards established in Section __ (Special Event Facility). [Source: NEW]

3. Notification. The property owner shall notify the County Community Development Department of a special event at least one month before the event is to take place. The notification shall include all of the following information and shall be consistent with the standards established in this Section and any conditions identified in the approved permit for the agritourism use. Notification is not required if the following event information is included in the approved permit for the agritourism use. [Source: NEW]

a. Date(s) of the event

b. Hours of operation. If the event is taking place over multiple days, hours of operation for each day shall be provided.

c. Anticipated number of guests.

17.95.40 Animal Husbandry

. Purpose. The purpose of this Section is to establish standards for the raising and keeping of animals on private property for commercial and/or personal use. It is the intent of this Section to protect agricultural uses as source of income and livelihood for residents and promote the rural, agrarian lifestyle of Trinity County, while also minimizing potential adverse effects on surrounding land uses. [Source: NEW]

A. Applicability. The raising and keeping of animals as either an incidental or primary use shall comply with all standards established in this Section, except as provided in Subsection D, regardless of the required permit type indicated in Part 2 of this Title. This Section does not apply to the keeping of common household pets (e.g., dogs, cats, guinea pigs, hamsters, rabbits, pot-belly pigs, reptiles) or breeding/kenneling of dogs and/or cats. [Source: NEW]

B. Animal Densities. The number of animals allowed in any zone shall comply with the following standards unless otherwise specified in a Director Use Permit or Conditional Use Permit.

	Animal Husbandry			Dairy	Cattle Feed Lots	Poultry Farms
	Small	Medium	Large			

# Animals per 20,000 square feet*	25	3	1	2	2	25
Shelter Living space per animal (square feet)		20	80 unconfined	80 unconfined,300 confined	80 unconfined, 300 confined	
Manure Management Plan and Biosecurity Plans				Required with submission of Permits to Planning Division	Required with submission of Permits to Planning Division	Required with submission of Permits to Planning Division
Setbacks of animal pens and feed from:						
On-site Residences	15 ft	25 ft	40 ft	50 ft	50 ft	25 ft
Off-site Residences	See property line setbacks below	50 ft	100 ft	150 ft	150 ft	100 ft
Side property line	20 ft	20 ft	40 ft	50 ft	50 ft	20 ft
Front property line	30 ft	30 ft	50 ft	60 ft	60 ft	30 ft
Rear property line	20 ft	20 ft	40 ft	50 ft	50 ft	20 ft
Maximum # of Animals for a location	50*					
Permit Requirements	See Animal Husbandry on Part 2 tables			See Dairy on Part 2 tables	See Cattle Feed Lots on Part 2 tables	See Poultry Farm on

						Part 2 tables
Notes:	*over 50 fowl see Poultry Farm Standards					

0. Large Animals. Large animals, including, but not limited to, horses, mules, and cattle shall not exceed one animal per every 20,000 square feet. [Source: 17.15.010, modified]

1. Medium Animals. Medium animals including, but not limited to, goats and sheep shall not exceed three animals per every 20,000 square feet. [Source: 17.15.010, modified]

2. Small Animals. Small livestock, including, but not limited to, chickens, ducks, geese, pigeons, and rabbits shall not exceed 25 animals per every 20,000 square feet, of which no more than three may be roosters. The keeping of more than 50 chickens, ducks, geese, pigeons, pheasants, peafowl, guinea fowl, or similar fowl shall be considered a poultry farm and comply with the standards in Subsection D.4. [Source: 17.15.010, modified]

C. Special Regulations for Certain Animal Types

0. Beekeeping (apiaries). The keeping of bees shall comply with the following standards

a. All beekeeping activities are subject to the California Apiary Protection Act (California Food and Agricultural Code Division 13).

b. Where Allowed.

i. Ten or Fewer Beehives. For the purposes of this Title the keeping of 10 or fewer hives shall be considered hobbyist beekeeping and shall not require a permit, provided the standards of this Subsection are met.

ii. More than 10 Beehives. The keeping of more than 10 beehives shall only be allowed in zones where apiaries are allowed in compliance with Part 2 of this Title.

c. In the R1, R2, and R3 zones, the property owner shall notify all adjacent property owners of the property proposing to keep bees. They shall provide evidence of notification to the Agricultural Commissioner prior to keeping bees.

d. Setbacks.

i. Dwelling Unit Separation. Beehives shall be at least 400 feet from any dwelling unit on the same property as the use or any adjacent property.

ii. Property Line. Beehives shall be at least 50 feet of any property line unless otherwise determined through mutual agreement with the adjoining property owner.

iii. Street Separation. Beehives shall be at least 150 feet of any public road, or street or highway.

e. The Agricultural Commissioner or Community Development Director shall have the discretion to deny beekeeping activity for parcels which are less than 20,000 square feet in area when beekeeping activity is determined to be a public nuisance.

1. Poultry Farm

a. No on-site retail sales of birds are permitted.

b. The subject lot where the poultry farm is proposed shall comply with the minimum development standards established by the underlying zone as identified in Part 2.

c. Setbacks.

i. Poultry housing structures, outdoor enclosures, and manure storage areas shall be located a minimum of 100 feet from any property line.

ii. Such facilities shall be located a minimum of 300 feet from any existing dwelling on an adjacent parcel.

iii. No poultry housing or manure storage shall be located within 100 feet of any watercourse, wetland, or well.

d. Containment. Poultry shall be kept within fully enclosed structures or fenced outdoor enclosures at all times. Fencing shall be a minimum of six (6) feet in height where outdoor enclosures are provided.

e. Waste Disposal. Disposal or land application of manure shall occur only on-site or at an off-site location approved by the applicable regulatory agency, and shall not occur within 100 feet of property lines or water bodies.

f. Water Supply and Drainage. Poultry farms shall utilize an approved water source and shall not discharge wastewater, wash water, or stormwater containing manure or litter beyond the boundaries of the parcel.

D. Exceptions. The following instances of animal husbandry are allowed in residentially zoned parcels where animal husbandry is otherwise prohibited, provided the specified standards are met. [Source: NEW]

0. Animal Husbandry Project Waiver. The Community Development Director shall establish a waiver process in conjunction with a 4-H, Future Farmers of America (FFA), or student livestock projects in residential zones where animal husbandry is otherwise prohibited. [Source: 17.30.040.B.1]

a. Waiver Standards. The Community Development Director shall consult with the County Agriculture Commissioner, high school agricultural advisors, and the County 4-H advisor in developing standards for the waiver process. Waivers issued by the Community Development Director shall clearly describe and define the following conditions: [Source: 17.30.040.B.1, modified]

i. The notification of neighbors, [Source: 17.30.040.B.1, modified]

ii. Annual renewal of waiver, [Source: 17.30.040.B.1, modified]

iii. Adequate setbacks to reasonably protect neighboring uses from noise, odors, or other nuisances, and [Source: 17.30.040.B.1, modified]

iv. Any additional conditions deemed necessary by the Community Development Director. [Source: 17.30.040.B.1, modified]

b. Duration. A waiver shall be approved for no more than 12 months and shall terminate at the completion of the 4-H-related competition or activity. [Source: 17.30.040.B.1, modified]

1. Personal Keeping of Chickens. Up to six chickens (hens only, no roosters) may be kept in the rear yard of a residentially zoned parcel where animal husbandry is otherwise prohibited. Chickens shall be kept within a fully contained coop that meets all of the following standards: [Source: 17.30.040.B.2, modified]

a. For the purposes of this Section, a "coop" includes both the solid material shelter and the outdoor area within which the chickens are kept. [Source: 17.30.040.B.2, modified]

b. The coop shall be fully enclosed by walls and/or fencing, including a roof or cover. [Source: 17.30.040.B.2, modified]

c. The coop shall be constructed and maintained to prevent wildlife or other outside predators from gaining entry. [Source: 17.30.040.B.2, modified]

d. The solid material shelter shall be no more than 100 square feet in size. There is no size limit for the outdoor area provided it is completely enclosed by a wall or fence. [Source: 17.30.040.B.2, modified]

e. The coop shall be located at least 20 feet from any off-site residence and shall otherwise conform to setbacks of the underlying zone. [Source: 17.30.040.B.2, modified]

f. The coop shall be regularly cleaned and maintained. [Source: 17.30.040.B.2]

17.95.50 Bed and Breakfast Inns

. Permit Required for Bed and Breakfast operations that have over 6 guests. A Conditional Use Permit is required to establish a bed and breakfast inn in all zones except the zones where bed and breakfast inns (with 6 or less guests) are allowed by right subject to compliance with the development standards established in this Section. If an operation would like more than 6

guests in an area that allows it by-right, then a Director's Use Permit must be applied for. [Source: 17.30.130.A, modified]

A. Development and Operational Standards. All bed and breakfast inns shall comply with the following development and operational standards: [Source: 17.30.130.B, modified]

0. Parking. Parking requirements for bed and breakfast inns shall comply with the parking regulations established in Chapter 17.55 (Parking). [Source: 17.30.130.B.1, modified]

1. Alteration of Existing Residential Structure. The property proposed for use is suitable for conversion to a bed and breakfast inn, and the conversion will not alter the historical, architectural, or scenic character and appearance of the property. [Source: NEW]

2. Adequate Utility Services Required. Adequate water and sewer facilities shall be available or provided and said use shall not significantly increase traffic impacts or be detrimental to the health, safety, and welfare of the surrounding areas. [Source: NEW]

3. Ancillary Activities. Unless allowed by a Director Use Permit, bed and breakfast inns shall not accommodate ancillary social gatherings, such as conferences, weddings, fund raisers, and similar events, attended by any non-lodger. Such gatherings may be held with the approval of a Director Use Permit, subject to conditions imposed by the Community Development Director, as may be necessary to satisfy Chapter 17.125 (Director Use Permit), including, but not limited to, restrictions on the frequency and timing of events, and the maximum number of persons per event. [Source: 17.30.130.C, modified]

17.95.60 Campgrounds

. Purpose. The purpose of this Section is to establish reasonable standards for campgrounds and recreational vehicle (RV) parks. [Source: NEW]

A. General Occupancy Standards. A person shall not camp or place a recreational vehicle on a parcel for more than 28 days in any 12-month period or 14 consecutive nights per camper. Camping or placement of a recreational vehicle for more than 30 days shall require a Director Use Permit and shall comply with the standards of Subsection F for extended stay permits. [Source: 17.30.080.C.1, modified]

B. Low-Impact Campgrounds. Low-impact campgrounds include those with minimal improvements to the site except for health, safety, and sanitation. [Source: NEW]

0. Minimum Size. The minimum site area shall be five acres. [Source: 17.30.080.C.2, modified]

1. Maximum Density. The number of campsites per acre shall not exceed9 campsites, 1 campsite per acre. Can be clustered together to decrease potential impacts to primary uses of the parcel Example, if the parcel is 5 acres, then 5 campsites would be allowed and could be in the same general area/acre leaving 4 acres for agricultural, recreational, or residential uses. [Source: NEW]

2. Setbacks. All portions of tents and associated camping equipment and facilities shall be a minimum of 100 feet from all property lines and 200 feet from off-site residences. [Source: 17.30.080.C.7, modified]

3. Sanitation facilities. Sanitation facilities shall comply with Environmental Health Division standards and approved by . [Source: 17.30.080.C.4, modified]

4. Access. All campgrounds shall have clear and unobstructed access to a public roadway. [Source: NEW]

5. Prohibited Facilities. The following facilities shall be prohibited on low-impact campgrounds: [Source: NEW]

    a. Permanent electrical service. [Source: 17.30.080.C.5, modified]

    b. Permanent structures, except for the following: [Source: NEW]

        i. Entry booths at the entrance and exits of the campground. [Source: NEW]

        ii. Small utility or storage structures used for the operation and maintenance of the campground. Such structures shall not exceed 200 square feet. [Source: NEW]

6. Noise. Generators or other noise generating devices shall not be operated between the hours of 9 p.m. and 7 a.m. [Source: 17.30.080.C.6, modified]

7. Fire Safe Standards. All camping shall comply with State Fire Safe Guidelines (see PRC 4290 and 4291). [Source: 17.30.080.C.9, modified]

C. Improved Campgrounds

0. Minimum Parcel Size. The minimum parcel size shall be five acres. [Source: 17.30.080.C.2, modified]

1. Maximum Density. The number of campsites per acre shall not exceed 15 campsites. [Source: NEW]

2. Setbacks. All portions of tents and associated camping equipment and facilities shall be a minimum of 100 feet from all property lines. [Source: 17.30.080.C.7, modified]

3. Sanitation facilities. Sanitation facilities shall be either fully self-contained. [Source: 17.30.080.C.4, modified]

4. Access. All campgrounds shall have clear and unobstructed access to a public roadway. [Source: NEW]

5. Structures and recreational facilities. The following standards apply to structures on the site, apart from the personal residence of the property owner or caretaker: [Source: NEW]

    a. Structures are limited to: restrooms/showers; clubhouse, which may contain one commercial kitchen facility and be used for minor recreational purposes;

and, cabins, yurts, and permanent RV trailers for transient occupancy. [Source: NEW]

b. Campgrounds may include minor accessory recreational uses or structures such as but not limited to swimming pools and tennis courts. [Source: NEW]

6. Lighting. All lighting fixtures shall be shielded downward. [Source: NEW]

D. Recreational Vehicle Park. [Source: NEW]

0. Minimum Parcel Size. The minimum parcel size shall be two and one-half acres. [Source: 17.30.080.C.3]

1. Space Requirements. Each RV space shall comply with the following requirements [Source: NEW]

a. a. Minimum Size: 1,200 square feet [Source: NEW]b. Individual utility hookups (water, electric, sewer/septic or dump station) [Source: NEW]

2. The recreational vehicle shall remain towable at all times and shall be currently registered with DMV within the State of California. No buildings may be attached to it. [Source: 17.30.080.C.11]

E. Extended Stays. Extended camping or placement of a recreational vehicle may be allowed on a parcel upon the approval of a Director's Use Permit and subject, in addition to those provisions of Subsection E, to the following additional standards: [Source: 17.30.080.D, modified]

0. Extended seasonal camping or recreational vehicle placement may be allowed for a maximum of 90 days in a 12-month period. [Source: 17.30.080.D.1, modified]

1. Any connection to utility such as power, water, and septic must be approved by the building inspector, the Environmental Health Division, and/or any other agency having jurisdiction over such utilities. [Source: 17.30.080.D.2, modified]

2. Prior to placement of the recreational vehicle, the applicant must obtain a septic permit from the Environmental Health Division, install the sewage disposal system, and hook the recreational vehicle to the system. A portable toilet shall not meet the requirements of this sub-paragraph. [Source: 17.30.080.D.3]

3. The applicant shall demonstrate an approved, legal water source. [Source: 17.30.080.D.4]

4. An encroachment permit from the public right-of-way is required for the driveway. [Source: 17.30.080.D.5]

F. Temporary Construction Support. Temporary occupancy of a recreational vehicle to be occupied during the course of construction of a single-family dwelling may be permitted regardless of parcel size upon granting of a Director's Use Permit, subject to the following standards: [Source: 17.30.080.E, modified]

0. A valid Building Permit for the single-family dwelling to be constructed must be in effect. [Source: 17.30.080.E.1]

1. Prior to occupancy of the recreational vehicle, the applicant must obtain a permit from the Environmental Health Division, install the sewage disposal system and hook the recreational vehicle to the system. A portable toilet shall not meet the requirements of this sub-paragraph. [Source: 17.30.080.E.3]
2. Occupancy of the RV is allowed for up to 12 months from the date of issuance and may be renewed as provided the permit remains active and satisfactory progress in the construction of the dwelling is made. [Source: 17.30.080.E.4, modified]
3. The RV is subject to the vegetative clearance standards of Public Resources Code 4291 and that section's implementing regulations. [Source: 17.30.080.E.5]
4. Once the dwelling is cleared for occupancy, the recreational vehicle must be disconnected from all utilities. It may be stored on the property, but cannot be lived in. Connection to any utility shall be considered evidence of occupancy. [Source: 17.30.080.E.6, modified]
5. An encroachment permit shall be required for any connection to a public right-of-way. [Source: 17.30.080.E.7]
6. Generators or other noise generating devices shall not be operated between the hours of 9 p.m. and 7 a.m. weekdays and 9 p.m. and 9 a.m. weekends. [Source: 17.30.080.E.8, modified]
7. The provisions of this Section shall not apply to the storage of a recreational vehicle for personal use of a homeowner residing in a legal, permanent dwelling on the property. [Source: 17.30.080.F, modified]

17.95.70 Caretaker Unit

. Purpose. The purpose of this Section is to establish standards for caretaker units as defined in Section 17.225.030 (Residential Land Use Definitions). [Source: NEW]

A. Number Allowed. Up to one caretaker unit, in the form of a single-family residential dwelling, is allowed on commercial and industrial zoned parcels, as established in Part 2 of this Title, for the purpose of providing residential quarters for an employee who's responsibility is to take care of and provide watchman services for commercial and industrial uses and operations on-site. [Source: 17.30.120, modified]

B. Permit Required. Caretaker units are allowed with the approval of a Director's Use Permit in compliance with Chapter __ (Director Use Permit). [Source: NEW]

C. Standards. Caretaker units shall comply with the following special provisions be reviewed as part of the Director Use Permit application: [Source: 17.30.120, modified]

0. Structural setbacks standards consistent with the underlying zone as established in Part 2 of this Title. [Source: 17.30.120.A, modified]
1. The caretaker unit shall not exceed 1,000 gross square feet. [Source: 17.30.120.B, modified]

2. The caretaker unit shall not be visually intrusive or highly visible from arterial or collector roads abutting the parcel in which the caretaker unit is located. [Source: 17.30.120.C, modified]

3. The caretaker unit shall not interfere or adversely impact the use of the site or adjacent parcels. [Source: 17.30.120.D, modified]

17.95.80 Commercial Structures

A. Purpose. The purpose of this Section is to establish standards for all Commercial Structures, regardless of zone.

B. Permit Required.

a. In areas where commercial structures are allowed by-right, a permit will be required if the structure is over 5,000 square feet. Structures over 10,000 square feet may require an EIR and a Conditional Use Permit will be required.

b. If an area does not specifically state that the commercial structure is allowed by-right, then a Director Use Permit will be required for structures up to 5,000 square feet and anything over that would require a Conditional Use Permit.

C. Standards

a. Parking and loading standards from Section _____ apply for all commercial structures. Building Code ADA requirements will apply.

b. Circulation plan will be required; it is to include pedestrian traffic in addition to vehicular traffic.

c. In review of projects that require permits, sidewalks and biking lanes may be required.

d. Drainage Plans must be submitted.

e. Landscaping is to include Native Plants or the Landscape Ordinance _____ applies.

f. Screening fixtures from view: garbage containers, HVAC, transformers, and similar structures.

g. Outdoor storage must be orderly kept and must be in a designated area. It cannot interfere with circulation of pedestrian and vehicular traffic. Otherwise storage must be contained within a structure.

h. Private roads, driveways, and encroachments on to public roads, may have additional standards from relevant public agency (Trinity County Department of Transportation, CalTrans, CalFire, USFS).

i. The use of the building must be stated in the application for the Building Permit, Director Use Permit and/or Conditional Use Permit; else the most restrictive use for the zone would apply for determination of standards.

17.95.90 Dependent Unit Villages

A. Purpose. The purpose of this Section is to establish standards for dependent unit villages as defined in Section 17.225.030 (Residential Land Use Definitions). [Source: NEW]

B. Number Allowed. Groups of three (3) or more dependent sleeping units on one (1) parcel with common facilities. The number of units is subject to limitations of the site, shall not exceed a density greater than allowed by the General Plan for residential zones and all structures must comply with California Residential Building Code.

C. Permit Requirements. See Permitting Process _____ for Director Use Permits and Conditional Use Permits.

D. Standards. See table _____ for performance standards where this use is allowed by-right, with a director use permit, or with conditional use permit.

	Allowed by-right	Director Use Permit	Conditional Use Permit	Director Use Permit *	MU
Zone	R-3	R-2	R-1	C-1, C-2, HC, C-3	MU Low Density and MU High Density
General Plan Density (units per acre)	12-24	5-12	1-4	0-24	Low: 1-4 High: 5-24
Waste Water Disposal	Must be connect to Sewer System	Must be connected to Sewer System	Must be connected to sewer or adequate septic disposal	Must be connected to sewer (over 10 units) or adequate septic disposal (under 10 units).	Low: Must be connected to sewer or adequate septic disposal. High: Must be connected to sewer.
Solid Waste Disposal	Centralized outside garbage disposal and routine drop off at a land fill transfer station or pick up. Must be in bear proof containers. .				
Kitchen	Commercial kitchen standards **	Commercial kitchen standards **	Restricted food service facility kitchen standards **	Commercial kitchen standards**	High: Commercial kitchen standards ** Low: Restricted food service facility kitchen standards **

Proximity of Kitchen	All units that are paired up with a kitchen (1 kitchen for every 6), must have safe and close (within 100 feet of each unit and within 20 feet for ADA units) access to the facility. Sidewalks lit pathways - downward casting soft even lighting, wildlife fencing (where applicable), laundry facilities may be within same building but in separate room, and adequate refrigeration and dry storage.
Dining Area	Must have indoor dining space to accommodate all residences. Outdoor dining space is optional.
ADA	
Open-space	Must have protected open-space between units and Kitchen/other community used structures. Can have outdoor dining, recreation/outdoor activities, fenced pet park, community gardens, native landscaping ***, pathways, and similar uses within open-space areas. Must not have vehicular traffic entering this protected space.
Specific Parking and loading standards	See Parking Standards _____ for number of spaces. Parking is not to enter protected open-space areas but can be located on the outskirts between units or on the outside edge of units. Kitchen/Other Community Structures parking and loading can occur in designated area outside the protected open-space. A Circulation Plan will be required for Director Use Permits and Conditional Use Permits.
Other Community Structures	May have separate open-space protected areas from the kitchen and separate parking/loading areas; but it must have safe and easy access from all units that it serves. Examples of structures: pool, library, childcare, laundry facilities, art/business/game center, dining hall, playground, and etc.
HCD Requirements	Mobile Home Park/Special Occupancy Park Permit require for more than one manufacture home or mobile homes.
Land Use Overlaps	If Dependent Unit Village is being utilized for Supportive or Transitional housing, then the zones that allow Supportive/Transitional housing will be followed for the permitting (or use allowed by-right) but the performance standards from this section will apply.
Table Notes	*If thresholds are exceeded or if location within the zone are determined by the Director to be unsuitable with land uses in the area; a conditional use permit may be required for the project to be evaluated by the Planning Commission **One kitchen is required per 6 dwelling units *** If native plants are not utilized for landscaping the MWELO application may be required. See Landscape Code _____

17.95.100 **Emergency Shelters**

. Purpose. The purpose of this Section is to establish development and operational standards for emergency shelters. The standards in this Section are intended to ensure needs for displaced and homeless individuals are met and to comply with the policies and guidelines of the General Plan. Housing Element, and California Government Code Section 65583 and Health and Safety Code. [Source: NEW]

A. Applicability. The standards of this Section shall apply to all existing and proposed emergency shelters operated within the County. [Source: NEW]

B. Exemptions. The standards of this Section shall not apply in situations of County or Statewide designated disasters or catastrophic conditions, but only for the duration of the designated disaster or catastrophic conditions. [Source: NEW]

C. Development and Operational Standards. Emergency shelters shall comply with all standards established in this Subsection as well as any applicable zoning standards for the development and use of the property on which the shelter is located. In any case where the standards of this Subsection are in conflict with State law, State law shall take precedence. [Source: NEW]

0. Maximum Number of Beds. The maximum number of beds allowed in an emergency shelter shall not exceed 12 beds, not including facilities for on-site staff, except: [Source: 17.10, modified]

a. In response to a disaster; or [Source: NEW]

b. As authorized by a Director's Use Permit, subject to appeal to the Planning Commission. [Source: NEW]

1. Required Parking. The required number of parking spaces for an emergency shelter shall comply with the parking standards established in Chapter __ (Parking and Loading). [Source: NEW]

2. Waiting and Intake Areas. An enclosed or screened waiting area, such as provided in a courtyard building configuration, shall be provided between the intake area and the public right-of-way. [Source: NEW]

3. Location Requirements. An emergency shelter shall be separated from other emergency shelters by a minimum of 300 feet. [Source: 17.10, modified]

4. On-Site Management. Emergency Shelters shall comply with the following on-site management standards: [Source: NEW]

a. On-site Personnel. Emergency shelters shall provide at least one on-site supervisor at all times. [Source: 17.10, modified]

b. Designated Personnel Area. A designated area for on-sire personnel shall be located near the primary shelter entrance(s) for the purpose of controlling and monitoring admittance into the facility. [Source: NEW]

c. Emergency Contact Information. Emergency contact information shall be posted on the exterior of the facility adjacent to the primary entrance(s), as well as on the interior of the facility in a location that is accessible to all clients. [Source: NEW]

5. Security. A written security plan shall be provided to the County Sheriff before operation. [Source: 17.10, modified]

6. Support Services. Emergency shelters that provide support services shall allocate sufficient areas on site and properly enclosed within the structure. Support services include, but are not limited to: [Source: NEW]

a. Food preparation and dining areas [Source: NEW]

b. Laundry facilities [Source: NEW]

c. Restrooms and showers [Source: NEW]

d. Areas to secure and store client belongings. [Source: NEW]

7. Hours of Operation. Emergency shelters shall establish and maintain set hours of operation for client intake and discharge. These hours shall be clearly displayed at the primary entrance(s) to the shelter. [Source: NEW]

17.95.110 Kenneling

. Purpose. The purpose of this Section is to establish standards for the raising and keeping of dogs, cats, and similar animals for commercial purposes. [Source: NEW]

A. Applicability. The standards of this Section shall apply to any parcel where more than four dogs, cats, or similar animals are boarded or kept for purposes of sale or breeding. [Source: NEW]

B. Findings. In zones where kenneling is allowed, as established in Part 2 of this Title, the Community Development Director may approve a Director's Use Permit for a kennel after making all of the following findings:

0. The kennel shall be in a rural area because of unusual site area or specific operational characteristics that pose a health or safety risk to more populated areas. [Source: NEW]

1. The kennel will not significantly impact adjacent uses. [Source: NEW]

2. The kennel shall not have a detrimental impact on surface or groundwater. [Source: NEW]

17.95.120 Home Occupation

. Purpose. The purpose of this Section is to provide for limited commercial or light manufacturing activity, in conjunction with an existing residential use, when conducted in a manner that will not create nuisances or adversely affect surrounding land uses. [Source: 17.30B.010, modified]

A. Applicability.

0. The standards established in this Section shall apply to all home occupations as allowed for in each zone as specific in Part 2 of this Code. [Source: 17.30B.020, modified]

1. A proposed home occupation use which has characteristics that exceed the regulations established in Subsection E (General Provisions) and Subsection F (Specific Performance Standards), provided home occupations as established in this Section shall qualify as a home enterprise and be subject to the specific standards and permit requirements for home enterprises as established in Section 17.95.070 (Home Enterprise). [Source: 17.30B.050.I, modified]

B. Cannabis-Related Activities. Any land use or activity involving cannabis, as defined by State law, that is proposed or conducted as a home occupation or home enterprise shall obtain and maintain all required State and local approvals, licenses, and permits prior to commencing operations.

Such uses and activities shall be subject to and comply with all applicable cannabis-related land use regulations and performance standards established in Chapter _____ (Cannabis) of this Part, and shall not be deemed permitted solely by virtue of meeting the requirements for a home occupation or home enterprise. [Source: NEW]

C. Permit Requirements. [Source: 17.30B.040]

0. No Permit Required. Home occupation uses do not require a use permit, except as identified in Subparagraph D.2 (Director's Use Permit Required), provided they comply with all general provisions and specific performance standards for home occupations as established in this Section. [Source: 17.30B.040.A]

1. Director's Use Permit Required. Home occupation uses with one or more of the following characteristics are subject to first securing a Director Use Permit before the commencement of business activity [Source: 17.30B.040.B, modified]

a. The home occupation is located on a parcel under five acres and/or has a shared-privately maintained road, and includes one or both of the following characteristics: [Source: 17.30B.040.B, modified]

i. Use generates vehicle traffic as provided in Section 17.30B.060(A)(5) [Source: 17.30B.040.B]

ii. Use includes the employment of an individual who resides off-site [Source: 17.30B.040.B]

b. Business operations and related activities are conducted in a detached accessory structure that has floor area that exceeds the gross square footage of the primary residence on the property. [Source: 17.30B.040.B, modified]

D. General Provisions. The following general provisions shall apply to all home occupations: [Source: 17.30B.050]

0. Minimum Parcel Size. There is no minimum parcel size for home occupations.

1. Relation to Residential Use.

a. The home occupation shall be clearly incidental and secondary to the use of the property as a primary residence. [Source: 17.30B.050.A, modified]

b. The home occupation shall be owned and operated by at least one individual residing on the property. [Source: 17.30B.050.B, modified]

c. The home occupation shall not adversely affect the residential character of an area, or interfere with the management and use of resource lands. [Source: 17.30B.050.C, modified]

2. Compliance with Other Regulatory Standards.

a. The home occupation shall comply with any applicable standards and permit requirements of the County's Community Development Department and local fire protection authority. [Source: 17.30B.050.D, modified]

b. The home occupation use shall not discharge or dispose of any materials, fluids, or gases in a manner which is in violation of any applicable government code. [Source: 17.30B.050.E]

c. If conflicts occur between this Section and other written provisions of this Title, the most restrictive shall apply. [Source: 17.30B.050.F, modified]

3. Hours of Operation. The primary hours of operation for home occupations shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Saturday, and 8:00 a.m. to 5:00 p.m. Sundays. No employee or customer traffic, deliveries, noise, or other aspects of the home occupation that are noticeable from neighboring residences are permitted after primary hours, unless other hours are conditioned by a Use Permit. [Source: 17.30B.050.G, modified]

4. Parking. No additional parking is required for home occupations. [Source: 17.30B.050.H, modified]

5. Setbacks. All home occupation uses shall be subject to the same setback standards as provided in Section Chapter 17.30D (Accessory Buildings and Uses) of this Title. [Source: 17.30B.050.J, modified]

E. Specific Performance Standards. The following standards shall apply to home occupations: [Source: 17.30B.060.A, modified]

0. On-Site Operations

a. Home occupations shall be conducted completely within a residence or permitted accessory structure, except outside play areas related to family day care homes. [Source: 17.30B.060.A.2, modified]

b. Home occupation uses shall not produce excessive noise or obnoxious odors, vibrations, glare, fumes, or electrical interference detectable to normal human sensory perception outside the structure, including transmittal through vertical or horizontal party walls. [Source: 17.30B.060.A.3, modified]

1. Employment. A home occupation or combination of home occupations on a single parcel shall not employ more than one individual who resides off-site, who reports to the property and is engaged in the related business activity occurring on the site, and receives financial or other compensation for services rendered. [Source: 17.30B.060.A.4, modified]

2. Traffic. A home occupation or combination of home occupations on a single parcel shall not involve more than two vehicles visiting the site at any one time or exceed an average of six vehicles a week. This provision shall apply to vehicles used by customers, clients, and shipping/delivery services. [Source: 17.30B.060.A.5, modified]

3. Signs. No more than one "residential nameplate sign" as provided in Section 30.1 (Sign Standards). [Source: 17.30B.060.A.6, modified]

17.95.130 Home Enterprise

. Purpose. The purpose of this Section is to establish standards for home enterprise uses that include limited commercial or light manufacturing activity, in conjunction with an existing residential use that is larger and/or more intense than home occupations. [Source: 17.30B.010, modified]

A. Applicability.

0. The standards established in this Section apply to home enterprises in all zones where home enterprise is an allowed use as established in Part 2 of this Title.

1. This Section does not apply to any non-residential zones that include an on-site residence. [Source: 17.30B.020, modified]

B. Cannabis-Related Activities. Any land use or activity involving cannabis, as defined by State law, that is proposed or conducted as a home occupation or home enterprise shall obtain and maintain all required State and local approvals, licenses, and permits prior to commencing operations.

Such uses and activities shall be subject to and comply with all applicable cannabis-related land use regulations and performance standards established in Chapter _____ (Cannabis) of this Part, and shall not be deemed permitted solely by virtue of meeting the requirements for a home occupation or home enterprise. [Source: NEW

C. Permit Requirements. Home enterprise uses with one or more characteristics identified in Table 17.95-1 (Home Enterprise Permit Requirements) are subject to first securing either a Director Use Permit or Conditional Use Permit, prior to commencement of business activity. [Source: 17.30B.040.B, modified]

Table 17.95-1: Home Enterprise Use Permit Requirements

Home Enterprise Characteristic	Director Use Permit	Conditional Use Permit
Use is located within 500 feet of a single-family dwelling (not including the dwelling unit on-site).	X	
Use is located in a Scenic Conservation (SC), Flood Hazard (FH), or Recreational District (RD-1) overlay zone.	X	
Use is located on a parcel under 20 acres in size and uses outdoor areas for storage or to conduct all or part of regular business operations.	X	
Use is located on property that has vehicle access provided from/by a shared-privately maintained road or driveway. **Required Finding:** Adjacent property owners who share use of the road that provides access to the subject property, and/or affected road maintenance association, have been notified of the proposed home enterprise use. The project as conditioned mitigates potential impacts generated from the business to road maintenance and access.	X	
Use is located on a parcel under five acres in size.		X
Use has primary hours of operation other than those provided in Section 17.95.130(D)(4)		X
The use satisfies the 2.5 percent lot area standard but would exceed 10,000 square feet as provided in Section 17.30B.060(B)(4)		X

D. General Provisions. The following general provisions shall apply to all home enterprises. [Source: 17.30B.050, modified]

0. Minimum Parcel Size. The minimum size of a parcel in which a home enterprise is to be established shall be five acres. [Source: NEW]

1. Relation to Residential Use.

a. The home enterprise shall be clearly incidental and secondary to the use of the property as a primary residence. [Source: 17.30B.050.A, modified]

b. The home enterprise shall be owned and operated by at least one individual residing on the property. [Source: 17.30B.050.B, modified]

c. The operation of the home enterprise shall not adversely affect the residential character of the surrounding area or interfere with the management and use of resource lands. [Source: 17.30B.050.C, modified]

2. Compliance with Other Regulatory Standards.

a. The home enterprise shall comply with any applicable standards and permit requirements of the County's Community Development Department and local fire protection authority. [Source: 17.30B.050.D, modified]

b. The home enterprise shall not discharge or dispose of any materials, fluids, or gases in a manner which is in violation of any applicable government code. [Source: 17.30B.050.E, modified]

c. If conflicts occur between this Section and other written provisions of this Zoning Ordinance, the most restrictive shall apply. [Source: 17.30B.050.F, modified]

3. Hours of Operation. The primary hours of operation for home occupations shall be limited to 7:00 a.m. to 8:00 p.m. Monday through Saturday, and 8:00 a.m. to 5:00 p.m. Sundays. No employee or customer traffic, deliveries, noise, or other aspects of the home enterprise that are noticeable from neighboring residences are allowed outside primary hours, unless other hours are allowed with the approval of a Conditional Use Permit. [Source: 17.30B.050.G, modified]

4. Parking. The following parking standards shall apply to all home enterprises, in addition to that parking required for the residential use on the property: [Source: 17.30B.050.H, modified]

a. Home enterprises with employees who reside off-site: One off-street parking space for each employee on the largest shift. [Source: 17.30B.050.H.1, modified]

b. Home enterprises with on-site clients or customers: One off-street parking space for each 500 square feet of floor area used by customers or clients. [Source: 17.30B.050.H.2, modified]

5. Setbacks. All home occupation uses shall be subject to the same property line setback standards as provided in the underlying zone and Chapter 17.30D (Accessory Buildings and Uses) of this Title. [Source: 17.30B.050.J, modified]

6. On-Site Commercial Vehicle Storage and Maintenance. The storage and/or maintenance of no more than four commercial vehicles (three axles or 6,000 + GVW), and/or heavy equipment (10,000 + GBW) for use in a business conducted primarily off site (logging, construction, well drilling, etc.), shall be allowed subject property at any given time. Subject to the approval of a Conditional Use Permit, an applicant may request the [parking of more than four commercial vehicles. [Source: 17.30B.050.K, modified]

E. Specific Performance Standards. The following standards shall apply to home enterprises: [Source: 17.30B.060.B; 17.30B.060, modified]

0. Noise. Activities related to the operation of a home enterprise shall not generate noise which exceeds 55 dBA as measured at the property line during primary hours of operation. Noise originating from the home enterprise shall not be noticeable or exceed 32 dBA as measured at the property line outside of primary hours of operation. [Source: 17.30B.060.B.2, modified]

1. On-Site Operations. Home enterprises and its principal activities shall be conducted primarily within structures or dwellings on the property, in compliance with the following standards:

a. Areas outside of a structure used for storage or to conduct all or part of regular business operations, shall be located or screened in a manner so as not to be visible from external property lines, streets, roads, or other public rights-of-way. [Source: 17.30B.060.B.3, modified]

b. No more than two and one-half percent of the gross parcel area, up to a maximum of 10,000 total square feet, shall be used for business operations and related activities. [Source: 17.30B.060.B.4, modified]

2. Signs. No more than one "appurtenant sign" as provided in Section 30.1 (Sign Standards). [Source: 17.30B.060.B.5, modified]

3. Employees. Home enterprises shall employ no more than three individuals who reside off-site, who report to the property and are engaged in the related business activity occurring on the site and receive financial or other compensation for services rendered. [Source: 17.30B.060.B.6, modified]

17.95.140 Live/Work Housing

. Purpose. The purpose of this Section is to establish standards that allow for a commercial property to provide a residential unit for the purpose of providing on-site housing for the proprietor or an employee of the established business. [Source: NEW]

A. Applicability. The standards of this Section apply to any property with an existing or proposed commercial business. [Source: NEW]

B. Number of Units Allowed. Up to one residential dwelling unit is allowed per business located on the parcel. [Source: 17.20.025]

C. Standards. The residential unit shall comply with all of the following standards:

0. Location. The unit shall be located on an upper story or in the rear one-half of the commercial structure. [Source: 17.20.025, modified]

1. Size. The unit shall accounts for no more than 25 percent of the gross square footage of said structure. [Source: 17.20.025, modified]

2. Occupancy. The unit shall be occupied by either the owner or an employee of the business located on the property. [Source: NEW]

17.95.150 Mobile Home Parks and Special Occupancy Parks

. Purpose. The purpose of this Section is to establish standards for the placement of mobile homes as permanent residences within mobile and manufactured home parks . [Source: 17.27.010, modified]

A. Applicability. The standards established in this Section shall apply to all mobile home parks and special occupancy parks where allowed as established in Part 2 of this Code. [Source: NEW]

B. Development and Operational Standards. [Source: 17.27.020.A, modified]

0. Minimum Parcel Size: The minimum parcel size required shall be three acres. [Source: 17.27.020.A.2, modified]

1. Building Height. The maximum building height shall comply with the underlying zone. [Source: 17.27.020.A.3, modified]

2. Minimum Lot Area Per Mobile Home. The minimum lot area per mobile home shall be 4,500 square feet. [Source: 17.27.020.A.4, modified]

3. Setbacks. Mobile home parks shall comply with the following minimum setback requirements

a. Front Yard Setback: 25 feet from exterior property lines. [Source: 17.27.020.A.5, modified]

b. Interior Side Yard Setback: Six feet from exterior property lines. [Source: 17.27.020.A.6, modified]

c. Rear Yard Setback: 15 feet from exterior property lines. [Source: 17.27.020.A.7, modified]

4. Circulation and Streets.

a. All private internal streets within the mobile home or special occupancy park shall be not less than 30 feet in width, and in the case of special occupancy parks such roads shall not be less than 18 feet in width for two-way traffic or 12 feet in width for one-way traffic. All such roads shall have not less than four inches of aggregate base or equivalent. [Source: 17.27.020.A.8.a, modified]

b. All points of vehicular access to and from public streets shall be approved by the Director of the Transportation Department. [Source: 17.27.020.A.8.d]

c. All mobile homes and other occupancy spaces must be served from internal streets within the mobile home or special occupancy park, and there shall be no direct vehicular access from a mobile home space or a special occupancy space to a public street or alley. [Source: 17.27.020.A.8.e]

5. Parking. Off-street parking requirements shall comply with Chapter __ (Parking and Loading Spaces). [Source: 17.27.020.A.8.f, modified]

6. Accessory Buildings. All accessory buildings shall comply with Chapter 17.75 (Accessory Uses and Structures). [Source: 17.27.020.A.8.g, modified]

7. Recreation and Open Spaces

a. All required open areas shall be maintained in accordance with the approved landscaping or recreation development plan. [Source: 17.27.020.A.8.b]

b. Each mobile home park shall provide shared recreation or open spaces totaling at least 2,000 square feet, with an additional 150 square feet for each mobile home space over 10. No individual open space area shall measure less than 1,000 square feet and shall be accessible to all mobile home spaces in the facility. [Source: 17.27.020.A.8.h, modified]

8. Fences and Walls. The mobile home or special occupancy park shall be enclosed by a visual barrier such as a fence, wall, or vegetation, unless otherwise determined by the Community Development Director. [Source: 17.27.020.A.8.i, modified]

9. Landscaping. Landscaping shall comply with Chapter __ (Landscaping). [Source: 17.27.020.A.8.j, modified]

10. Signs. Signage shall comply with Chapter __ (Signs). [Source: 17.27.020.A.8.k, modified]

11. Drainage. A drainage plan shall be submitted for the review and approval of the Department of Transportation. [Source: 17.27.020.A.8.l, modified]

17.95.160 Private Stables

. Purpose. The purpose of this Section is to establish standards for the operation and use of stables for the keeping of horses. [Source: NEW]

A. Applicability. The standards in this Section shall apply to any parcel where a Director's Use Permit or Conditional Use Permit has been issued for the establishment or maintenance of a private stable: [Source: 17.30.040.A.1, modified]

B. Standards. Stables shall comply with all of the following standards.

0. Minimum Building Site Area. One acre for the first two horses, plus 20,000 square feet for each additional horse. [Source: 17.30.040.A.1, modified]

1. Setbacks. Stables and paddocks shall comply with the following setback requirements except or the setback requirements of the underlying zoning district, whichever is more restrictive.

    a. Front Setback: Minimum of 50 feet

    b. Side Setback: Minimum 20 feet

    c. Rear Setback: Minimum 20 feet

2. Separation from Residential Structures. Stables shall be a minimum of 40 feet from any residential dwelling. [Source: 17.30.040.A.1, modified]

17.95.170 Recreational Activities

17.95.180 Service Stations

. Purpose. The purpose of this Section is to establish design standards for automobile service stations to be compatible with the character of surrounding development. [Source: NEW]

A. Applicability. The standards of this Section shall apply to all service stations as allowed in Part 2 of this Title. [Source: NEW]

B. Standards. All automobile service stations shall be subject to the following standards. [Source: 17.30.110, modified]

0. Design. Service stations shall be rustic or semi-rustic in design using wood, brick, stone, or other architectural features to enhance the appearance of the structure. [Source: 17.30.110.A, modified]

1. Roofing. The roofs of all service stations shall be pitched or sloped and shall have a surface of shingles, colored rock, shakes, or similar material. [Source: 17.30.110.B, modified]

17.95.190 Special Event Facility

. Purpose. The purpose of this Section is to establish a process through which special event facilities, as defined in Part 7, can be located in rural areas of the County while also protecting the rural character of surrounding communities and areas. [Source: NEW]

A. Applicability. The standards of this Section shall apply to all special event facilities where allowed as identified in Part 2 (Zones, Allowable Uses, and Development Standards). [Source: NEW]

B. Additional Location Requirements

0. Land Conservation and Williamson Act Contracts. Special event facilities shall not be allowed on parcels subject to a Land Conservation or Williamson Act contract, regardless of the underlying zone. [Source: NEW]

1. Parcel Size Requirements. No special event facilities are allowed on parcels less than 10 acres in size, however, if the property owner owns multiple adjacent parcels that

total 10 or more acres, a special event facility may be allowed provided that all other standards of this Section are met. [Source: NEW]

C. Exempt Events. For the purposes of this Section, uses that are accessory to a single-family residential use, including private parties, private gatherings, and similar private activities that are not subject to an agreement or contract between a private individual or group and the property owner are not defined as a special event facility and are not subject to the standards established in this Section. [Source: NEW]

D. Permit Required. Special event facilities are subject to either a Director Use Permit or Conditional Use Permit as follows: [Source: NEW]

0. Small Special Event Facilities. Event facilities that meet the following criteria are subject to a Director Use Permit, in compliance with Chapter __ (Director Use Permit): [Source: NEW]

   a. Hosts 18 or fewer events per calendar year;

   b. No individual event lasts for more than two consecutive days;

   c. No event involves more than 200 guests or attendees at any time during the event; and

   d. Is located on a parcel at least 10 acres in size.

1. Medium Special Event Facilities. Event facilities that meet the following criteria are subject to a Director Use Permit, in compliance with Chapter __ (Director Use Permit): [Source: NEW]

   a. Hosts 18 or fewer events per calendar year;

   b. No individual event lasts for more than two consecutive days;

   c. No event involves more than 300 guests or attendees at any time during the event; and

   d. Is located on a parcel at least 20 acres in size.

2. Large Special Event Facilities. Event facilities that meet the following criteria are subject to a Conditional Use Permit, in compliance with Chapter __ (Conditional Use Permit): [Source: NEW]

   a. No event involves more than 500 guests or attendees at any time during the event; and

   b. Is located on a parcel at least 40 acres in size.

   c. The Planning Commission shall establish a maximum number of events allowed per calendar year as part of the Conditional Use Permit.

3. Annual and One-Time Events.

E. Operational Standards. All special event facilities shall comply with the following minimum requirements unless otherwise stated in an approved Director Use Permit or Conditional Use Permit. Additional requirements may be required as a condition of a Director Use Permit or

Conditional Use Permit. It is the responsibility of the property owner to continuously comply with the following requirements and/or all requirements established by an approved Director or Conditional Use Permit. [Source: NEW]

0. Event Duration. The event duration, not including set-up or take-down, per day shall not exceed 12 hours per day. [Source: NEW]

1. Amplified Sound. Activities involving amplified sound shall only occur between the hours of 9:00 a.m. and 10:00 p.m. [Source: NEW]

2. Overnight Camping. On-site overnight camping associated with the event may be allowed, subject to a Special Occupancy Park Permit from the California Department of Housing and Community Development. [Source: NEW]

3. Vacation Rentals. A maximum of two vacation rentals may be developed on-site in conjunction with the special event facility. Vacation rentals shall comply with all applicable development code standards for vacation rentals. [Source: NEW]

4. Noise. Noise generated by an event, including amplified sound, shall not exceed 60 dBa at all property lines. If three or more complaints on three separate occasions are submitted regarding noise generated by a special event facility, the County may require the facility's operator to have a study conducted by a qualified acoustical consultant that includes recommendations for noise mitigation measures. The County shall have the authority to require the property owner to implement the recommendations from the study. [Source: NEW]

5. Access. All roadways from the nearest major collector or arterial roads serving the special event facility shall comply with appliable California Fire Safe Regulations, including maximum allowed dead-end road length, turnarounds, and turnouts. [Source: NEW]

6. Parking. All special event facilities shall provide one off-street parking space for every four people based on maximum occupancy of events. Design and development standards shall comply with Chapter __ (Off-Street Parking and Loading). [Source: NEW]

7. Public Health. Special event facilities shall provide a potable domestic water supply and an on-site sewage disposal or sewer service connection necessary to accommodate all special events in compliance with the requirements of the Environmental Health Division. Bottled water and/or porta-potties may be provided to meet this requirement on a temporary basis, as determined appropriate by the Environmental Health Division. [Source: NEW]

8. Setbacks. Setbacks for all structures associated with the special event facility, permanent and temporary, shall be a minimum of 50 feet from parcel lines and adjoining road easements, Parking lots, parking lot access, and parking spaces may be located within the road easement setback area. [Source: NEW]

9. Lighting. All new exterior/outdoor lighting shall be shielded and directed so that no direct light falls outside the parcel line, or onto the public. [Source: NEW]

10. Signs. All permanent and temporary signs shall comply with Chapter __ (Signs). [Source: NEW]

11. Dust Control. Dust shall be minimized by reducing vehicle speeds on driveways and parking areas, and, during dry conditions, the application of water or other approved dust palliative. Paving or gravel of appropriate depth may also be provided. [Source: NEW]

12. Liability Insurance. Proof of current and up-to-date liability and property damage insurance or bonding shall be provided to the Community Development Director before any events take place on site. [Source: NEW]

13. Building Occupancy. All structures to be used as part of the event facility shall obtain the required permit(s) for occupancy, including all applicable Fire Code requirements. [Source: NEW]

14. California Building Code Compliance. All requirements of California Building Code and applicable accessibility laws shall be met for the structures and facilities. [Source: NEW]

15. Additional Permits. The property owner is responsible for obtaining all other applicable permits based on the activities and/or development that will take place as part of the special event facility. Other permits may include, but are not limited to, a Building Permit, Grading Permit, liquor license from the California Alcohol and Beverage Control (ABC), or Food Facilities Permit. [Source: NEW]

16. Fire Safe Standards. Projects shall implement all fire safe standards required by CAL FIRE. [Source: NEW]

17. Non-Compliance. Non-compliance with operational standards or conditions of approval adopted for a project may result in the revocation of the permit to operate the facility. [Source: NEW]

17.95.200 Tiny Home Villages

. Purpose. The purpose of this Section is to establish standards for tiny home villages as defined in Section 17_____ (Residential Land Use Definitions). [Source: NEW]

A. Number Allowed. Groups of three (3) or more tiny home units on one (1) parcel with common facilities. The number of units is subject to limitations of the site, shall not exceed a density greater than allowed by the General Plan for residential zones and all structures must comply with California Residential Building Code.

B. Permit Requirements. See Permitting Process _____ for Director Use Permits and Conditional Use Permits.

C. Standards. See table _____ for performance standards where this use is allowed by-right, with a director use permit, or with conditional use permit. Tiny Homes must adhere to Trinity County Building Code for design and building standards for the individual units within the Tiny Home Village.

	Allowed by-right	Director Use Permit	Conditional Use Permit	Director Use Permit *	MU
Zone	R-3	R-2	R-1	C-1, C-2, HC, C-3	MU Low Density and MU High Density
General Plan Density (units per acre)	12-24	5-12	1-4	0-24	Low: 1-4 High: 5-24
Waste Water Disposal	Must be connect to Sewer System	Must be connected to Sewer System	Must be connected to sewer or adequate septic disposal	Must be connected to sewer (over 10 units) or adequate septic disposal (under 10 units).	Low: Must be connected to sewer or adequate septic disposal. High: Must be connected to sewer.
Solid Waste Disposal	Centralized outside garbage disposal and routine drop off at a land fill transfer station or pick up. Must be in bear proof containers.				
Open-space	Must have protected open-space between units and community used structures. Can have outdoor dining, recreation/outdoor activities, fenced pet park, community gardens, native landscaping **, pathways, and similar uses within open-space areas. Must not have vehicular traffic entering this protected space.				
Specific Parking and loading standards	See Parking Standards _____ for number of spaces. Parking is not to enter protected open-space areas but can be located on the outskirts between units or on the outside edge of units. Kitchen/Other Community Structures parking and loading can occur in designated area outside the protected open-space. A Circulation Plan will be required for Director Use Permits and Conditional Use Permits.				
Community Structures	There must be safe and easy access from all units that community structures serve. Examples of structures: pool, library, childcare, laundry facilities, art/business/game center, community hall, playground, and etc.				
HCD Requirements	Mobile Home Park/Special Occupancy Park Permit require for more than one manufacture home or mobile homes.				
Land Use Overlaps	If Tiny Home Village is being utilized for Supportive or Transitional housing, then the zones that allow Supportive/Transitional housing will be followed for the permitting (or use allowed by-right) but the performance standards from this section will apply.				

Table Notes	*If thresholds are exceeded or if location within the zone are determined by the Director to unsuitable with land uses in the area; a conditional use permit may be required for the project to be evaluated by the Planning Commission ** If native plants are not utilized for landscaping the MWELO application may be required. See Landscape Code _____

Chapter 17.100

Wireless Telecommunication Facilities

Chapter 17.100 Wireless Telecommunication Facilities

Sections

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17.100.00 Purpose and Intent

The purpose of this Chapter is to establish standards for the design, placement, and operation of wireless telecommunication facilities in the County. These standards are intended to promote public safety, community welfare, and the visual quality of the County in compliance with the General Plan, while providing for the installation of new communication facilities in compliance with the Telecommunications Act of 1996.

17.100.10 Applicability

The standards established in this Chapter shall apply only to major wireless communication facilities, and the following modifications to existing major wireless communication facilities that substantially change the appearance of the structure on which it is located. [Source: NEW]

17.100.20 Exemptions

The following facilities are exempt from the standards established in this Chapter:

. Minor Wireless Telecommunication Facility. A facility accessory to and located on the same parcel as another use where the facility is meant to provide service to the occupants of the parcel. Such facilities may include, but are not limited to: [Source: NEW]

A. Wireless telecommunication facilities, community networks, or neighborhood repeaters that provide service to occupants other than those on the parcel on which the facility is located and that comply with the following criteria: [Source: NEW]

0. The facility is located, designed, and screened to blend in with the existing natural or built surroundings; [Source: NEW]

1. The facility is compatible with neighboring development with consideration to massing, location, and height; [Source: NEW]

2. The facility complies with all applicable radio frequency emissions regulations of the Federal Communications Commission; and [Source: NEW]

3. A plan for a wireless communication facility, community network, or neighborhood repeater shall be submitted to the Community Development Director providing the following information to demonstrate that the facility complies with the criteria listed above: [Source: NEW]

   a. A map showing the location of the proposed facility and all land uses adjacent to the parcel; [Source: NEW]

   b. A map identifying the boundaries of the area that will be served by the proposed facility and all related facilities within the County that are part of the same network of coverage as the proposed facility; [Source: NEW]

   c. Proof of legal access to the parcel on which the proposed facility is to be located; [Source: NEW]

   d. The design of the facility and any accessory equipment, including a visual simulation with mock-ups or photomontages, to demonstrate that it will blend with its surroundings; [Source: NEW]

   e. The telecommunication towers are designed in a way to prevent or deter climbing to reduce the potential for trespass and injury; and [Source: NEW]

   f. A plan identifying the source of power to the proposed facility. [Source: NEW]

B. All wireless telecommunication facilities located a minimum of 1,000 feet from the nearest property line and public road easements and rights-of-way, and on parcels that cannot be subdivided. [Source: NEW]

C. All wireless telecommunication facilities specifically established for and used temporarily during a declared local, State, or Federal emergency or disaster. [Source: NEW]

17.100.30 Permit and Application Requirements

. Permit Required. All wireless telecommunication facilities in the County, except as established in Section 17.100.030 (Exemptions), shall be installed or erected in compliance with the permit requirements established in this Section and Part 2 of this Title. [Source: NEW]

A. Replacement and Removal of Transmission Equipment. The removal or replacement of transmission equipment is allowed by right provided that removal or modification does not significantly change or alter the facility. For the purpose of this Subsection, to “change” or “alter” shall mean to increase the visual impacts of the facility, and/or to modify the physical dimensions of the existing facility (i.e., height). [Source: NEW]

B. Co-located Facilities. Co-located facilities are allowed by right when proposed to be co-located on a facility that was complies with all of the following: [Source: NEW]

   0. The facility is in compliance with all current zoning regulations;

   1. The facility was previously subject to discretionary review;

2. The facility has an adopted environmental impact report, negative declaration, or mitigated negative declaration in compliance with the California Environmental Quality Act, and the co-location facility incorporates all required mitigation measures specified in that environmental impact report, negative declaration, or mitigated negative declaration. [Source: NEW]

C. Facilities in Public Right-of-Way. Wireless telecommunication facilities and equipment (i.e., microcell, small cell, other co-located facilities), when affixed to County-owned facilities (i.e., streetlights, utility poles) in the public right-of-way, shall be required to obtain an Encroachment Permit. [Source: NEW]

17.100.40 Application Requirements

When a Director Use Permit or Conditional Use Permit is required, the permit application shall include all of the following, in addition to any materials required in compliance with Chapter __ (Director Use Permit) and Chapter __ (Conditional Use Permit): [Source: NEW]

. Map. A map showing the location of the proposed facility and all parcels, zoning, and existing land uses within 500 hundred feet of the boundaries of the parcel on which the facility is proposed. [Source: NEW]

A. Design. The design of the facility, including a cross-sectional area and/or silhouette of the proposed facility. [Source: NEW]

B. Visual Impact Analysis. A visual impact analysis drawn to scale, including a visual impact demonstration through mock-ups or photo simulations, story poles, elevations or other visual or graphic illustrations of the facility. The purpose of the analysis is to determine potential visual impacts of the proposed facility including structure design and height, size and massing of structure(s), proper coloration, material reflectivity, and blending of the facility with the proposed site. [Source: NEW]

C. Boundary Map(s). Map(s) identifying the boundaries of the area that will be served by the proposed facility. [Source: NEW]

D. Service Providers Existing Network. A map, if applicable, showing how the proposed facility fits into the service provider's network of existing and proposed facility sites. This map, or an additional map, shall show all similar or related facilities within a five-mile radius of the project site that are part of the same network of coverage as the proposed facility. [Source: NEW]

E. Alternative Sites Analysis. An analysis showing that all alternate sites for placement of the facility have been considered and analyzed and reasons for their rejection. The alternative site analysis shall include a table indicating why each of these other sites was rejected or found inferior to the proposed site. The analysis shall also address alternatives to reduce visual impacts, economic impacts, and other potential environmental impacts. The analysis may be required to provide alternative types of facilities that may be utilized to achieve similar or same coverages with different technological approaches and design. [Source: NEW]

F. Landscape Plan. A landscape plan that shows existing vegetation, indicating any vegetation proposed for removal, and identifying proposed plantings by type, size, and location. [Source: NEW]

G. Radiation Analysis and Summary. A report or summary of the estimates of the nonionizing radiation generated by the facility (EMF/RF Study). The report shall include estimates of the maximum electric and magnetic field strength at the edge of the facility site, and the extent that measurable fields extend in all directions from the facility. The report shall be prepared by an appropriately licensed professional stating that the system, including the antennas and associated base transceiver stations, conforms to the radio-frequency radiation emission standards adopted by the Federal Communications Commission (FCC). [Source: NEW]

H. FCC Certification. A copy of the certification from the FCC specifying that the facility's radio frequency emissions will comply with the application regulations of the FCC. [Source: NEW]

I. National Environmental Policy Act (NEPA) Checklist. The FCC's National Environmental Policy Act (NEPA) Checklist for all applications for service providers who will be using the facility. Additional information required by the FCC to satisfy compliance with NEPA when required by the FCC for issuance of a license to operate wireless communication facilities. [Source: NEW]

J. Marking of Hazards Statement. A statement as to how the facility satisfies the recommendations outlined in the Federal Aviation Administration's (FAA) Advisory Circular pertaining to the marking of hazards. [Source: NEW]

K. Security and Safety Plan. Information addressing security considerations, including exterior lighting, fencing, gates, and access. [Source: NEW]

L. Electrical Service Plan. A plan identifying the source of power to the proposed facility. If electrical service is proposed, the plan shall include the location of proposed overhead or underground distribution lines to extend service to the proposed facility. [Source: NEW]

17.100.50 Service Gap Exception

. The Community Development Director may consider an application for a wireless telecommunication facility in a location at which it would otherwise be prohibited, excluding setback standard requirements, if the applicant establishes that: [Source: NEW]

0. The facility is necessary to comply with Federal law; or [Source: NEW]

1. The facility will fill an existing significant gap in the applicant's communication service to remote users. [Source: NEW]

A. The applicant shall establish that there is no alternative to the proposed location, and that the manner in which it proposes to fill the service gap complies in all other respects with the provisions established in this Chapter. These requirements may be waived if an applicant establishes an inability to comply with these provisions that would prevent the facility from being constructed at that location. As a condition of approval of a Director Use Permit for a wireless telecommunication facility to fill a service gap, the Community Development Director may require the facility to be designed and used as a co-location or multiple user facility. [Source: NEW]

17.100.60 General Development and Design Standards

The following development and design standards shall apply to all proposed wireless telecommunication facilities. These standards shall be applicable for the life of the project. [Source: NEW]

. Stealth Design. State of the art stealth design technology shall be used as appropriate to the site and type of facility. Where no stealth design technology is proposed for the site, a detailed analysis as to why stealth design technology is physically and technically infeasible for the project shall be submitted with the application. [Source: NEW]

A. Color and Material. All antennas, poles, towers, or equipment, including ancillary support equipment, shall have a nonreflective finish and shall be painted or otherwise treated to match or blend with the primary background and minimize visual impacts. [Source: NEW]

B. Setbacks. All equipment and structures associated with the wireless telecommunications facility shall comply with the minimum setback requirements of the underlying zone as established in Part 2 of this Title. [Source: NEW]

C. Height. The following height requirements shall apply: [Source: NEW]

0. Minimum Functional Height. All wireless telecommunication equipment and support structures shall be designed to be the minimum functional height required to support the proposed facility. [Source: NEW]

1. Ground-Mounted Facilities. Ground-mounted facilities and/or equipment (e.g., towers, antennas) shall not exceed 150 feet in height. [Source: NEW]

2. Structure-Mounted Facilities. Structure-mounted facilities and equipment shall not exceed 15 feet above the height limit of the underlying zone or 15 feet above the top of the structure in which it is mounted, whichever is less. [Source: NEW]

D. Equipment Shelters/Appurtenant Structures. All equipment shelters and appurtenant structures shall be screened from adjacent properties and public roadways. [Source: NEW]

E. Lighting. Artificial lighting of a telecommunication facility, including its components, is prohibited, unless required by the Federal Aviation Administration. A motion-sensor light may be used for security purposes if the beam is directed downwards, shielded from adjacent properties, and kept off except when personnel are present at night. [Source: NEW]

F. Signs. No signs shall be located on a support tower or equipment shelter except for required warning and safety signs. The use of any portion of a communication facility for signs other than warning or equipment information signs is prohibited. [Source: NEW]

17.100.70 Noise

Wireless telecommunication facilities shall be constructed and operated in such a manner as to minimize the amount of disruption caused to neighboring uses. The following measures shall be implemented to minimize disruption: [Source: NEW]

. Construction. Construction activities shall only take place on weekdays, Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m. and shall be prohibited on Saturday,

Sunday, and County holidays, unless otherwise approved by the Community Development Director. [Source: NEW]

A. On-Site Generators. All generators shall be enclosed within structures and insulated to minimize off-site noise impacts in compliance with Section __ (Noise) and the General Plan. [Source: NEW]

B. Equipment Testing and Maintenance. Exterior testing of equipment and maintenance activities shall only take place on weekdays between the hours of 8:30 a.m. and 4:30 p.m. This restriction shall not apply to emergency situations or to an impending failure of the wireless communication system. [Source: NEW]

C. Noise Exposure. The facility shall not exceed the normally acceptable Community Noise Exposure Ldn or CNEL range between dB 50 and 60 at any property line of the parcel on which it is located. [Source: NEW]

17.100.80 Co-Located and Multiple User Facilities

. All co-located and multiple user wireless telecommunication facilities shall be designed to promote and enable facility and site sharing, including but not limited to parking areas, access roads, utilities, and equipment structures. The purpose of this requirement is to minimize overall visual impact of wireless communication facilities to the community. [Source: NEW]

A. Any new facility shall make available unused space for co-location of other telecommunication facilities, including space for these entities providing similar, competing services. A good faith effort in achieving co-location shall be required of the host entity. Requests for facility space use and responses to such requests shall be made in a timely manner and in writing and copies shall be provided to the Department. Co-location is not required in cases where the addition of the new services or facilities would cause quality of service impairment to the existing facility or if it would be necessary for the host to go off-line for a maximum of 24 hours. [Source: NEW]

B. Approval for the establishment of facilities on a site or parcel already improved with an existing microwave band or other public service use or facility which is anticipated to create interference as a result of said establishment of additional facilities, shall include provisions for the relocation of said existing public use facilities. The applicant shall be responsible for paying all costs associated with the relocation of these facilities. [Source: NEW]

C. Co-located and multiple user facilities shall comply with FCC regulations. [Source: NEW]

17.100.90 Abandonment of the Facility

A major wireless communication facility which has not been used for a period of 18 months shall be deemed abandoned and shall be removed in compliance with the agreement to maintain and remove the facility in compliance with Section 17.100.110 (Agreement and Security to Maintain and Remove). [Source: NEW]

17.100.100 Agreement and Security to Maintain and Remove

. Agreement. An agreement to maintain the wireless telecommunication facility or to remove it upon abandonment of the facility or upon determination that the facility has become structurally obsolete shall be signed by the owner of the property on which the facility is proposed. The

agreement shall be submitted to the Community Development Director, along with a security in the form of a surety bond, an irrevocable letter of credit, assigned certificate of deposit or other security as approved by the Community Development Director, to guarantee maintenance and removal of the major wireless communication facility before issuance of a Building Permit for the facility. [Source: NEW]

A. Security Amount. The amount of security shall be based upon an engineer's estimate submitted by the property owner for the cost of maintaining the facility over the life of the facility and the cost to remove the facility. A surety bond or irrevocable letter of credit shall be adjusted for inflation every three years by the facility owner and the updated instrument shall be provided to the Community Development Director. [Source: NEW]

B. Binding Agreement. The agreement shall bind the property owner and the property owner's successors-in-interest to properly maintain the exterior appearance and structural integrity of and ultimately remove the facility in compliance with the provisions of this Chapter and any conditions of approval of the Administrative Use Permit. It shall further bind the applicant to pay all costs for monitoring compliance with, and enforcement of, the agreement and to reimburse the County for all costs incurred to perform any work required of the applicant by the agreement that the applicant fails to perform. It shall also specifically authorize the County or its agents to enter into the agreement on behalf of the County. [Source: NEW]

C. Lien. If payment is not made, and the required service is not performed, a lien will be rendered by the County on the real property for the actual cost to the County to abate the situation resulting from the failure of performance of the terms of the agreement. [Source: NEW]

Chapter 17.105

Surface Mining

Chapter 17.105 Surface Mining

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17.105.10 Purpose and Intent

A. The County of Trinity recognizes that the extraction of minerals is essential to the continued economic well-being of the county and to the needs of society and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect public health and safety. The County also recognizes that surface mining takes place in diverse areas where the geologic, topographic, climatic, biological, and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly. [Source: 17.30A.010]

B. The purpose and intent of this Chapter is to ensure the continued availability of important mineral resources, while regulating surface mining operations as required by California's Surface Mining and Reclamation Act of 1975 (Public Resources Code Sections 2710 et seq.), as amended, hereinafter referred to as "SMARA," Public Resources Code (PRC) Section 2207 (relating to annual reporting requirements), and State Mining and Geology Board regulations (hereinafter referred to as "State regulations") for surface mining and reclamation practice (California Code of Regulations [CCR], Title 14, Division 2, Section 8, Subchapter 1, Sections 3500 et seq.), to ensure that: [Source: 17.30A.010]

1. Adverse environmental effects are prevented or minimized and that mined lands are reclaimed to a usable condition, which is readily adaptable for alternative land uses. [Source: 17.30A.010.A]

2. The production and conservation of minerals are encouraged, while giving consideration to values relating to recreation, watershed, wildlife, range and forage, and aesthetic enjoyment. [Source: 17.30A.010.B]

3. Residual hazards to public health and safety are eliminated. [Source: 17.30A.010.C]

17.105.20 Applicability

. Applicable Zones. Surface mining shall be allowed in compliance with Part 2 of this Title and with the approval of a Conditional Use Permit and reclamation plan. [Source: 17.30A.040, modified]

A. Scope. Except as provided in this Chapter, no person shall conduct surface mining operations unless a Conditional Use Permit, reclamation plan, and financial assurances for reclamation have first been approved by the County. Any applicable exemption from this requirement does not automatically exempt a project or activity from other regulations, ordinances or policies of the County, including but not limited to, the application of CEQA, the requirement of other permits, the payment of development impact fees, or the imposition of other dedications and exactions as may be permitted under the law. The provisions of this Chapter shall apply to all lands within the County, public and private. This Chapter shall not apply to the following activities, subject to the above-referenced exceptions: [Source: 17.30A.050, modified]

0. Excavations or grading conducted for farming or on-site construction or for the purpose of restoring land following a flood or natural disaster. [Source: 17.30A.050.A]

1. Onsite excavation and onsite earthmoving activities which are an integral and necessary part of a construction project that are undertaken to prepare a site for construction of structures, landscaping, or other land improvements, including the related excavation, grading, compaction, or the creation of fills, road cuts, and embankments, whether or not surplus materials are exported from the site, subject to all of the following conditions: [Source: 17.30A.050.B]

   a. All required permits for the construction, landscaping, or related land improvements have been approved by a public agency in accordance with applicable provisions of state law and locally adopted plans and ordinances, including, but not limited to, the California Environmental Quality Act ("CEQA," Public Resources Code, Division 13, Section 21000 et seq.). [Source: 17.30A.050.B.1, modified]

   b. The County's approval of the construction project included consideration of the onsite excavation and onsite earthmoving activities pursuant to CEQA. [Source: 17.30A.050.B.2]

   c. The approved construction project is consistent with the General Plan or zoning of the site. [Source: 17.30A.050.B.3, modified]

d. Surplus materials shall not be exported from the site unless and until actual construction work has commenced and shall cease if it is determined that construction activities have terminated, have been indefinitely suspended, or are no longer being actively pursued. [Source: 17.30A.050.B.4]

2. Operation of a plant site used for mineral processing, including associated onsite structures, equipment, machines, tools, or other materials, including the onsite stockpiling and onsite recovery of mined materials, subject to all of the following conditions: [Source: 17.30A.050.C]

   a. The plant site is located on lands designated for industrial or commercial uses in the county's general plan. [Source: 17.30A.050.C.1]

   b. The plant site is located on lands zoned industrial or commercial, or are contained within a zoning category intended exclusively for industrial activities by the county. [Source: 17.30A.050.C.2]

   c. None of the minerals being processed are being extracted onsite. [Source: 17.30A.050.C.3]

   d. All reclamation work has been completed pursuant to the approved reclamation plan for any mineral extraction activities that occurred onsite after January 1, 1976. [Source: 17.30A.050.C.4]

3. Prospecting for, or the extraction of, minerals for commercial purposes and the removal of overburden in total amounts of less than one thousand cubic yards in any one location of one acre or less over the life of the mine. [Source: 17.30A.050.D]

4. Surface mining operations that are required by federal law in order to protect a mining claim, if those operations are conducted solely for that purpose. [Source: 17.30A.050.E]

5. Any other surface mining operations that the State Mining and Geology Board determines to be of an infrequent nature and which involve only minor surface disturbances. [Source: 17.30A.050.F]

6. Emergency excavations or grading conducted by the CA Department of Water Resources or the Surface Mining and Geology Board for the purpose of averting, alleviating, repairing, or restoring damage to property due to imminent or recent floods, disasters, or other emergencies. [Source: 17.30A.050.G]

7. Road construction and maintenance for timber or forest operations if the land is owned by the same person or entity, and if the excavation is conducted adjacent to timber or forest operation roads. This exemption is only available if slope stability and erosion are controlled in accordance with State Mining and Geology Board regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post-closure uses in consultation with the Department of Forestry and Fire Protection. This exemption does not apply to onsite excavation or grading that occurs within one hundred feet of a Class One watercourse or seventy-five feet of a Class Two watercourse, or to excavations for materials that are, or have been, sold for commercial purposes. [Source: 17.30A.050.H]

8. Excavations, grading, or other earthmoving activities in an oil or gas field that are integral to, and necessary for, ongoing operations for the extraction of oil or gas that comply with all of the following conditions: [Source: 17.30A.050.I]

   a. The operations are being conducted in accordance with Division 3 (commencing with Section 3000) of the State Mining and Geology Board's regulations; [Source: 17.30A.050.I.a]

   b. The operations are consistent with the County's general plan or zoning applicable to the site; [Source: 17.30A.050.I.b]

   c. The earthmoving activities are within oil or gas field properties under a common owner or operator; and [Source: 17.30A.050.I.c]

   d. No excavated materials are sold for commercial purposes. [Source: 17.30A.050.I.d]

9. An exemption under this title does not automatically exempt a project or activity from the application of other regulations, ordinances or policies of the county, including but not limited to the application of CEQA (Public Resources Code Section 21000 et seq.), the requirement of use permits, grading permits, or other permits or the imposition of monitoring fees or exactions as may be permitted by law. [Source: 17.30A.050.J]

10. Any person desiring a determination of exemption from this chapter may request such a written determination by submitting a complete written description of the proposed project or activity and its location together with a filing fee to the Planning Division. [Source: 17.30A.050.K]

17.105.30 Incorporation by Reference

Incorporation by reference. The provisions of SMARA (PRC Section 2710 et seq.), Public Resources Code Section 2207, and state regulations California Code of Regulations Section 3500 et seq., as those provisions and regulations may be amended from time to time, are made a part of this Chapter by reference with the same force and effect as if the provisions therein were specifically and fully set out herein, excepting that when the provisions of this Chapter are more restrictive than correlative State provisions, this Chapter shall prevail. [Source: 7.30A.030, modified]

17.105.40 Vested Rights

. No person who obtained a vested right to conduct surface mining operations prior to January 1, 1976, shall be required to secure a Conditional Use Permit to mine, so long as the vested right continues and as long as no substantial changes have been made in the operation except in accordance with SMARA, State regulations, and this Chapter. Where a person with vested rights has continued surface mining in the same area subsequent to January 1, 1976, they shall obtain County approval of a reclamation plan covering the mined lands disturbed by such subsequent surface mining. [Source: 17.30A.060, modified]

A. In those cases where an overlap exists (in the horizontal and/or vertical sense) between pre- and post-Act mining, the reclamation plan shall call for reclamation proportional to that disturbance caused by the mining after the effective date of the Act (January 1, 1976). [Source: 17.30A.060]

B. No new vested right operations shall be recognized after January 2001. [Source: 17.30A.060]

C. All other requirements of State law and this chapter shall apply to vested mining operations. [Source: 17.30A.060, modified]

17.105.50 Mineral Resource Protection

. Mine development is encouraged in compatible areas before encroachment of conflicting uses. Mineral resource areas that have been classified by the State Department of Conservation's Division of Mines and Geology or designated by the State Mining and Geology Board, as well as existing surface mining operations that remain in compliance with the provisions of this Chapter, shall be protected from intrusion by incompatible land uses that may impede or preclude mineral extraction or processing, to the extent possible for consistency with the General Plan. [Source: 17.30A.190, modified]

A. In accordance with PRC Section 2762, the County's General Plan and resource maps will be updated to reflect mineral information (classification and/or designation reports) within twelve months of receipt from the State Mining and Geology Board of such information. [Source: 17.30A.190, modified]

B. Land use decisions within the County will be guided by information provided on the location of identified mineral resources of regional significance. Conservation and potential development of identified mineral resource areas will be considered and encouraged. Recordation on property titles of the presence of important mineral resources within the identified mineral resource areas may be encouraged as a condition of approval of any development project in the impacted area. Prior to approving a use that would otherwise be incompatible with mineral resource protection, conditions of approval may be applied to encroaching development projects to minimize potential conflicts. [Source: 17.30A.190, modified]

17.105.60 Process

. Applications for a Conditional Use Permit and/or reclamation plan for surface mining or land reclamation projects shall be made on forms provided by the Planning Department. Said application shall be filed in accordance with this Chapter and procedures established in Chapter __ (Conditional Use Permits). [Source: 17.30A.070.A, modified]

A. The forms for reclamation plan applications shall require, at a minimum, each of the elements required by SMARA (Sections 2772-2773), and State regulations, and any other requirements deemed necessary to facilitate an expeditious and fair evaluation of the proposed reclamation plan, to be established at the discretion of the Community Development Director. As many copies of the reclamation plan as may be required by the Community Development Director shall be submitted to the Planning Department. [Source: 17.30A.070.B]

B. As many copies of a reclamation plan application as may be required shall be submitted in conjunction with all applications for use permits for surface mining operations. For surface mining operations that are exempt from a Conditional Use Permit pursuant to this Section, the reclamation plan application shall include information concerning the mining operation that is required for processing the reclamation plan. All documentation for the reclamation plan shall be submitted to the county at one time. [Source: 17.30A.070.C]

C. Applications shall include all required environmental review forms and information prescribed by the Community Development Director and shall be accompanied by aerial photographs. The information shall include a site plan and benchmark elevations. These benchmarks shall be maintained throughout the life of the project. Applications for operations located in areas that may potentially be unstable due to geology, soils, or slope; and applications for operations located in areas with ultramafic soils or soils that may contain naturally occurring asbestos shall submit a geotechnical report that describes possible geological hazards and recommends mitigation to minimize potential impacts from any hazard identified. The geotechnical report shall meet the standards stated in Recommended Procedures for Implementation of DMG Special Publication 117: Guidelines for Analyzing and Mitigating Landslide Hazards in California, published by the American Society of Civil Engineering and Southern California Earthquake Center for slope stability analysis. Asbestos shall be evaluated as required by the Air Resources Board Guidelines. [Source: 17.30A.070.D]

D. Upon completion of the environmental review procedure and filing of all documents required by the Community Development Director, consideration of the Conditional Use Permit or reclamation plan for the proposed or existing surface mine shall be completed pursuant to Chapter __ (Conditional Use Permit) at a public hearing. [Source: 17.30A.070.E, modified]

E. Within 30 days of acceptance of an application for a Conditional Use Permit for surface mining operations and/or a reclamation plan as complete, the Planning Division shall notify the State Department of Conservation of the filing of the application(s). Whenever mining operations are proposed in the 100-year floodplain of any stream, as shown in Zone A or Zone AE of the flood insurance rate maps issued by the Federal Emergency Management Agency, and within one mile, upstream or downstream, of any State highway bridge, the Planning Division shall also notify the State Department of Transportation that the application has been received. Whenever mining operations are proposed within one mile, upstream or downstream, of any county bridge, the Planning Division shall also notify the Trinity County Department of Transportation that the application has been received. [Source: 17.30A.070.F, modifeid]

F. The Planning Division shall process the application(s) through environmental review pursuant to the California Environmental Quality Act (Public Resources Code Sections 21000 et seq.) and the County's environmental review guidelines. [Source: 17.30A.070.G, modified]

G. Prior to final approval of a reclamation plan, financial assurances (as provided in this Chapter), or any amendments to the reclamation plan or existing financial assurances, the Planning Commission shall certify to the State Department of Conservation that the reclamation plan and/or financial assurance complies with the applicable requirements of State law, and submit the plan, assurance, or amendments to the State Department of Conservation for review. The Planning Commission may conceptually approve the reclamation plan and financial assurance before submittal to the State Department of Conservation. If a Conditional Use Permit is being processed concurrently with the reclamation plan, the Planning Commission may simultaneously also conceptually approve the Conditional Use Permit. However, the Planning Commission may defer action on the Conditional Use Permit until taking final action on the reclamation plan and financial assurances. If necessary to comply with permit processing deadlines, the Planning Commission may conditionally approve the application with the condition that the Planning Division shall not issue the Conditional Use Permit for the mining

operations until cost estimates for financial assurances have been reviewed by the State Department of Conservation and final action has been taken on the reclamation plan and financial assurances. [Source: 17.30A.070.J, modified]

H. Pursuant to PRC Section 2774(d), the State Department of Conservation shall be given 30 days to review and comment on the reclamation plan and 45 days to review and comment on the financial assurance. The Planning Commission shall evaluate written comments received, if any, from the State Department of Conservation during the comment periods. Staff shall prepare a written response describing the disposition of the major issues raised by the State for the Planning Commission's approval. When the Planning Commission's position is at varies from the recommendations and objections raised in the State's comments, the written response shall address, in detail, why specific comments and suggestions were not accepted. [Source: 17.30A.070.K, modified]

I. Copies of any written comments received and responses prepared by the Planning Commission shall be promptly forwarded to the operator/applicant. [Source: 17.30A.070.L, modified]

J. The Planning Commission shall then take action to approve, conditionally approve, or deny the application for the Conditional Use Permit and/or reclamation plan, and to approve the financial assurances pursuant to PRC Section 2770(d). [Source: 17.30A.070.M, modified]

K. The Planning Division shall forward a copy of each approved Conditional Use Permit for mining operations and/or approved reclamation plan, and a copy of the approved financial assurances to the State Department of Conservation. By July 1 of each calendar year, the Planning Division shall submit to the State Department of Conservation for each active or idle mining operation a copy of the Conditional Use Permit or reclamation plan amendments, as applicable, or a statement that there have been no changes during the previous year. [Source: 17.30A.070.N, modified]

L. Reclamation plan and Conditional Use Permit amendments shall be submitted to the Planning Division for review and approval prior to implementation. Substantial deviations from the approved reclamation plan or Conditional Use Permit, as determined by the Community Development Director, shall require Planning Commission approval. Minor amendments from the approved reclamation plan may be approved by the Community Development Director. All amendments to reclamation plans shall be forwarded to the Department of Conservation for comment prior to approval. The Department of Conservation shall have 30 days to comment on the amendment prior to approval by the Community Development Director or the Planning Commission. If an amendment is approved, the financial assurances shall be amended accordingly prior to implementation of the reclamation plan or Conditional Use Permit amendment. [Source: 17.30A.070.O, modified]

17.105.70 Standards for Reclamation

. Standards for Reclamation. [Source: 17.30A.080, modified]

0. All reclamation plans shall comply with the provisions of SMARA (Section 2772 and Section 2773) and State regulations (California Code of Regulations Sections 3500—3505). Reclamation plans approved after January 15, 1993, reclamation plans for proposed new mining operations, and any substantial amendments to previously

approved reclamation plans, shall also comply with the requirements for reclamation performance standards (California Code of Regulations Sections 3700—3713). [Source: 17.30A.080.A, modified]

1. The County may impose additional performance standards as developed either in review of individual projects, as warranted, or through the formulation and adoption of countywide performance standards. [Source: 17.30A.080.B, modified]

2. Reclamation activities shall be initiated at the earliest possible time on those portions of the mined lands that will not be subject to further disturbance. Interim reclamation may also be required for mined lands that have been disturbed and that may be disturbed again in future operations. Reclamation may be done on an annual basis, in stages compatible with continuing operations, or on completion of all excavation, removal, or fill, as approved by the County. Each phase of reclamation shall be specifically described in the reclamation plan and shall include: [Source: 17.30A.080.C, modified]

    a. The beginning and expected ending dates for each phase; [Source: 17.30A.080.C.1]

    b. All reclamation activities required; [Source: 17.30A.080.C.2]

    c. Criteria for measuring completion of specific reclamation activities; [Source: 17.30A.080.C.3]

    d. Estimated costs for completion of each phase of reclamation. [Source: 17.30A.080.C.4]

3. Reclamation shall commence within 30 days after operations have ceased in any area which will not be subject to additional mining, or in any section of a mining operation which has become idle, unless an interim reclamation plan has been submitted to the County for review. [Source: 17.30A.080.D, modified]

A. Statement of Responsibility. The person submitting the reclamation plan shall sign a statement accepting responsibility for reclaiming the mined lands in accordance with the reclamation plan. Said statement shall be kept by the Planning Division in the mining operation's permanent record. Upon sale or transfer of the operation, the new operator shall submit a signed statement of responsibility to the Planning Division for placement in the permanent record, which is dated to correspond with the change in ownership. [Source: 17.30A.090, modified]

B. Hold Harmless Agreement. The mine operator and owner of the property to be mined shall sign an agreement which holds the County of Trinity and the State of California harmless from any and all claims, litigation, and damages, including costs of repair, related to and/or arising from environmental contamination from hazardous materials caused by the mining operations. The form of said document shall be approved by County Counsel prior to submittal. The hold harmless agreement shall be submitted to the County prior to commencement of mining operations and shall become part of the permanent record for the mine operation. [Source: 17.30A.100, modified]

17.105.80 Findings for Approval

. Conditional Use Permits. In addition to any findings required for Conditional Use Permits established in Chapter __ (Conditional Use Permit), Conditional Use Permits for surface mining operations shall include a finding that the project complies with the provisions of SMARA and State regulations. [Source: 17.30A.110.A, modified]

A. Reclamation Plans. For reclamation plans, the following findings shall be required: [Source: 17.30A.110.B]

0. That the reclamation plan complies with SMARA Sections 2772 and 2773, and any other applicable provisions; [Source: 17.30A.110.B.1]

1. That the reclamation plan complies with applicable requirements of State regulations (CCR §§ 3500—3505, and §§ 3700—3713). [Source: 17.30A.110.B.2, modified]

2. That the reclamation plan and potential use of reclaimed land pursuant to the plan are consistent with this Chapter and the General Plan. [Source: 17.30A.110.B.3, modified]

3. That the reclamation plan has been reviewed pursuant to CEQA and the County's environmental review guidelines, and all significant adverse impacts from reclamation of the surface mining operations are mitigated to the maximum extent feasible. [Source: 17.30A.110.B.4, modified]

4. That the land and/or resources such as water bodies to be reclaimed will be restored to a condition that is compatible with, and blends in with, the surrounding natural environment, topography, and other resources, or that suitable off-site development will compensate for related disturbance to resource values. [Source: 17.30A.110.B.5]

5. That the reclamation plan will restore the mined lands to a usable condition which is readily adaptable for alternative land uses consistent with the general plan and applicable resource plan. [Source: 17.30A.110.B.6]

6. That a written response to the State Department of Conservation has been prepared, describing the disposition of major issues raised by that department. Where the County's position is at variance with the recommendations and objections raised by the State Department of Conservation, said response shall address, in detail, why specific comments and suggestions were not accepted. [Source: 17.30A.110.B.7, modified]

7. That adequate financial assurances exist to implement the reclamation plan and any additional conditions of approval required by the Conditional Use Permit. [Source: 17.30A.110.B.8, modified]

17.105.90 Conditions of Approval

. All conditions of approval shall be incorporated into the operating plan and reclamation plan for the mining operation prior to commencement. [Source: 17.30A.120]

A. The following conditions shall be incorporated as conditions of approval for Conditional use Permits for every mining operation: [Source: 17.30A.120, modified]

0. All mining operations and activities; method of mining and equipment used; and area to be mined shall be those described in the approved final reclamation plan. The limits of the mine area (described in the reclamation plan, and identified on the aerial map included in the plan) shall be flagged and posted on the site and benchmarks shall be established. The mine operation boundaries and benchmarks shall be maintained throughout the life of the mine for easy identification during operations and annual inspections. [Source: 17.30A.120.A]

1. The reclamation plan shall be amended if site conditions, mining operations, or other activities necessitate a re-evaluation of mine operations and reclamation in relation to standards contained in Section 3700 et Seq. (Article 9, Reclamation Standards) of the California Code of Regulations, including any amendments to the standards. [Source: 17.30A.120.B]

2. A copy of the approved reclamation plan and all Conditional Use Permit conditions shall be maintained on the mine site during active mining operations. [Source: 17.30A.120.C, modified]

3. Operations shall comply with all local, State, and Federal regulations. [Source: 17.30A.120.D, modified]

4. Copies of all required local, State, and Federal permits associated with the project, or verification that a permit is not required, shall be submitted to the Planning Division prior to mining operations. Subsequent updates of permits shall also be supplied to the Planning Division and shall be maintained as part of the active mine's file. [Source: 17.30A.120.E, modified]

5. Materials safety data sheets shall be maintained on site for all hazardous materials. A map showing the location of any hazardous materials storage areas shall also be maintained on site. A copy of this information shall be submitted to the Planning Division and the local fire department. Absorbent materials for cleanup of hazardous materials shall be maintained on site at all times. The location of these materials shall be identified on the hazardous materials storage map. Any spillage of hazardous materials including fuels, lubricants, solvents, etc. shall be immediately contained. Cleaning materials and contaminated materials shall be disposed of according to state regulations. [Source: 17.30A.120.F, modified]

6. Fuel storage on the project site shall be in approved fuel storages containers. All fuel storage containers shall have a non-permeable, secondary containment system. [Source: 17.30A.120.G]

7. Any other conditions deemed necessary by the Planning Commission. [Source: 17.30A.120.H, modified]

17.105.100 Financial Assurances

. To ensure that reclamation will proceed in accordance with the approved reclamation plan, the county shall require, as a condition of approval, security which will be released upon satisfactory performance. The applicant may pose security in the form of a surety bond, trust fund, irrevocable letter of credit from an accredited financial institution, or other method

acceptable to the county and the State Mining and Geology Board as specified in State regulations, and which the County reasonably determines are adequate to perform reclamation in accordance with the surface mining operation's approved reclamation plan. Financial assurances shall be made payable to the County of Trinity and the State Department of Conservation. [Source: 17.30A.130.A, modified]

A. Financial assurances will be required to ensure compliance with elements of the reclamation plan, including but not limited to, revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, and other measures, if necessary. [Source: 17.30A.130.B]

B. Cost estimates for the financial assurance shall be submitted to the Planning Division for review and approval prior to the operator securing financial assurances. The Community Development Director shall forward a copy of the cost estimates, together with any documentation received supporting the amount of the cost estimates, to the State Department of Conservation for review. If the State Department of Conservation does not comment within 45 days of receipt of these estimates, it shall be assumed that the cost estimates are adequate, unless the County has reason to determine that additional costs may be incurred. The Community Development Director shall have the discretion to approve the financial assurance if it meets the requirements of this chapter, SMARA, and state regulations. [Source: 17.30A.130.C, modified]

C. The amount of the financial assurance shall be based upon the estimated costs of reclamation for the years or phases stipulated in the approved reclamation plan, including any maintenance of reclaimed areas as may be required, subject to adjustment for the actual amount required to reclaim lands disturbed by surface mining activities, and new lands to be disturbed by surface mining activities in the upcoming year. Cost estimates shall be prepared by a qualified professional, with experience in preparing financial assurance estimates, retained by the operator and approved by the Community Development Director. The estimated amount of the financial assurance shall be based on an analysis of physical activities necessary to implement the approved reclamation plan, the unit costs for each of these activities, the number of units of each of these activities, and the actual administrative costs. Financial assurances to ensure compliance with revegetation, restoration of water bodies, restoration of aquatic or wildlife habitat, and any other applicable element of the approved reclamation plan shall be based upon cost estimates that include but may not be limited to labor, equipment, materials, mobilization of equipment, administration, and reasonable profit by a commercial operator other than the permittee. A contingency factor of ten percent shall be added to the cost of financial assurances. [Source: 17.30A.130.D, modified]

D. In projecting the costs of financial assurances, it shall be assumed without prejudice or insinuation that the surface mining operation could be abandoned by the operator and, consequently, the county or State Department of Conservation may need to contract with a third party commercial company for reclamation of the site. [Source: 17.30A.130.E]

E. The financial assurances shall remain in effect for the duration of the surface mining operation and any additional period until reclamation is completed (including any maintenance required). [Source: 17.30A.130.F]

F. The amount of financial assurances required of a surface mining operation for any one year shall be adjusted annually to account for new lands disturbed by surface mining operations, inflation, and reclamation of lands accomplished in accordance with the approved reclamation plan. The financial assurances shall include estimates to cover reclamation for existing conditions and anticipated activities during the upcoming year, excepting that the permittee may not claim credit for reclamation scheduled for completion during the coming year. [Source: 17.30A.130.G]

G. Revisions to financial assurances shall be submitted to the Community Development Director each year prior to the anniversary date for approval of the financial assurances. The financial assurance shall cover the cost of existing disturbance and anticipated activities for the next calendar year, including any required interim reclamation. If revisions to the financial assurances are not required, the operator shall explain, in writing, why revisions are not required. [Source: 17.30A.130.H, modified]

H. Financial assurances shall include the cost of removal of all structures and equipment associated with the surface mine operation. Salvage value for equipment and structures shall not be used in calculations for financial assurances. [Source: 17.30A.130.I]

17.105.110 Interim Management Plans

. Within 90 days of a surface mining operation becoming idle, the operator shall submit to the Planning Division a proposed interim management plan (IMP). The proposed IMP shall fully comply with the requirements of SMARA, including but not limited to all Conditional Use Permit conditions, and shall provide measures the operator will implement to maintain the site in a stable condition, taking into consideration public health and safety. The proposed IMP shall be submitted on forms provided by the Planning Division, and shall be processed as an amendment to the reclamation plan. IMPs shall not be considered a project for the purposes of environmental review, unless the IMP substantially deviates from the approved reclamation plan. [Source: 17.30A.140.A, modified]

A. Financial assurances for idle operations shall be maintained as though the operation were active. [Source: 17.30A.140.B]

B. Upon receipt of a complete proposed IMP, the Planning Division shall forward the IMP to the State Department of Conservation for review. The IMP shall be submitted to the State Department of Conservation at least thirty days prior to approval by the Planning Commission. [Source: 17.30A.140.C, modified]

C. Within 60 days of receipt of the proposed IMP, or a longer period mutually agreed upon by the Community Development Director and the operator, the Community Development Director shall review and approve or deny the IMP in accordance with this Chapter. The operator shall have 30 days, or a longer period mutually agreed upon by the operator and the Community Development Director, to submit a revised IMP. The Community Development Director shall approve or deny the revised IMP within 60 days of receipt. If the Community Development Director denies the revised IMP, the operator may appeal that action to the Planning Commission. [Source: 17.30A.140.D, modified]

D. The IMP may remain in effect for a period not to exceed five years, at which time the Planning Commission may renew the IMP for another period not to exceed five years, or require the surface mining operator to commence reclamation in accordance with its approved reclamation plan. [Source: 17.30A.140.E, modified]

17.105.120 Annual Report Requirements

. Surface mining operators shall forward an annual surface mining report to the State Department of Conservation and to the Planning Division on a date established by the State Department of Conservation, upon forms furnished by the State Mining and Geology Board. New mining operations shall file an initial surface mining report and any applicable filing fees with the State Department of Conservation within 30 days of permit approval, or before commencement of operations, whichever is sooner. Any applicable fees, together with a copy of the annual inspection report, shall be forwarded to the State Department of Conservation at the time of filing the annual surface mining report. [Source: 17.30A.150, modified]

17.105.130 Fees

. The County shall establish such fees as it deems necessary to cover the reasonable costs incurred in implementing this Chapter and the State regulations, including but not limited to, processing of applications, annual reports, inspections, monitoring, enforcement and compliance. Such fees shall be paid by the operator, as required by the County, at the time of filing of the Conditional Use Permit application, reclamation plan application, and at such other times as are determined by the County to be appropriate in order to ensure that all reasonable costs of implementing this Chapter are borne by the mining operator. [Source: 17.30A.180, modified]

A. Inspection fees shall be due and payable within 90 days of the inspection date. Failure to pay inspection fees shall be grounds for revocation of the Conditional Use Permit, in addition to any other remedies available to the County. [Source: 17.30A.180, modified]

17.105.140 Inspections

. The Planning Division shall arrange for inspection of a surface mining operation within six months of receipt of the annual report required in Section 12.14, to determine whether the surface mining operation is in compliance with the approved Conditional Use Permit and/or reclamation plan, approved financial assurances, and State regulations. In no event shall less than one inspection be conducted in any calendar year. Said inspections may be made by a State-registered geologist, State-registered civil engineer, State-licensed landscape architect, or State-registered forester, who is experienced in land reclamation and who has not been employed by the mining operation in any capacity during the previous 12 months, or other qualified specialists, as selected by the Community Development Director. All inspections shall be conducted using a form approved and provided by the State Mining and Geology Board. [Source: 17.30A.160, modified]

A. The Planning Division shall notify the State Department of Conservation within 30 days of completion of the inspection that said inspection has been conducted, and shall forward a copy of said inspection notice and any supporting documentation to the mining operator. The operator shall be solely responsible for the reasonable cost of such inspection. [Source: 17.30A.160, modified]

B. Additional inspections may be performed by the Planning Division throughout the year. These inspections may be performed at the request of the operator, the Planning Division, or in response to a written complaint. [Source: 17.30A.160]

17.105.150 Violations and Penalties

If the Community Development Director, based upon an annual inspection or otherwise confirmed by an inspection of the mining operation, determines that a surface mining operation is not in compliance with this Chapter, the applicable Conditional Use Permit, any required permit and/or the reclamation plan, the County shall follow the procedures set forth in Public Resources Code, Sections 2774.1 and 2774.2 concerning violations and penalties, as well as those provisions this Title for revocation and/or abandonment of a Conditional Use Permit which are not preempted by SMARA. [Source: 17.30A.170, modified]

Chapter 17.110

Temporary Uses

Chapter 17.110 Temporary Uses

Sections

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17.110.10 Permit Requirements
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17.110.40 Temporary Asphalt or Concrete Batch Plants, Portable Rock Screening or Crushing Units

17.110.00 Purpose and Intent

The purpose of this Chapter is to establish regulations that allow for short-term activities that may not otherwise be allowed in the underlying zone. It is the intent of this Chapter to ensure temporary uses are compatible with surrounding uses and are not a detriment to the general public health and safety. [Source: NEW]

17.110.10 Permit Requirements

. Permit Requirements

0. Temporary Use Permit. Except as provided in Subparagraph B.2, all temporary uses are subject to the approval of a Temporary Use Permit in compliance with Chapter 17.135 (Temporary Use Permits). Temporary uses may include, but are not limited to: [Source: NEW]

    a. Storage yards, sheds, and offices operated in conjunction with an approved construction project but located on a different site than the approved construction project. [Source: NEW]

    b. Entertainment and assembly events (e.g., carnivals, car shows, circuses, concerts, festivals) not associated with a special event facility or other facility permitted to hold entertainment events. [Source: NEW]

    c. Swap meets, flea markets, rummage sales, and similar events held on private property. [Source: NEW]

    d. Seasonal sales unless related to and located within an existing business. [Source: NEW]

1. No Permit Required. The following temporary activities are allowed without the approval of a Temporary Use Permit: [Source: NEW]

    a. Temporary car washes (e.g., school fundraising event) when operated in compliance with local and State regulations. [Source: NEW]

b. On-site storage yards, sheds, and offices when operated in conjunction with an approved construction project. [Source: NEW]

c. Emergency public health and safety facilities established by a public agency. [Source: NEW]

d. Entertainment or assembly events held within auditoriums, stadiums, special event facilities, or other facilities intended for assembly, provided the event is consistent with the intended use of the facility. [Source: NEW]

e. Events operated by the County. [Source: NEW]

f. Events held on school grounds and that are in conjunction with the school use. [Source: NEW]

g. Garage and yard sales held on private property, provided they occur no longer more than two consecutive days and up to four times per calendar year. [Source: NEW]

h. Private parties held on private property where there is no sale of food or beverage to attendees. [Source: NEW]

17.110.20 General Development Standards

. Conformance with Underlying Zone. Temporary uses and activities shall comply with the standards for off-street parking, setbacks, and other development standards of the underlying zone or category of use as determined by the Community Development Director. [Source: NEW]

A. Long-Term Improvements. Improvements to the property shall not exceed the duration of the temporary use, including but not limited to landscaping and paving. [Source: NEW]

B. Duration of Use. The duration of temporary use shall not exceed 12 months. [Source: NEW]

C. Access and Circulation. All temporary uses shall provide efficient and orderly ingress and egress from the site. [Source: NEW]

D. Fire Protection. All temporary uses are subject to review by the Fire Service District in which the parcel is located. [Source: NEW]

E. Food and Alcohol.

0. Any food or beverage served or sold as part of the temporary use shall comply with the California Retail Food Code (Section 113700 of the Health and Safety Code). [Source: NEW]

1. The sale and service of alcoholic beverages shall be conducted in compliance with State law and is subject to any applicable permit(s) as required by the County or State Department of Alcoholic Beverage Control. [Source: NEW]

F. Site Maintenance. All temporary uses shall be kept clean and organized. Temporary use operators shall restore all areas used for the activity, including contiguous public roads, sidewalks, rights-of-way, and easements to substantially the same condition as existing prior to the activity following the conclusion of the use. [Source: NEW]

G. Additional standards may be required at the discretion of the Community Development Director (e.g., security, medical services) due to the size, nature, or location of the activity. [Source: NEW]

17.110.30 Temporary Residential Caretaker Units

. Purpose. The purpose of this Section is to provide support housing for special needs households by allowing for caretakers to reside in a recreational vehicle (RV) or mobile home on the same property as a primary resident requiring in-home care. [Source: NEW; 2025 Housing Element]

A. Applicability. This Section applies to all single-family residential zones on parcels where an existing residential unit is located. [Source: NEW]

B. Permit Required. A Director Use Permit is required for residential caretaker units in compliance with Chapter __ (Director Use Permits). [Source: Ordinance 315-802, modified]

C. Development Standards for Residential Caretaker Units. All residential caretaker units shall comply with all of the following criteria:

0. Number Allowed. Up to one mobile home or RV in addition to the principal dwelling unit otherwise permitted under this Title may be temporarily placed on a parcel [Source: Ordinance 315-802, modified]

1. Occupancy. The temporary mobile home or RV is for the exclusive use as a temporary residential unit by either: [Source: Ordinance 315-802, modified]

   a. A designated caretaker providing in-home care to an occupant of the principal dwelling unit; or [Source: Ordinance 315-802, modified]

   b. The individual requiring care, where the principal dwelling is the occupied by the caretaker [Source: Ordinance 315-802, modified]

2. Written Verification of Need. The Adult Services Division of the County Department of Health and Human Services has provided written verification to the Community Development Director confirming that there is an existing medical or other need for temporary in-home care. Subject to the restrictions of HIPPA, the written verification shall be satisfactory if the following information is provided:

   a. Confirmation of the necessity of care and/or the individual(s) are senior citizens of at least 62 years of age;

   b. Includes sufficient detail regarding what services are required to enable the person to be maintained in a residential environment, rather than being placed in a skilled nursing facility or other housing facility. The assets or income of the person or the family shall not be a factor determining the need for in-home care. [Source: Ordinance 315-802, modified]

   c. Adult Services provides an description as to why the intended occupant(s) of the mobile home or RV cannot reasonably be housed in the principal dwelling unit on site. This description shall state the limitations of the principal dwelling

and the needs of the proposed occupant that establish the mobile home or RV is necessary. [Source: Ordinance 315-802, modified]

3. Requirements of the County's Community Development Department and other public agencies have been met, including the requirement to connect to all utilities such as power, water, and septic. [Source: Ordinance 315-802]

4. The mobile home or RV meets any required snow load requirement which may include the construction of a ramada to protect the unit. [Source: Ordinance 315-802, modified]

5. The RV used under these provisions is a Class A or C motor home, travel trailer, or fifth wheels. Slide in truck campers, folding camp trailers, or van conversions are prohibited for use as a residential caretaker unit.

6. Residential caretaker units contain complete provisions for independent living including specified areas and facilities for living, food preparation, and sanitation. [Source: Ordinance 315-802, modified]

D. Required Placard Identification. All residential caretaker units shall post a placard issued by the County in a clearly visible location on the mobile home or RV that indicates the unit is currently permitted under this Section. [Source: Ordinance 315-802, modified]

17.110.40 Temporary Asphalt or Concrete Batch Plants, Portable Rock Screening or Crushing Units

. Purpose. The purpose of this Section is to establish standards for the temporary operation of a portable asphalt or concrete batch plant, portable rock screening unit or crusher and/or similar uses as determined by the Community Development Director or Planning Commission. Examples of such projects include, but are not limited to, the construction, maintenance or repair of roads, bridges, airports, flood control facilities, utilities, bicycle or pedestrian paths; and improvement projects for fish and wildlife habitat.

A. Applicability. [Source: 17.30.020.E.2.c]

0. This Section applies only to processing of materials derived from sources that are in compliance with, or exempt from, the Surface Mining and Reclamation Act (SMARA). [Source: 17.30.020.E.2.c.ii]

1. This Section does not apply to:

a. Mining. [Source: 17.30.020.E.2.c.i]

b. Sites within the Shasta-Trinity National Recreation Area (RD1), a Scenic Conservation Overlay zone (SC), Flood Hazard Overlay zone (FHO), or on State or Federal land. [Source: 17.30.020.E.2.c.iii, modified]

B. Duration. The Temporary Use Permit shall specify the length of time the use is permitted to operate, not to exceed 24 months without additional review or renewal by the Community Development Director. [Source: 17.30.020.E.1, modified]

C. Permit Required. The operation of a portable concrete batch plant and/or rock sorting (screening) unit is allowed in any zone subject to a Temporary Use Permit in compliance with Chapter __ (Temporary Use Permits). The permit shall be specific for each site, rather than for

a specific operator or piece of equipment and may be renewed annually with Community Development Director review. [Source: 17.30.020.E.2.a.vii; 17.30.020.E.2, 17.30.020.E.2.c.iv, modified]

D. Permit Application. In addition to the application requirements for a Temporary Use Permit as established in Chapter __ (Temporary Use Permits), a Temporary Use Permit application for a portable concrete catch plant or similar use shall include all of the following: [Source: 17.30.020.E.2]

0. Site Plan. A site plan indicating the location of rivers, streams and riparian areas, distance to closest residences, access points from public roads, and the proposed location of batch plants, aggregate processing equipment, generators, utilities, fuel storage, concrete washouts, materials stockpiles, water storage tanks, fencing, saturation facilities, equipment and materials storage areas, parking areas and any other appurtenant facilities. [Source: 17.30.020.E.2.a.i, modified]

1. Fire Plan. A fire plan that includes the following:

   a. A designated individual responsible for fire plan implementation, [Source: 17.30.020.E.2.a.iii, modified]

   b. A description of the fire equipment to be kept on site, [Source: 17.30.020.E.2.a.iii, modified]

   c. Storage locations of any flammable materials, and [Source: 17.30.020.E.2.a.iii, modified]

   d. Any site-specific fire prevention measures such as vegetation clearing (no riparian vegetation removal), mowing, designated smoking areas, and reporting procedures in the event of a fire. [Source: 17.30.020.E.2.a.iii, modified]

2. Water Source. The application shall identify the water source that will be used for fire suppression, processing, and dust suppression. If water is to be drafted from a stream or river, a permit or agreement must be obtained from California Department of Fish and Game. [Source: 17.30.020.E.2.a.iv, modified]

3. Encroachment Permit. If the entrance to the batch plant will encroach onto a County road or State highway, the applicant shall submit an encroachment permit application to Trinity County Department of Transportation for operations accessing County roads, or to Caltrans for operations accessing directly onto a State highway. The Temporary Use Permit shall not be valid until an approved encroachment permit or waiver bas been issued and all required improvements have been made. [Source: 17.30.020.E.2.a.v, modified]

E. Other Department and Agency Review.

0. Airport Land Use Commission (ALCU). All proposals for concrete batch plants and/or rock processing operations within two miles of a public airport, or within a designated airport influence area, shall be subject to review and approval by the Trinity County ALUC unless and until the ALUC has delegated such review to the Community

Development Director or certified building official, through a resolution or through adoption of an airport land use compatibility plan. These approvals, if applicable, shall be obtained prior to approval of the Temporary Use Permit. [Source: 17.30.020.E.2.a.vi, modiifed]

1. Fire District. The local fire district shall be notified of the location and duration of the batch plant operation. [Source: 17.30.020.E.2.a.ii, modified]

F. Operational Standards. The batch plant shall be operated under all of the following conditions: [Source: 17.30.020.E.2.b, modified]

0. Minimum On-Site Fire Equipment. The batch plant shall have, at minimum, the following fire suppressing equipment on-site:

   a. Spark arresters on internal combustion engines

   b. Fire extinguishers

   c. A water tank or trailer with a minimum of 2500 gallons of water.

1. State and Regional Standards. The portable concrete batch plant, rock screening plant and any diesel generators must comply with all applicable California Air Resources Board and North Coast Unified Air Quality Management District rules and regulations. [Source: 17.30.020.E.2.b.i]

2. Dust Suppression. Roads, operations areas, and stockpiles that emit visible dust during operations shall be wetted, treated with dust palliative, or covered/surfaced to minimize dust emissions. [Source: 17.30.020.E.2.b.ii, modified]

3. Utility Hookups. Any utility hookups shall require a County Building Permit. [Source: 17.30.020.E.2.b.iii, modified]

4. Lighting. If nighttime lighting is deemed necessary for security reasons, light beams shall be directed away from, or shielded from, nearby sensitive receptors such as roadways, residences, hotels, motels, campgrounds, hospitals, nursing homes, and similar land uses. [Source: 17.30.020.E.2.b.iv, modified]

5. Parking. Off-street parking areas shall be provided for all trucks, equipment, and employee and owner vehicles within the limits of the batch plant property. [Source: 17.30.020.E.2.b.v, modified]

6. Portable concrete plants and aggregate processors shall not produce material for retail sale within ten road miles of a permitted permanent plant producing a similar product, unless the portable operation is part of a construction project and produces material only for that project or unless the temporary plant was established on the site prior to the start of operations at the permanent plant. [Source: 17.30.020.E.2.b.vi]

7. Hours of Operation. Operations shall be limited to 7:00 a.m. to 7:00 p.m. Monday through Saturday, unless otherwise specified by the Community Development Director. [Source: 17.30.020.E.2.b.vii, modified]

8. Separation from Sensitive Receptors. Operations shall be located no closer than 600 feet from a residence, hotel, motel, campground, school, day care center, hospital,

nursing home, meeting hall, church, library or museum, unless such structures are occupied by the owner or operator of the operation. Shorter distances may be allowed by the Community Development Director if it can be demonstrated that a noise barrier will effectively reduce noise levels to 55 dB Leq at outdoor activity areas of the nearest sensitive land use.) [Source: 17.30.020.E.2.b.viii, modified]

9. Waterway Setbacks. Batch plants, sorters, stockpiles, concrete washout areas or fuel storage areas shall comply with the minimum setbacks established in Table 17.105-1 [Source: 17.30.020.E.2.b.ix, modified]

Table 17.105-1: Minimum Setbacks from Waterways

Waterway	Top of Bank	Outer Dripline of Riparian Trees
Rivers and forks of rivers:	150 feet	75 feet
Perennial tributaries:	100 feet	50 feet
Intermittent streams:	50 feet	25 feet

10. Fuel Storage. Fuel storage tanks shall have secondary containment one and one-half times the capacity of the original container. Containment may be prefabricated material, concrete, or berms of earth, straw bales or sand bags lined with plastic or other impermeable material. [Source: 17.30.020.E.2.b.x]

11. Washout Facility. Concrete batch plants shall include a concrete washout facility constructed of prefabricated material, concrete, or berms of earth, straw bales or sand bags lined with plastic or other impermeable material. [Source: 17.30.020.E.2.b.xi]

12. Sanitation Facilities. Sanitation facilities shall be provided and adequately maintained. [Source: 17.30.020.E.2.b.xii]

13. Signs. Signs shall comply with Chapter __ (Signs). [Source: 17.30.020.E.2.b.xiv, modified]

14. Historic and Cultural Resources.

    a. In the event that previously unidentified cultural or paleontological resources are encountered during operations, there shall be no further excavation or disturbance of that area. The owner/developer shall avoid the materials and their context. The Community Development Director shall be notified immediately, and an archaeologist consulted to determine if the find is significant and make recommendations for appropriate mitigation. Work shall not continue in the area until mitigations have been implemented and written authorization to resume work has been provided by the Community Development Director. [Source: 17.30.020.E.2.b.xv, modified]

    b. In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he/she will contact the Native American Heritage Commission who will contact the most likely descendent who will be given an opportunity to make recommendations for means of treatment of the human remains and any

associated grave goods. Work shall not continue in the area until the human remains have been dealt with according to the recommendations of the county coroner, Native American Heritage Commission and/or the most likely descendent. [Source: 17.30.020.E.2.b.xvi]

17 – Zoning Code

Part 2 – Zones, Land Uses, and Standards

ADMINISTRATIVE DRAFT

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Chapter 17.15

Agriculture and Resource Zones

Chapter 17.15 Agriculture and Resource Zones

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17.15.010 Purpose and Intent of Agriculture and Resource Zones

A. Purpose. The purpose of this Chapter is to describe each of the County's agricultural and resource zones, identify allowed land uses and permit requirements, establish development standards, and identify any supplemental land use regulations applicable to agricultural and resource zones. [Source: NEW]

B. Intent. The intent of this Chapter is to provide for areas in the County that can accommodate a wide range of agriculture, agriculture-related, natural resources, and wildlife and habitat conservation uses. [Source: NEW]

~~A.~~C. Summary of Agriculture and Resources Zones. The specific purpose of each of the four agriculture and resource zones ~~are~~is as follows: [Source: NEW]

1. **Agriculture Zone (A).** The purpose of the Agriculture zone is to provide for areas in the County that accommodate agriculture and agriculture-related uses, such as animal husbandry and horticulture. The A zone implements the Agriculture (A) General Plan land use designation. [Source: NEW]

2. **Agricultural Preserve ~~District~~ Zone (AP).** The Agricultural P~~p~~reserve ~~zoning districts~~ zone ~~are~~ is intended for agricultural lands ~~those areas of~~ in the county ~~containing agricultural lands of~~that are at least ~~one hundred~~100 acres ~~which~~ and qualify for inclusion under the California Land Conservation Act (California Government Code, Section 51200 et seq.). The p~~P~~urpose of ~~this~~ the AP ~~zoning district~~ zone is to preserve and ~~insure~~ ensure the ~~continuing utilization~~continued use of lands for agricultural production purposes. To obtain the benefits of the AP~~agricultural preserve~~ ~~zoning~~ zone, the property owner must enter into a contract with the C~~c~~ounty. Failure to ~~abide by~~ comply with the conditions of the ~~this~~ contract will result in cancellation of the ~~zoning~~ AP zoning designation and its benefits as well as ~~severe~~ tax penalties. The AP zone implements the Agriculture (A) General Plan land use designation. [Source: 17.13A.010, modified]

3. **Agriculture-Forest ~~District~~ Zone (AF).** The purpose of ~~this~~the Agriculture-Forest ~~district~~ zone is to identify and set development standards for lands suitable for forestry

management, but which are not zoned Timberland Production Zone. ~~This district~~ The AF zone implements~~is consistent with~~ the ~~"resource"~~Resource Land (RE) Ggeneral Pplan land use designation. [Source: 17.14.010, modified]

4. **Open Space ~~District~~ Zone (OS).** ~~General description.~~ The Oopen Sspace ~~zoning district~~zone is intended to protect significant or critical wildlife habitat areas or areas which should not be developed due to public health and safety reasons. The OS zone implements the Open Space (OS) General Plan land use designation. [Source: 17.25A.010, modified]

5. **Recreation Development ~~Districts~~ Zone (RD1).** ~~General purpose.~~ The purpose of the ~~following regulations~~Recreation Development zone is to establish development standards and to allow uses in the Trinity Unit of the Whiskeytown-Shasta-Trinity National Recreation Area which will: ~~(1)~~

   a. Bb~~e~~ compatible with public and private recreation and enjoyment and the conservation of natural resources and scientific, historic, scenic and other values;

   b. ~~(2)~~ Pp~~r~~ovide immunity from acquisition by the Department of Agriculture of all "improved property" as defined by Title 36, Code of Federal Regulations, Chapter II, Part 251; and ~~(3)~~

   c. Aa~~l~~llow property owners within the recreation area to take advantage of the certification procedures established by Section 251.40, 251.41, and 251.42 of the above code. [Source: 17.26.008, modified]

~~5.~~6. **Timberland Production Zone (TPZ).** The purpose of the Timberland Production Zone ~~or TPZ is intended~~is to provide for timberland zoning and restrictions for a minimum of a ~~ten~~10-year period. Such zoning allows land to be valued for property ~~taxation, in general,~~tax purposes on the basis of its use for growing and harvesting timber and compatible uses. The TPZ zone implements the Resource Land (RE) General Plan land use designation [Source: 17.14A.010, modified]

17.15.020 Land Use Regulations for Agriculture and Resource Zones

A. **Allowed Uses and Permit Requirements.** ~~Subject to provisions of Chapter 17.30, none but the following uses, or uses, which in the opinion of the planning commission are similar would be allowed (see Section 17.30.010)~~Table 17.15-1 (Allowed Uses and Permit Requirements for Agricultural and Resource Zones) identifies the uses allowed within each agricultural and resource zones and any permits required to establish the use, in compliance with Part 5 (Permit Processing). [Source: 17.13.005, modified]

~~1.~~

~~2. **Uses permitted. All agricultural uses, including crop and tree farming, livestock farming, dairies, animal husbandry, aviaries, single-family dwelling, except that uses indicated in Section 17.13.020 shall not be established until a use permit is first secured. [Source: 17.13.010]**~~

~~3. **Uses permitted subject to first securing a use permit.**~~

~~a. Frog and poultry farms, commercial hog and turkey raising, cattle feed yards, and animal sales yards, agricultural processing plants. [Source: 17.13.020.A]~~

~~b. Storage, rental and sales of irrigation equipment. Stands for the sale of products grown upon the premises. [Source: 17.13.020.B]~~

~~c. Public or quasi-public, including churches, fire houses, schools (public and parochial) or schools accredited to the state school system, and public utilities. Labor camps, including necessary or pertinent buildings but including any type of subdivision development, subdivision development, whether by official map, parcel map or recorded subdivision. [Source: 17.13.020.C]~~

~~d. Horse ranch/summer camp; campgrounds/resorts (see natural resource section of land use element); dog kennels; animal hospitals, small and large. [Source: 17.13.020.D]~~

~~e. Retail nurseries involving crops/plants which are not grown on the site and associated sales. [Source: 17.13.020.E]~~

4.B. **Accessory ~~buildings and accessory u~~Uses ~~and Structures~~.** Accessory uses and structures in agricultural and resource zones shall be allowed in compliance with Chapter ~~XX~~17.75 (Accessory Uses and Structures) in Part 4 of this Title. [Source: NEW]

~~a. Accessory buildings and accessory uses, including barns, stables, and other farm out buildings, farm labor quarters and quarters for servants employed on the premises, one accessory to an agricultural operation on the same building site. [Source: 17.13.030]~~

C. ~~Name plates and non-illuminated signs. Not over twenty square feet, if pertinent to any permitted use. [Source: 17.13.030]~~**Additional Regulations.** Where the last column of Table 17.15-1~~XX~~ (Allowed Uses and Permit Requirements for Agricultural and Resource Zones) includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Title or adopted Community Plans may also apply. [Source: NEW]

D. **Definitions.** See Part 7 (Definitions) for detailed definitions of land use types. [Source: NEW]

E. **Uses Not Listed.** Uses not specifically listed in Table ~~XX~~17.15-1 (Allowed Uses and Permit Requirements for Agricultural and Resource Zones) are prohibited, unless otherwise determined by the Planning Director as an appropriate use for the identified zone. It is the discretion of the Planning Director to determine what type of permit shall be required for any use not listed. [Source: NEW]

F. **Zoning Clearance and Building Permit Required.** Each land use specified in Table (Allowed Uses and Permit Requirements for Agricultural and Resource Zones) allowed by-right, as indicated with a "P' permit requirement shall require the issuance of a Zoning Clearance in compliance with Chapter ~~XX~~17.135 (Zoning Clearance) before any use is established. If the establishment of a by-right use includes construction activities (e.g.,

additions, alternations, new construction, reconstruction, remodeling), the issuance of a Building Permit shall also be required. [Source: NEW]

G. **Timberland Conversion.** Where the cutting or removal of trees is proposed, a harvest document issued by CalFire may be required in addition to the permit requirements established in this Chapter. See Chapter ___ (Timberland Conversion) for details about CalFire timberland conversion requirements. [Source: 17.14.110, modified]

Table 17.15-1: Allowed Uses and Permit Requirements for Agricultural and Resource Zones

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	A	AP	AF	OS	TPZ	
Agricultural and Resource Uses						
Agricultural packing and processing plant	~~UP~~	P	Section	-	-	
Agritourism	P/D	P/D	-	-	-	17.95.030
Chicken, turkey, or hog ranch	~~UP~~	P	Section	-	-	17.95.040
Dairy	P	P	-			17.95.040
Animal husbandry	P	P	Section	-	-	17.95.040
Animal sales yard	~~UD~~	D	Section	-	-	
Apiaryies	P	P	Section	-	-	17.95.040
Cattle feed yard	~~UD~~	~~UD~~	Section	-	-	
Farm stand	P	P	P	-	-	
Firewood, storage and processing	P	P	P	D	P	
Forestry	P	P	P	P	P	
Grazing	P	P	P	P	P	
Habitat conservation and improvement	P	P	P	P	P	
Nursery/greenhouse, plant production	P	P	~~C~~D*	C	P	17.95.020
Poultry farm	P	P	Section			
Row and field crops, perennial	P	P	Section	-	D	17.95.020
Row and field crops, seasonal/rotating	P	P	Section	-	D	17.95.020
Stables, public	D	D	Section	-	C	
Watershed management activities	-	-	P	P	P	
Cannabis-Related Uses						
Cultivation, small	D	D	D	-	Section	Chapter 17.85
Cultivation, medium	C	C	C	-	Section	Chapter 17.85
Distribution	C	C	-	-	-	Chapter 17.85
Manufacturing (Type 6, N, P)	D/C	D/C	D/C	-	-	Chapter 17.85
Manufacturing (Type 7)						

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	A	AP	AF	OS	TPZ	
Microbusiness	D/C	D/C	D/C	-	-	Chapter 17.85
Nursery	C	C	-	-	-	Chapter 17.85
Processing facility	C	C	C	-	-	Chapter 17.85
Retail, non-storefront	~~P~~D	~~P~~D	~~P~~D	~~-~~P	-	Chapter 17.85
Retail, storefront	~~-~~C	-	-	-	-	Chapter 17.85
Testing facility	-	-	-	-	-	Chapter 17.85
Residential Uses						
Accessory dwelling unit	Chapter 17.80					
Accessory dwelling unit, junior	Chapter 17.80					
Caretaker unit	~~U~~D	~~C~~D	~~C~~D	~~C~~D	~~U~~D	17.95.070
Dwelling, single-family	P	P	P	-	~~U~~D	
Emergency shelters	P	P	P	-	D	17.95.080
Family daycare home	P	P	P	-	P	
Farmworker/employee housing, small	P	P	P	-	D	17.95.090
Farmworker/employee housing, large	P	~~U~~P	P	P	P	17.95.090
Mobile home/manufactured home	P	P	P	-	D	17.95.160
Mobile tiny homes	P	P	P	-	D	17.95.170
Residential care facilityties (less than 7 persons)	P	P	P	-	D	17.95.200
Residential care facilityies (7+ persons)	P	P	P	-		17.95.200
Supportive housing	P	P	P	-	D	17.95.240
Temporary Worker Housing	D	D	D	-	D	
Transitional housing	P	P	P	-	D	17.95.240
Commercial Uses						
Animal hospital	~~U~~C	~~U~~C	-	-	-	
Brewery, distillery, or winery	C	C	C	-	-	
Equipment sales and rental facility	C	-	-	-	-	
Cemetery	C	-	-	-	-	

Land Use	Key	P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted				Additional Regulations
	Zone					
	A	AP	AF	OS	TPZ	
Home enterprise	P	P	P	-	-	17.95.140
Home occupation	P	P	P	-		17.95.130
Hospital	C	-	-	-	-	
Kennel, breeding or boarding	~~U~~D	~~U~~D	-	-	-	17.95.110
Laundromat, connected to community water & sewer system	D	D	D	-	-	
Retail sales, ~~nursury~~nursery	~~U~~ D	~~U~~ D	-	-	-	
Industrial and Manufacturing Uses						
Contractor yard	-	-	C	-	D	
Energy generating facilit~~y~~ies, commercial	C*	~~U~~C	-	-	-	
Industrial, major	C*	-	C*	-		
Industrial, minor	D*	-	C*	-	-	
Lumber yard	C*	-	C*	-	~~U~~C	
Mining	~~U~~C	~~U~~C	C*	~~U~~C	~~U~~C	Chapter 17.100
Sawmill	-	-	~~C~~ D	D	~~U~~ D	
Slaughterhouse	D	~~U~~C	-	-	-	
Storage, outdoor	~~U~~ D	~~U~~ D	~~U~~ D	-	-	
Wholesale, distributer	C	-	-	-	-	
Wholesale, sales	C	-	-	-	-	
Recreation, Entertainment, and Public Assembly Uses						
Bed and breakfast	C	C	C	-	-	17.95.050
Campground~~s~~, tent only	~~U~~D	~~U~~D	~~C~~ D	~~U~~ D	~~U~~ D	17.95.060
Campground~~s~~, improved	~~U~~C	-	~~C~~ D	-	~~U~~ D	17.95.060
Commercial recreation and entertainment, indoor	C	-C	-C	-		
Commercial recreation and entertainment, outdoor	C	-C	-C	C	-	
Low-intensity recreational use~~s~~	~~U~~D~~U~~ P	~~U~~ D	P	~~U~~ D		

Land Use	Key	P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted				Additional Regulations
	Zone					
	A	AP	AF	OS	TPZ	
Parks/playgrounds	P	P	-	P		
Place of Assembly	~~U~~D	~~U~~D	-	-		
Recreational vehicle park	D	D	C	-	~~U~~ D	
Special Event Facility	D	D	C	-	-	17.95.220
Public and Quasi-Public Uses						
Airports, heliports, landing strips, public/private	~~U~~C	~~U~~C	-	-	-	
Animal shelter	~~U~~C	~~U~~C	-	-	-	
Community garden	P	P	P	D	-	
Public or governmental facility	~~U~~P	P	P	-	-	
Public utilities	~~U~~P	P	P	-	-	
School, private	~~U~~C	-C	-	-	-	
Telecommunication facilityies	D	D	D	D	C	17.95.030
Temporary Uses						
Temporary Uses	TUP	TUP	TUP	TUP	TUP	Chapter 17.105
Accessory Uses and Structures						
Accessory Uses	P/D	P/D	P/D	P/D	P/D	Chapter 17.75

~~B. Agricultural Preserve District or "AP" District.~~

~~1. List of uses permitted in an agricultural preserve district. [Source: 17.13A.020]~~

~~a. Agricultural packing plant. [Source: 17.13A.020.A]~~

~~b. Animal husbandry. [Source: 17.13A.020.B]~~

~~c. Apiary. [Source: 17.13A.020.C]~~

~~d. Aviary. [Source: 17.13A.020.D]~~

~~e. Dairy. [Source: 17.13A.020.E]~~

~~f. Grazing. [Source: 17.13A.020.F]~~

~~g. Forestry. [Source: 17.13A.020.G]~~

~~h. Hog Ranch. [Source: 17.13A.020.H]~~

~~i. Nursery. [Source: 17.13A.020.I]~~

~~j. Orchard. [Source: 17.13A.020.J]~~

~~k. Poultry farm. [Source: 17.13A.020.K]~~

~~l. Row and field crops. [Source: 17.13A.020.L]~~

~~m. Vineyard. [Source: 17.13A.020.M]~~

~~n. Other uses found to be similar in nature as determined by the planning commission. [Source: 17.13A.020.N]~~

~~2. List of uses permitted on a parcel only after obtaining a use permit. [Source: 17.13A.030]~~

~~a. Cattle feed yard. [Source: 17.13A.030.A]~~

~~b. Farm labor quarters. [Source: 17.13A.030.B]~~

~~c. Hydroelectric power generating facilities for commercial use. [Source: 17.13A.030.C]~~

~~d. Kennel, breeding. [Source: 17.13A.030.D]~~

~~e. Labor camp. [Source: 17.13A.030.E]~~

~~f. Slaughterhouse. [Source: 17.13A.030.F]~~

~~g. Tent Camp. [Source: 17.13A.030.G]~~

~~3. Alternative Housing. The following uses are permissible in every zoning district permitting a single-family dwelling: Emergency shelter, supportive housing, transitional housing, as defined within this title for occupancies of up to six guests/tenants. [Source: 17.30.020.K]~~

~~4. Group Care: Supportive housing, transitional housing, or other facilities authorized, certified or licensed by the state to provide board, room, and personal care for seven or more, but not to exceed twenty-five individuals or large family day care as defined by the California Health and Safety Code, subject to a planning commission issued use permit. [Source: 17.30.020]~~

17.15.030 Additional Land Use Regulations

~~1.~~ **Uses Adjacent to Residential Properties.** ~~**Uses permitted subject to first securing a use permit in each case. [Source: 17.26.020]**~~

~~a. Motels, hotels, resorts, mobile home courts, campgrounds, to accommodate recreationists. [Source: 17.26.020.A]~~

~~b. Commercial uses when basic zoning is "C" district, but limited to food stores, restaurants, service stations, automotive or marine maintenance facilities, or service and other comparable business. Service uses and similar commercial uses provided that they are part of a resort or motel. [Source: 17.26.020.B]~~

~~c. Industrial uses when basic zoning is "I" district and when there is not waste by-products that has any values. Industrial uses which have an adverse impact include, but are not limited to cement production, gravel extraction operations~~

involving more than one-fourth acre of surface, smelters, sand, gravel, and aggregate processing plants, fabricating plants, pulp mills, and commercial livestock feeder yards. Provided however, development of valid, existing mining claims and mineral interests shall be allowed, subject to conditions necessary to lessen the adverse effects of the mining operations on recreation and aesthetic values of the area. [Source: 17.26.020.C]

d. Public utility uses and structures not covered above. [Source: 17.26.020.D]

e. Recreation livestock use and grazing. [Source: 17.26.020.F]

B. Use. All of the uses listed in this chapter, and all matters directly related thereto are declared to be uses possessing characteristics of such unique and special classification as making practical their inclusion in any class of use set forth in the various districts defined herein, and therefore the authority for and location of the operation of any of the uses designated shall be subject to the issuance of a use permit in accordance with the provisions of Chapter 17.32 hereof. [Source: 17.30.020]

A. When any of the following uses are to be established closer than within two hundred 200 feet to the boundary of any residential use or residentially zoned parcel a Conditional Use Permit shall be required in compliance with Chapter XX17.145 (Conditional Use Permit)district: [Source: 17.30.020.A, modified]

1. Dance hall, road house, night club, commercial club, or aAny establishment where liquor is served, [Source: 17.30.020.A, modified]or

2. Aany commercial place establishment of amusement or recreation, or [Source: 17.30.020.A, modified]

C.3. Aany place establishment where entertainers are provided. [Source: 17.30.020.A, modified]

1. Circus, carnival, open-air theater, racetrack, or similar establishments involving assemblages of people and vehicles. [Source: 17.30.020.B]

2. The removal of minerals and natural materials for commercial purposes. This does not include the excavation or removal of materials for a normal construction of buildings, structures, or underground facilities; or the removal of minerals, natural materials or conifers, where such removal is motivated by land leveling as its prime objective. [Source: 17.30.020.C]

3. Drilling for, and/or removal of oil or gas. [Source: 17.30.020.D]

4. Temporary Asphalt or Concrete Batch Plants, Portable Rock Screening or Crushing Units. [Source: 17.30.020.E]

a. Temporary operation of a portable asphalt or concrete batch plant, portable rock screening unit or crusher and/or similar uses as determined by the planning commission. Examples of such projects include, but are not limited to: The construction, maintenance or repair of roads, bridges, airports, flood control facilities, utilities, bicycle or pedestrian paths; and improvement projects for fish and wildlife habitat. The use permit shall specify the length of

time the temporary use is permitted to operate but shall not exceed two years without further additional review by the planning commission. [Source: 17.30.020.E.1]

b. Operation of a portable concrete batch plant and/or rock sorting (screening) unit may be permitted in any district subject to a planning director issued use permit, pursuant to Chapter 17.32 of this title, if all of the following criteria are met: [Source: 17.30.020.E.2]

i. The issuance of a planning director's use permit shall be subject to the following processing requirements: [Source: 17.30.020.E.2.a]

(1) A site plan shall be submitted with the application, indicating the location of rivers, streams and riparian areas, distance to closest residences, access points from public roads, and the proposed location of batch plants, aggregate processing equipment, generators, utilities, fuel storage, concrete washouts, materials stockpiles, water storage tanks, fencing, saturation facilities, equipment and materials storage areas, parking areas and any other appurtenant facilities. [Source: 17.30.020.E.2.a.i]

(2) The local fire district shall be notified of the location and duration of the batch plant operation. [Source: 17.30.020.E.2.a.ii]

(3) The application shall include a fire plan, designating an individual responsible for its implementation. The plan shall include a description of the fire equipment to be kept on site (minimum: Spark arresters on internal combustion engines, fire extinguishers and a water tank or trailer with a minimum of three hundred gallons), storage locations of any flammable materials and any site-specific fire prevention measures such as vegetation clearing (no riparian vegetation removal), mowing, designated smoking areas, and reporting procedures in the event of a fire. [Source: 17.30.020.E.2.a.iii]

(4) The water source for initial fire suppression, process water and dust suppression shall be indicated on the application. If water is to be drafted from a stream or river, a permit or agreement must be obtained from California Department of Fish and Game. [Source: 17.30.020.E.2.a.iv]

(5) If the entrance to the batch plant will encroach onto a county road or state highway, the applicant shall submit an encroachment permit application to Trinity County Department of Transportation for operations accessing county roads, or to Caltrans for operations accessing directly onto a state highway. The use permit shall not be valid until an

approved encroachment permit or waiver bas been issued and all required improvements have been made. [Source: 17.30.020.E.2.a.v]

(6) All proposals for concrete batch plants and/or rock processing operations within two miles of a public airport, or within a designated airport influence area, shall be subject to review and approval by the Trinity County Airport Land Use Commission (ALUC) unless and until the ALUC has delegated such review to the planning director or certified building official, through a resolution or through adoption of an airport land use compatibility plan. These approvals, if applicable, shall be obtained prior to approval of the use permit. [Source: 17.30.020.E.2.a.vi]

(7) The permit shall be renewable annually with planning director review. [Source: 17.30.020.E.2.a.vii]

c. The batch plant shall be operated under all of the following conditions: [Source: 17.30.020.E.2.b]

i. The portable concrete batch plant, rock screening plant and any diesel generators must comply with all applicable California Air Resources Board and North Coast Unified Air Quality Management District rules and regulations. [Source: 17.30.020.E.2.b.i]

ii. Roads, operations areas and stockpiles that emit visible dust during operations shall be wetted, treated with dust palliative or covered/surfaced to minimize dust emissions. [Source: 17.30.020.E.2.b.ii]

iii. Any utility hookups shall require a county building permit. [Source: 17.30.020.E.2.b.iii]

iv. If nighttime lighting is deemed necessary for security reasons, light beams shall be directed away from, or shielded from, nearby sensitive receptors such as roadways, residences, hotels, motels, campgrounds, hospitals and nursing homes. [Source: 17.30.020.E.2.b.iv]

v. Adequate parking area must be provided on site for all trucks, equipment and employee and owner vehicles within the limits of the batch plant property. [Source: 17.30.020.E.2.b.v]

vi. Portable concrete plants and aggregate processors shall not produce material for retail sale within ten road miles of a permitted permanent plant producing a similar product, unless the portable operation is part of a construction project and produces material only for that project or unless the temporary plant was established on the site prior to the start of operations at the permanent plant. [Source: 17.30.020.E.2.b.vi]

vii. Operations shall be limited to seven a.m. to seven p.m. Monday through Saturday. (Additional or more restrictive hours of operation may be specified by the planning director.) [Source: 17.30.020.E.2.b.vii]

viii. Concrete batch plants and rock screening operations shall be located no closer than six hundred feet from a residence, hotel, motel, campground, school, day care center, hospital, nursing home, meeting hall, church, library or museum. (These requirements are waived for structures on the same parcel as the operation and/or structures occupied by the owner or operator of the operation. Shorter distances may be allowed by the planning director if it can be demonstrated that a noise barrier (such as a solid wall, hill, bluff, or thick vegetation) will effectively reduce noise levels to fifty-five dB Leq at outdoor activity areas of the nearest sensitive land use.) [Source: 17.30.020.E.2.b.viii]

ix. Batch plants, sorters, stockpiles, concrete washout areas or fuel storage areas shall not be located within the following distances (whichever is further) from: [Source: 17.30.020.E.2.b.ix]

Table __: Minimum Setbacks for Batch Plants, Sorters, Stockpiles, Concrete Washout Areas, or Fuel Storage Areas [Source: 17.30.020.E.2.b.ix]

Setback From:	Top of Bank	Outer Dripline of Riparian Trees
Rivers and forks of rivers:	150 feet	75 feet
Perennial tributaries:	100 feet	50 feet
Intermittent streams:	50 feet	25 feet

x. **Fuel storage tanks shall have secondary containment one and one-half times the capacity of the original container. Containment may be prefabricated material, concrete, or berms of earth, straw bales or sand bags lined with plastic or other impermeable material. [Source: 17.30.020.E.2.b.x]**

xi. **Concrete batch plants shall include a concrete washout facility constructed of prefabricated material, concrete, or berms of earth, straw bales or sand bags lined with plastic or other impermeable material. [Source: 17.30.020.E.2.b.xi]**

xii. **Sanitation facilities shall be provided and adequately maintained. [Source: 17.30.020.E.2.b.xii]**

xiii. **Advertising signs shall not be erected on site or off site. Directional signs shall be limited to a maximum size of three feet by three feet. [Source: 17.30.020.E.2.b.xiv]**

xiv. **In the event that previously unidentified cultural or paleontological resources are encountered during operations, there shall be no further excavation or disturbance of that area. The owner/developer shall avoid the materials and their context.**

The Trinity County Planning Director shall be notified immediately, and an archaeologist consulted to determine if the find is significant and make recommendations for appropriate mitigation. Work shall not continue in the area until mitigations have been implemented and written authorization to resume work has been provided by the planning director. [Source: 17.30.020.E.2.b.xv]

xv. In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per state law. If the coroner determines the remains to be Native American, he/she will contact the Native American Heritage Commission who will contact the most likely descendent who will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. Work shall not continue in the area until the human remains have been dealt with according to the recommendations of the county coroner, Native American Heritage Commission and/or the most likely descendent. [Source: 17.30.020.E.2.b.xvi]

d. Applicability. [Source: 17.30.020.E.2.c]

i. This section does not apply to mining. [Source: 17.30.020.E.2.c.i]

ii. This section applies only to processing of materials derived from sources that are in compliance with, or exempt from, the Surface Mining and Reclamation Act (SMARA). [Source: 17.30.020.E.2.c.ii]

iii. This section does not apply to sites within the Shasta-Trinity National Recreation Area (RD-1), a scenic conservation overlay zone (SC), flood hazard zone (FH), flood hazard overlay zone (FHO), special treatment overlay zone (ST) or on state or federal land. [Source: 17.30.020.E.2.c.iii]

iv. The permit shall be specific for each site, rather than for a specific operator or piece of equipment. [Source: 17.30.020.E.2.c.iv]

5. Examples of such projects include, but are not limited to: The construction, maintenance or repair of roads, bridges, airports, flood control facilities, utilities, bicycle or pedestrian paths; and improvement projects for fish and wildlife habitat. The use permit shall specify the length of time the temporary use is permitted to operate, but shall not exceed two years without further additional review by the planning commission. [Source: 17.30.020.F]

~~6. Juvenile holding facility and related uses not otherwise addressed in this title or exempted by state law. [Source: 17.30.020.H]~~

~~7. Guest ranches, boarding schools, foster homes, summer schools or similar uses in any district where permitted and having an occupancy of seven or more guest students, mentally retarded or needy children on any parcel of land under one ownership shall require a use permit before any use or extension of the present use may be permitted. [Source: 17.30.020.I]~~

~~8.~~B. **Registered Professional Forester (RFP) Determination.** ~~Uses considered under this subsection~~ The following uses shall require a ~~registered professional forester (~~RPF~~)~~ to find that the use will not negatively detract from the ability to grow and harvest timber and timber products ~~as part of the use permit application~~before the applicable permit as established in Table 17.15-1 (Land Use Regulations for Agriculture and Resource Zones) may be issued or approved. The RPF shall provide all supporting documentation to the Community Development Department~~planning department~~. The RPF's report will be considered by the ~~director~~ decision making body when determining if the proposed use is compatible with timber growing and harvesting. [Source: 17.14.025, modified]

1. Agricultural Uses. Agricultural uses are allowed in the AF zone as follows:

~~i.~~a. Allowed By-Right. Agricultural uses are allowed on Site Class IV or V timberland (Dunnings scale), as determined by a ~~registered professional forester (~~RPF~~)~~, without a use permit. ~~However, review by a RPF shall not be required for parcels forty acres or less in size.~~ [Source: 17.14.020.A, modified]

b. Conditional Use Permit. Agricultural uses are allowed on Site Class I, II or III timberland (Dunning scale) as determined by a ~~registered professional forester~~RPF, with the approval of a Conditional Use Permit when located in a manner to minimize conflicts with timber management activities on the remainder of the site and not interfere with future logging operations (e.g., location on an established log landing would be discouraged). [Source: 17.14.025, modified]

~~ii.~~c. ~~; provided, however, that~~ The RPF determination ~~by a RPF~~ shall not be required for parcels ~~forty~~ 40 acres or less in size. [Source: 17.14.025, modified]

2. **~~Guest house~~Accessory Structures.** Accessory structures allowed in the AF zone in compliance with Chapter 17.75~~XX~~ (Accessory Uses and Structures) shall be ~~, if~~ located in close proximity to the main dwelling to minimize conflicts with timber management activities on the remainder of the site. [Source: 17.14.025, modified]

~~b.~~C. Cemeteries. Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: NEW]

~~c.~~

~~9. List of uses permitted subject to first obtaining a planning commission issued use permit. Uses considered under this subsection shall require a registered professional~~

~~forester (RPF) to find that the use will not negatively detract from the ability to grow and harvest timber and timber products as part of the use permit application. The RPF shall provide all supporting documentation to the planning department. The RPF's report will be considered by the planning commission when determining if the proposed use is compatible with timber growing and harvesting. However, review by a RPF shall not be required for parcels forty acres or less in size. [Source: 17.14.030]~~

17.15.040 Development Standards for Agriculture and Resource Zones

A. **Purpose of Development Standards.** The purpose of Table 17.15-2 (Development Standards for Agricultural and Resource Zones) is to clearly establish the basic site and structure regulations that apply to all development in each of the agricultural and resource zones. The table also identifies when and where additional site and structure standards apply to agricultural and resource zones, such as off-street parking, landscaping, signs, fences and walls, and performance standards. [Source: NEW]

B. **Additional Development Standards.** The "Additional Development Standards" row of Table 17.15-2 (Development Standards for Agricultural and Resource Zones) will include a chapter or section number when additional regulations located in another portion of this Title apply to the zone and are required for permit approval. [Source: NEW]

C. **Density and Floor Area Ratio.** Maximum density and floor area ratio (FAR) standards shall be consistent with the General Plan or applicable Community Plan or Specific Plan. See Table 17.10-1 (Zones Implementing the General Plan) in Chapter 17.10 (Zones and Zoning Map) of this Title. General Plan land use designations and corresponding density and FAR standards for each zone. [Source: NEW]

Table 17.15-2: Development Standards for Agricultural and Resource Zones

Development Standard	Zone				
	A	AP	AF	OS	TPZ
Minimum Parcel Size	~~0.5~~10 acre	40 acres	40 acres	5 acres	160 acres
Minimum Lot Width	100 ft	-	-	120 ft	400 ft
Maximum lot coverage	10%	10%	10%	10%	10%
Maximum height	~~40 ft~~ 35 ft	~~40 ft~~ 35 ft	~~40 ft~~35 ft	35 ft	35 ft
Front setback (min.)	20 ft	20 ft	20 ft/100 ft	20 ft	50 ft
Side setback (min.)	20 ft	20 ft	20 ft/100 ft	21 ft	50 ft
Rear setback (min.)	20 ft	20 ft	20 ft/100 ft	22 ft	50 ft
Additional Development Standards	17.~~40~~15.050.A	17.~~40~~15.050.A 17.~~40~~15.050.B	17.~~40~~15.050.A 17.~~40~~15.050.C	17.~~40~~15.050.A	17.~~40~~15.050.A 17.~~40~~15.050.E
Additional Requirements					
Fences and Walls	Chapter 17.45				
Landscaping	Chapter 17.50				
Performance Standards	Section 17.40.050				

Parking and Loading Space Requirements	Chapter 17.55
Sign Standards	Chapter 17.60
Solid Waste and Recycling Standards	Chapter 17.65

~~A.~~

17.15.050 Additional Development Standards

A. **Additional Height.** Additional height may be approved upon obtaining a Director's Use Permit if the site is located within a Fire District that has the appropriate equipment to respond to structure fires for structures over 35 feet. [Source: NEW]

~~B. **Minimum Parcel Area for Agricultural or "A" District.**~~

~~C. **Minimum parcel size. For subdivision purposes, the minimum parcel size required: Corner and interior lots: One-half acre. [Source: 17.13.050]**~~

~~D. **Minimum lot width required. Corner and interior lots: One hundred feet. [Source: 17.13.060**~~

~~E. **Maximum allowable lot coverage by all structures. No requirement. [Source: 17.13.070**~~

~~F. **Maximum allowable height. Forty feet. [Source: 17.13.080**~~

~~G. **Minimum front yard requirements. Twenty feet. [Source: 17.13.090**~~

~~H. **Minimum side yard required. Exterior and interior: Twenty feet. [Source: 17.13.100**~~

~~I. **Minimum rear yard required. Corner lot and interior lot: Twenty feet. [Source: 17.13.110**~~

~~1. **General requirements.**~~

~~a. **Larger lot sizes may be required. [Source: 17.13.120]**~~

~~b. **Special yard requirements, accessory buildings other than garages shall be located a minimum of twenty feet from any dwelling unit on the property, other yard requirements see Section 17.30.060. [Source: 17.13.120]**~~

~~J. **Parking requirements: See Section 17.30.090. [Source: 17.13.120]**~~

~~K.~~B. **Agricultural ~~Preserve District or "AP" District~~Preserves.** Minimum Pparcel Aarea. The minimum acreage to be considered for ~~an agricultural preserve district~~ AP zoning shall be ~~one hundred~~100 contiguous acres across one or more parcels. Each parcel shall comply with the parcel size standards established in Table 17.15-~~XX~~2 (Development Standards for Agricultural and Resource Zones). ~~Parcels within an agricultural preserve shall not be less than forty acres, or a quarter-quarter section.~~ [Source: 17.13A.050, modified]

~~L.~~

~~1. **Building height. The maximum building height shall be forty feet. [Source: 17.13A.060**~~

~~2. **Front yard setback. The front yard setback shall have a minimum depth of twenty feet. [Source: 17.13A.070**~~

~~3. Side yard setback. Each side yard shall have a minimum setback of twenty feet. [Source: 17.13A.080~~

~~4. Rear yard setback. The rear yard setback shall be a minimum of twenty feet. [Source: 17.13A.090~~

~~M.~~C. **Agriculture-Forest ~~District~~ Zone (AF)~~or "A-F" District~~.**

1. **Minimum Pparcel Aarea ~~for subdivision purposes~~.** The minimum parcel area ~~acreage for subdivision purposes~~ shall be ~~ten~~ 10 acres for Site Class IV or V timberland; and ~~forty~~ 40 acres for Site Class I, II or III timberland (Dunning scale). [Source: 17.14.050, modified]

~~2. Building height. The maximum building height shall be forty feet. [Source: 17.14.060]~~

~~3.~~2. ~~Front yard s~~**S**etback**s.** The front, side, and rear ~~yard~~ setbacks shall have a minimum depth of ~~twenty feet; provided, however, that the setback shall be one hundred~~100 feet, if the ~~yard~~ property line abuts lands zoned Ttimberland Ppproduction Zzone. [Source: 17.14.070; 17.14.080; 17.14.090, modified]

~~4. Side yard setback. Each side yard shall have a minimum depth of twenty feet; provided, however, that the setback shall be one hundred feet, if the yard abuts lands zoned timberland production zone. [Source: 17.14.080]~~

~~5. Rear yard setback. The rear yard setback shall be a minimum of twenty feet; provided, however, that the setback shall be one hundred feet, if the yard abuts lands zoned timberland production zone. [Source: 17.14.090]~~

~~6.~~3. **Setback from Ssurface Wwater Bbodies.** ~~The s~~Setbacks shall either comply with water body setbacks established in the California Forest Practice Rules, or be ~~either not less~~at least ~~than two hundred~~200 feet from any water body, ~~or comply with waterbody setbacks in the California Forest Practice Act~~. [Source: 17.14.100, modified]

~~7. Timberland conversion permit. A timberland conversion permit issued by CalFire may be required prior to establishing any use other than forestry. [Source: 17.14.110]~~

D. **Timberland Production Zone.**

1. **Reduced Parcel Size Requirement.** ~~The minimum lot area for division of parcels zoned TPZ shall be as designated in the zoning district. In the event no minimum parcel size has been specified in the zoning district, minimum lot area shall be one hundred sixty acres.~~ The minimum ~~acreage~~ parcel size requirement may, at the discretion of the Pplanning Ccommission ~~and~~ or Bboard of Ssupervisors~~'s pursuant to section 31 of the zoning ordinance~~, be reduced when necessary to resolve adjacent land use conflicts through lot line adjustment. [Source: 17.14A.040, modified]

2. **Additional Setbacks.**

~~8.~~a. All yard setbacks shall be a minimum of ~~fifty~~ 50 feet, except that ~~one hundred~~ 100 feet shall be maintained from other TPZ or federally managed lands. [Source: 17.14A.060, modified]

~~9.~~b. ~~Buildings~~ Structures shall not be located on landings, roads, or storage areas as shown on the Timber Management Plan, or Timber Harvest Plan. The placement of the proposed structure shall be reviewed related to compatibility with the growing and harvesting of timber by the ~~p~~Planning Director~~staff~~ after consultation with the State Department of Forestry. [Source: 17.14A.080, modified]

~~10.~~3. A T~~t~~imber M~~m~~anagement P~~p~~lan shall be prepared for all parcels to be rezoned to TPZ pursuant to Section 51113 of the Government Code. The rezone application shall meet the requirements of Section 51113 as it now reads or may hereafter be amended, and shall meet the following requirements: [Source: 17.14A.050, modified]

a. **Minimum Parcel Size.** The minimum ~~lot area~~parcel size for entry into TPZ for lots legally created prior to March 1, 1988 shall be no less than ~~forty~~ 40 acres for Site I-III timberlands and 160 acres for Site IV and V lands. In the event a parcel consists of a mix of Site I-III and IV-V, the parcel shall be eligible if ~~fifty~~ 50 percent of the area is Site III or better timberland, but at no time shall parcels, which contain less than ~~forty~~ 40 acres of Site I-III timberland, be eligible. The minimum parcel size for entry into TPZ for parcels created after March 1, 1988 shall be no less than ~~one hundred sixty~~160 acres, or a quarter of a section. [Source: 17.14A.050, modified]

b. **Timber Management Plan.** A timber management plan for the property must be prepared, or the content approved, by a registered professional forester. Such plan shall provide for the eventual harvest of timber, as determined by the preparer of the plan; specific information that must be included in the plan is as follows: [Source: 17.14A.050, modified]

i. A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned. [Source: 17.14A.050]

ii. Topographic map(s) (scale four inches — one mile) which includes: [Source: 17.14A.050]

(1) Existing and proposed roads (public and private) [Source: 17.14A.050]

(2) Watercourses, lakes, ponds, domestic water systems, etc. [Source: 17.14A.050]

(3) Site classification (minimum area breakout-ten acres). The State of California's Board of Equalization's Instructions For Timberland Site Grading adopted July 26, 1976, shall be utilized for site determinations. [Source: 17.14A.050]

(4) Timber/vegetation classification and age distribution. [Source: 17.14A.050]

(5) Under stocked areas as defined in current forest practice rules. [Source: 17.14A.050]

(6) Location of all existing and proposed permanent structures. [Source: 17.14A.050]

iii. Management and silviculture objectives.

(1) History of management and existing volume, acreage and age. [Source: 17.14A.050]

(2) Future silviculture, inventory, stand improvement, harvesting operations planned (including cutting and thinning cycles, volumes and rotation ages), subdivisions and lot line adjustments. [Source: 17.14A.050]

iv. Stocking.

(1) Average stocking within each sub-area [Source: 17.14A.050]

(2) Under stocked areas may be included in the TPZ district under the provisions of Section 51113 of the Government Code. (See "3" below). [Source: 17.14A.050]

v. Forest insects and disease protection practices. [Source: 17.14A.050]

c. The parcel shall currently meet the timber stocking standards as set forth in Section 4561 by the Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the ~~b~~Board of ~~s~~Supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. Failure to meet such stocking standards and forest practice rules within this time period provides the board with a ground for rezoning of the parcel pursuant to Section 51121 of the Government Code. [Source: 17.14A.050]

~~17.15.050~~17.15.060 Lands Subject to the Land Conservation Act

A. **General Provisions.** In compliance with California Government Code Sections 51200 through 51207, also known as the California Land Conservation Act of 1965 or the Williamson Act, landowners may enter into a “land conservation contract” with the County to voluntarily restrict development on agricultural and open space lands in exchange for reduced property tax assessments. [Source: Source: 17.13A.100, modified]

B. ~~**Contract** **E**~~**Eligibility.** To be eligible for a land conservation contract under this Section, parcels shall:

1. Be ~~Land~~ zoned as Aagricultural Ppreserve (AP) ~~may qualify for property tax benefits conferred through a "land conservation contract" as provided by~~

~~A.~~2. Comply with all requirements and standards established in this Ssection and ~~the~~ California Government Code Sections 51200 through 51207~~Land Conservation Act~~. [Source: 17.13A.100, modified]

~~B.~~C. **Criteria for ~~I~~inclusion.** The following criteria must be met ~~before land is included in a~~ for consideration of inclusion in a ~~"~~land conservation contract.~~"~~ Each parcel proposed for inclusion in a contract shall meet these criteria individually rather than collectively ~~(i.e., ~~. The merging ~~or~~ of parcels may be required ~~prior to inclusion)~~to meet eligibility criteria before consideration of inclusion in a land conservation contract: [Source: 17.13A.110, modified]

1. **Agricultural Improvements.** There shall be a capital outlay for agricultural capital improvements ~~affixed to~~on the land in the minimum total sum of ~~twenty thousand dollars~~$20,000, excluding applicant's residence and original cost of land. The value of such capital improvements shall be made on the basis of replacement cost. Not more than ~~twenty-five~~25 percent of such capital outlay may consist of breeding stock. [Source: 17.13A.110.A, modified]

2. ~~**Each parcel shall lie within an agricultural preserve**~~**Minimum Parcel Size.** ~~Parcels~~ Each parcel considered for contract shall not be less than ~~forty~~ 40 acres, or a quarter-quarter section. [Source: 17.13A.110.B, modified]

3. **Minimum Commercial Agricultural Production.** The gross income derived from ~~such~~ contracted agricultural land must be at least ~~fifty~~ 50 percent of ~~its~~ the estimated agricultural (production of ~~food or fiber~~agricultural products for commercial purposes) capabilities. ~~Said e~~Estimated capabilities ~~to~~ shall be determined by the B~~b~~oard of S~~s~~upervisors with assistance from appropriate advisory agencies. This clause refers to the qualifications of the applicant, and does not affect the findings of the C~~c~~ounty A~~a~~ssessor. [Source: 17.13A.110.C, modified]

4. **Supporting Documentation.** The applicant shall furnish supporting information concerning the land's agricultural capabilities and use, including gross annual income and expenses, inventory of livestock, capital improvements, and ~~such~~ any other information as deemed necessary by the C~~c~~ounty ~~may deem necessary~~ in ~~making its determination of~~ determining eligibility for a contract and the payments the landowner should receive under the contract. [Source: 17.13A.110.D, modified]

~~4.~~D. **Contract Terms.**

~~5.~~1. **Landowner Authorization.** Each application shall be signed by all ~~owners~~landowners and security holders of record. [Source: 17.13A.110.E, modified]

~~6.~~2. **Minimum Contract Term.** All contracts and each renewal thereof ~~will~~ shall be for a term of ~~ten~~ 10 years. Each contract shall be automatically renewed annually on the renewal date, so long as notice of non-renewal in compliance with Subsection E of this Section has not been filed by either party. [Source: 17.13A.110.F, modified]

~~7.~~3. **Effective Date.** ~~The initial~~ All contracts, including contract ~~date and the~~ renewals ~~date~~, shall be effective ~~for all contracts shall be~~ starting on July 1 of the year following application approval. [Source: 17.13A.110.G, modified]

~~8.~~4. **Submittal.** All applications for contract shall be submitted ~~prior to October 1~~by 5:00 p.m. on September 30 of the year preceding the year in which the landowner desires to ~~effectuate~~ enter into the contract with the County. If the application is approved and the contract is signed prior to the lien date in any year, the contract shall be effective

as of July 1 of that year. If approval is obtained upon or after the lien date, the contract shall be effective as of July of the succeeding year. [Source: 17.13A.110.H, modified]

~~C.~~E. **Notice of ~~N~~nonrenewal.** If either the landowner or the C~~c~~ounty desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract upon the other party in advance of the annual renewal date of the contract. Unless such written notice is served by the landowner at least ~~ninety~~ 90 days prior to the renewal date or by the C~~c~~ounty at least ~~sixty~~ 60 days prior to the renewal date, the contract shall be considered renewed for ~~ten~~ 10 years. [Source: 17.13A.120, modified]

~~D.~~F. **Cancellation.** Failure to ~~utilize~~ use land ~~zoned~~ under an effective land conservation contract for agricultural ~~preserve~~ purposes consistent with the intent of this T~~t~~itle as determined by the C~~c~~ounty shall be grounds for cancellation of the contract. Cancellation of the contract by the property owner shall ~~be in accordance with the following procedures~~result with the following: [Source: 17.13A.130, modified]

1. A sum equal to the tax savings for each and every year the contract has been in effect, plus a compounded interest component to be determined by an announced rate which has the same yield rate for long term United States Government Bonds as published by the Federal Reserve Board for each year, rounded to the nearest one-quarter percent or an amount equal to ~~seventy~~ 70 percent pursuant to Chapter 7, Article 5, Paragraphs 51283 and 51283.3 of the California Government Code, whichever is greater, shall be provided to the county prior to cancellation of the contract. [Source:17.13A.130]

~~E.~~G. **Recordation.** All contracts, cancellations of contracts, and notices of non-renewal of ~~the~~ contracts shall be recorded with the C~~c~~ounty R~~r~~ecorder. [Source: 17.13A.140, modified]

Chapter 17.20

Residential Zones

Chapter 17.20 Residential Zones

Sections

17.20.010 Purpose and Intent of Residential Zones
17.20.020 Land Use Regulations for Residential Zones
17.20.030 Additional Land Use Regulations
17.20.040 Development Standards for Residential Zones
17.20.050 Additional Development Standards

17.20.010 Purpose and Intent of Residential Zones

A. **Purpose.** The purpose of this Chapter is to describe each of the County's residential zones and identify allowed land uses and permit requirements, establish development standards, and identify any supplemental land use regulations applicable to residential zones. [Source: NEW]

B. **Intent.** The intent of this Chapter is to provide for areas in the County that can accommodate a variety of housing options to meet the needs of residents. [Source: NEW]

C. **Summary of Residential Zones.** The specific purpose of each of the five residential zones are as follows: [Source: NEW]

1. **10-Acre Rural Residential Zone (RR10).** The RR10 zone is intended for outlying areas of the county on parcels with a minimum size of 10 acres where both single-family residential development and agricultural uses are allowed. The RR10 zone implements the Rural Residential – Low Density (RR-L) General Plan land use designation. [Source: NEW]

2. **Rural Residential Zone (RR).** The RR zone is intended for parcels identified primarily for single-family residential development on larger parcels (minimum of one acre) and limited agricultural uses. The RR zone implements the Rural Residential (RR) General Plan land use designation. [Source: NEW]

3. **Low-Density Residential Zone (R1).** The R1 zone is intended for areas of the county best suited for primarily single-family residential development and low-density multi-family residential development (e.g., duplexes). The R1 zone implements the Low Density Residential (LDR) General Plan land use designation. [Source: NEW]

4. **Medium-Density Residential Zone (R2).** The R2 zone is intended for areas of the county where single-family and multi-family residential development is allowed and public water and sewer infrastructure is available. The R2 zone implements the Medium Density Residential (MDR) General Plan land use designation. [Source: NEW]

~~1.~~5. ~~**Multiple** **Multi-**~~**Family** ~~**District Zone or "(R3)" District.** General description.~~ The purpose of this ~~zoning district~~ R3 zone is to provide for ~~multiple~~ multi-family ~~sites~~ development in areas which have services and facilities available to serve such uses

and can accommodate the highest density of population and housing units. [Source: 17.18.010, modified]

17.20.020 Land Use Regulations for Residential Zones

A. **Allowed Uses and Permit Requirements.** Table 17.20-1(Allowed Uses and Permit Requirements for Residential Zones) identifies the uses allowed within each residential zone and any permits required to establish the use, in compliance with Part 5 (Permit Processing). [Source: NEW]

B. **Additional Regulations.** Where the last column of Table 17.20-1 (Allowed Uses and Permit Requirements for Residential Zones) includes a Chapter or Section number, the regulations in the referenced Chapter or Section shall apply to the use. Provisions in other Sections of this Title or adopted Community Plans may also apply. [Source: NEW]

C. **Definitions.** See Part 7 (Definitions) for detailed definitions of land use types. [Source: NEW]

D. **Uses Not Listed.** Uses not specifically listed in Table 17.20-1 (Allowed Uses and Permit Requirements for Residential Zones) are prohibited, unless otherwise determined by the Planning Director as an appropriate use for the identified zone. It is the discretion of the Planning Director to determine what type of permit shall be required for any use not listed. [Source: NEW]

E. **Zoning Clearance and Building Permit Required.** Each land use specified in Table __ (Allowed Uses and Permit Requirements for Residential Zones) allowed by-right, as indicated with a "P' permit requirement shall require the issuance of a Zoning Clearance in compliance with Chapter 17.135 (Zoning Clearance) before any use is established. If the establishment of a by-right use includes construction activities (e.g., additions, alternations, new construction, reconstruction, remodeling), the issuance of a Building Permit shall also be required. [Source: NEW]

F. **Timberland Conversion.** Where the cutting or removal of trees is proposed, a harvest document issued by CalFire may be required in addition to the permit requirements established in this Chapter. See Chapter __ (Timberland Conversion) for details about CalFire timberland conversion requirements. [Source: 17.14.110, modified]

G. ____

Table 17.20-1: Allowed Uses and Permit Requirements for Residential Zones

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	RR10	RR	R1	R2	R3	
Agricultural and Resource Uses						
Agricultural packing and processing plant	D	~~U~~C	-	-	-	
Agritourism	D	C	-	-	-	17.95.030
Chicken, turkey, or hog ranch	D	~~U~~C	-	-	-	17.95.040
Dairy	D	-				17.95.040
Animal husbandry	P	P	P	P	-	17.95.040
Animal sales yard	D	~~U~~C	-	-	-	
Apiary~~ies~~	P	D	-	-	-	17.95.040
Cattle feed yard~~s~~	D	~~U~~C	-	-	-	
Farm Stand	P	D	-	-	-	
Firewood, storage and processing	P	D	-	-	-	
Forestry	P	D	-	-	-	
Grazing	P	D	-	-	-	
Habitat conservation and improvement	P	-	-	-	-	
Nursery/greenhouse, plant production	P	P	-	-	-	17.95.020
Poultry farm	P	D	-	-	-	17.95.040
Row and field crops, perennial	P	P	-	-	-	17.95.020
Row and field crops, seasonal/rotating	P	P	-	-	-	17.95.020
Stables, public	D	~~U~~ D	C	~~U~~C	-	
Cannabis-Related Uses						
Cultivation, small	D	D	-	-	-	Chapter 17.85
Cultivation, medium	C	-~~C~~	-	-	-	Chapter 17.85
Distribution	C	-	-	-	-	Chapter 17.85
Manufacturing	-	-	-	-	-	Chapter 17.85
Microbusiness	C	C	-	-	-	Chapter 17.85
Nursery	-~~C~~	-	-	-	-	Chapter 17.85
Processing facility	-~~C~~	-	-	-	-	Chapter 17.85
Retail, non-storefront	-~~D/C~~	-~~D/C~~	-	-	-	Chapter 17.85
Retail, storefront	-	-	-	-	-	Chapter 17.85

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	RR10	RR	R1	R2	R3	
Testing facility	-	-	-	-	-	Chapter 17.85
Residential Uses						
Accessory dwelling unit	Chapter ___					
Accessory dwelling unit, junior	Chapter ___					
Caretaker unit	~~C~~ D	-	-	-	-	17.95.070
Dwelling, single-family	P	P	P	~~U~~ D	~~U~~ D	
Dwelling, 2 units	-	-	~~U~~ D/P*	P	P	
Dwelling, 3 units	-	-	~~U~~ D	~~U~~ D/P*	P	
Dwelling, 4+ units	-	-	~~U~~C	~~U~~ D	P	
Emergency shelter	P	P	P	P	P	17.95.080
Family daycare center	P	P	P	P	P	
Farmworker/employee housing, small	P	P	P	D	D	17.95.090
Farmworker/employee housing, large	P	P	-	-	-	17.95.090
Low-barrier navigation centers	-	-	-	P	P	
Mobile home park	-	-	~~U~~C	D	~~U~~P	17.95.160
Mobile home/manufactured home	P	P	P	D	D	17.95.170
Mobile tiny home village	-	-	C	D	P	17.95.200
Mobile tiny homes	P	P	P	P	P	17.95.200
Rehab/Drug Recovery Housing	P	P	P	P	P	
Residential care facility (less than 7 persons)	P	P	P	~~U~~ P	P	
Residential care facility (7+ persons)	P	P	P	~~U~~ P	P	17.95.240
Single room occupancy	-	-	C	D	P	17.95.240
Supportive housing	P	P	P	P	P	17.95.070
Temporary worker housing	D	C	-	-	-	
Transitional housing	P	P	P	P	P	
Commercial Uses						
Animal hospital	C	~~U~~C	-	-	-	

Land Use	Key	P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted				Additional Regulations
	Zone					
	RR10	RR	R1	R2	R3	
Brewery, distillery, or winery	C	-	-	-	-	
Equipment sales and rental facility	C	C	-	-	-	
Cemetery	C	C	-	-	-	
Day care center	P	~~U~~D	-	-	~~U~~C	
Home enterprise	P	P	P	D		Section ___
Home occupation	P	P	P	P	P	Section ___
Hospital	C	~~U~~C	~~U~~C	~~U~~C	-	
Kennel, breeding or boarding	D	~~U~~D	-	-	-	
Laundromat, connected to community water & sewer system	D	D	D	D	D	
Industrial and Manufacturing Uses						
Industrial, minor	D	-	-	-	-	
Lumber yard	C	-	-	-	-	
Mining	C	-	-	-	-	
Recreation, Entertainment, and Public Assembly Uses						
Bed and breakfast	P	~~U~~D/P	-P/D	P/D-	-P/D	
Campgrounds, tent only	D	~~U~~C	-	-	-	
Campgrounds, improved	D	~~U~~C	-	-	-	
Fitness center/gym	-	-	-	D	D	
Instructional services	P	P	P	P	P	
Commercial recreation and entertainment, indoor	C	C	-	-	-	Section ___
Commercial recreation and entertainment, outdoor	C	C	-	-	-	Section ___
Country club/golf club	C	-	~~U~~C	~~U~~C	-	
Galler~~y~~ies or museums	C	-	~~U~~C	~~U~~C	-	
Low-intensity recreational uses	P	-	-	-	-	
Parks/playgrounds	P	~~U~~P	~~U~~D	~~U~~D	~~U~~D	

Land Use	Key	P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted				Additional Regulations
	Zone					
	RR10	RR	R1	R2	R3	
Place of Assembly	D	~~U~~D	~~U~~C*	~~U~~C	~~U~~C	
Recreational vehicle park	D	C	-	-	-	
Special Event Facility	D	C	-	-	-	Section __
Public and Quasi-Public Uses						
Adult day support centers, licensed	C	C	D	D	D	
Airports, heliports, landing strips, public/private	C	-	~~U~~C	~~U~~C	-	
Animal shelter	C	-	-	-	-	
Community Garden	P	P	P	P	P	
Public or governmental facility	P	~~U~~P	~~U~~P	~~U~~P	P	
Public utilities	P	~~U~~P	~~U~~P	~~U~~P	P	
School, private	C	~~U~~C	~~U~~C	~~U~~C	~~U~~C	
School, technical/vocational	-	-	-	-	C	
Telecommunication facilities	C	C	C	C	C	
Temporary Uses						
Temporary Uses	TUP	TUP	TUP	TUP	TUP	Chapter __
Accessory Uses and Structures						
Accessory Uses	P/D	P/D	P/D	P/D	P/D	Chapter __

17.20.030 Additional Land Use Regulations

A. Cemeteries. Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: NEW]

~~1. Rural Residential or RR District. Accessory buildings and accessory uses. Accessory buildings and accessory uses including barns, stables and other farm buildings, quarters for farm labor and/or servants employed on the premises. [Source: 17.15.030]~~

~~2. In general. Subject to the provisions of Chapter 17.30, none but the following uses, or uses which in the opinion of the planning commission are similar, will be allowed (see Section 17.30.010). [Source: 17.15.005]~~

~~3. Uses permitted.~~

~~a. Single-family dwelling. [Source: 17.15.010]~~

b. Agricultural uses except those requiring a use permit as set out in Section 17.15.020 of this section, provided that the number of animals per square feet of parcel area shall not exceed the following standards unless a use permit is first secured: [Source: 17.15.010]

i. Horses, mules, cattle, similar livestock: Maximum one animal per twenty thousand square feet. [Source: 17.15.010.A]

ii. Goats, sheep, similar livestock: Maximum three animals per twenty thousand square feet. [Source: 17.15.010.B]

iii. Ratites (emus and related birds): Maximum one pair of ratties plus their offspring (maximum of forty offspring) per twenty thousand square feet. Offspring include chicks and/or pullets less than thirteen months of age. [Source: 17.15.010.C]

iv. Chickens, ducks, geese, pigeons, pheasants, peafowl, guinea fowl, rabbits, mink, chinchilla, similar livestock: Maximum twenty-five animals per twenty thousand square feet. [Source: 17.15.010.D]

v. For computational purposes only, square footage used in computing the allowable number of animals for one category of animals may not be used for any other category. [Source: 17.15.010]

4. Uses permitted subject to securing a use permit in each case. [Source: 17.15.020]

a. Frog farms, hog or turkey raising, poultry farms. [Source: 17.15.020.A]

b. Keeping of more than one pair of ratite and/or more than forty of their offspring. [Source: 17.15.020.B]

c. Cattle feed yards, animal sales yards, fertilizer plants or yards, dairies, agricultural processing plants. [Source: 17.15.020.C]

d. Rental, storage, or sale of irrigation equipment. [Source: 17.15.020.D]

e. Stands for sale of agricultural products grown on the premises. [Source: 17.15.020.E]

f. Campgrounds and resorts (see natural resource section of land use element). [Source: 17.15.020.F]

g. Airports, heliports, landing strips for aircraft. [Source: 17.15.020.G]

h. Art galleries, tract offices. Country clubs, golf courses, practice fairways, provided the use is established on a minimum of ten acres of land usable for said purpose. [Source: 17.15.020.H]

i. Public stables, animal hospitals, the keeping of dog or cats for commercial purposes. [Source: 17.15.020.I]

j. Public or quasi-public uses, including churches, fire-houses, parks, playgrounds, schools, public utility uses, and parking lots. [Source: 17.15.020.J]

k. Labor camps. [Source: 17.15.020.J]

5. Single-Family District or R-1. Accessory buildings. Only as constructed simultaneously with or subsequent to the main building on the same lot. Accessory uses normally incidental to one family dwellings. [Source: 17.16.030]

6. In general. Subject to the provisions of Chapter 17.30, none but the following uses, or uses which in the opinion of the planning commission are similar, will be allowed (see Section 17.30.010). [Source: 17.16.005]

7. Uses permitted.

a. Single-family dwelling. [Source: 17.16.010]

8. Uses permitted subject to obtaining a use permit in each case. [Source: 17.16.020]

a. One non-commercial guest house. [Source: 17.16.020]

b. Tract offices, art galleries, country clubs, golf courses. [Source: 17.16.020]

c. Public and quasi-public uses, including churches, fire houses, hospitals, parks and playgrounds, schools (public and parochial), or schools accredited to state school system, and public utility buildings and uses. [Source: 17.16.020]

d. Airports, heliports, and landing strips for aircraft. [Source: 17.16.020]

e. Condominiums, cooperatives and similar development. [Source: 17.16.020]

B. Duplex Residential District or R-2 District.

1. In general. Subject to the provisions of Chapter 17.30 none but the following uses, or uses which in the opinion of the planning commission are similar will be allowed (see Section 17.30.010). [Source: 17.17.005]

2. Uses Permitted. Two single-family structures, duplexes. [Source: 17.17.010]

3. Uses permitted subject to first securing a use permit in each case. [Source: 17.17.020]

a. Single-family dwelling, triplex (single structure), condominiums, hospitals, rest homes, sanitariums and clinics. [Source: 17.17.020.A]

b. Art galleries, tract offices, country clubs, golf courses. [Source: 17.17.020.B]

c. Public and quasi-public uses, including churches, fire houses, parks and playgrounds. [Source: 17.17.020.C]

d. Schools (public and parochial) or schools accredited to state school system, and public utility buildings and uses. [Source: 17.17.020.D]

e. Public stables. [Source: 17.17.020.E]

f. Landing strips for aircraft. [Source: 17.17.020.F]

~~g. Off street parking when appurtenant to any permitted use in the district, or when adjacent to any "C," "M" or "HC" District. [Source: 17.17.020.G]~~

~~4. Accessory buildings. [Source: 17.17.030]~~

~~a. Accessory buildings, only if constructed simultaneously with or subsequent to the main building on the same lot. [Source: 17.17.030]~~

~~b. Accessory uses normally incidental to uses allowed in this district. This is not to be construed as permitting any commercial use. [Source: 17.17.030]~~

~~C. Multiple Family District or "R-3" District.~~

~~1. Uses permitted. [Source: 17.18.020]~~

~~a. Duplexes [Source: 17.18.020]~~

~~b. Triplexes [Source: 17.18.020]~~

~~c. Apartments [Source: 17.18.020]~~

~~d. Condominiums [Source: 17.18.020]~~

~~2. Uses permitted subject to first securing a use permit. [Source: 17.18.030]~~

~~a. Single-family dwelling. [Source: 17.18.030.A]~~

~~b. Rooming and boarding houses. [Source: 17.18.030.B]~~

~~c. Mobile home courts. [Source: 17.18.030.C]~~

~~d. Churches. [Source: 17.18.030.D]~~

~~e. Day care center for more than twelve children. [Source: 17.18.030.E]~~

~~f. Schools. [Source: 17.18.030.F]~~

~~g. Professional offices. [Source: 17.18.030.G]~~

~~17.20.030~~17.20.040 Development Standards for Residential Zones

A. Purpose of Development Standards. The purpose of Table 17.20-2~~XX~~ (Development Standards for Residential Zones) is to clearly establish the basic site and structure regulations that apply to all development in each of the residential zones. The table also identifies when and where additional site and structure standards apply to residential zones, such as off-street parking, landscaping, signs, fences and walls, and performance standards. [Source: NEW]

B. Additional Development Standards. The "Additional Development Standards" row of Table 17.20-__ (Development Standards for Residential Zones) will include a chapter or section number when additional regulations located in another portion of this Title apply to the zone and are required for permit approval. [Source: NEW]

C. Density and Floor Area Ratio. Maximum density and floor area ratio (FAR) standards shall be consistent with the General Plan or applicable Community Plan or Specific Plan. See Table 17.10-1~~XX~~ (Zones Implementing the General Plan) in Chapter ~~XX~~17.10 (Zones and Zoning

Map) of this Title. General Plan land use designations and corresponding density and FAR standards for each zone. [Source: NEW]

Table 17.20-2: Development Standards for Residential Zones

Development Standard	Zone				
	RR10	RR	R1	R2	R3
Minimum Parcel Size	10 acres	~~20,000sqft~~ 1 acre	~~7,000sqft/6,000sqft~~ 10,000 sqft (4)	~~7,000sqft/6,000sqft~~ 10,000 sqft	16,000 sqft
Lot area per unit	-	-	-	3,000 sqft	2,000 sqft
Minimum Lot Width	100 ft	100 ft	60 ft (2)	60 ft	75 ft
Maximum lot coverage	35%	35%	35%	40%	40%
Maximum height	35 ft	~~40 ft~~ 35 ft	~~40 ft~~ 35 ft	~~40 ft~~ 35 ft	~~25 ft~~ 35 ft
Minimum Front setback	20 ft	20 ft	20 ft	20 ft	20 ft
Minimum Side setback (interior)	6 ft	6 ft	5 ft (3)	6 ft	10 ft
Minimum Side setback (exterior)	6 ft	6 ft	10 ft	10 ft	15 ft
Minimum Rear setback	20 ft	20 ft	20 ft	20 ft	15 ft
Additional Development Standards	17.20.050.A 17.20.050.B	17.20.050.A 17.20.050.B	17.20.050.A 17.20.050.C	17.20.050.A 17.20.050.D	17.20.050.A 17.20.050.E
Additional Regulations					
Fences and Walls	Chapter 17.45				
Landscaping	Chapter 17.50				
Performance Standards	Section 17.40.050				
Parking and Loading Space Requirements	Chapter 17.55				
Sign Standards	Chapter 17.60				
Solid Waste and Recycling Standards	Chapter 17.65				

~~17.20.040~~17.20.050 Additional Development Standards

A. Additional Height. Additional height may be approved upon obtaining a Director's Use Permit if the site is located within a Fire District that has the appropriate equipment to respond to structure fires for structures over 35 feet. [Source: NEW]

~~A.~~B. **Rural Residential Zones (RR10 and RR)**

~~1. Minimum building site required. [Source: 17.15.050]~~

~~a. Twenty thousand square feet except schools five acres, private stables one acre.~~

~~b.~~a. Minimum Llot Wwidths~~ required:. Corner lot and interior lot:~~The minimum lot width shall be ~~One hundred~~ 100 feet except for schools then ~~two hundred~~ 200 feet. [Source: 17.15.050, modified]

~~2. Maximum lot coverage by all structures. Thirty-five percent. [Source: 17.15.060]~~

~~3. Maximum allowable height. Forty feet. [Source: 17.15.070]~~

~~4. Minimum front yard required. Twenty feet. [Source: 17.15.080]~~

~~5. Minimum side yard required. Exterior or interior lot six feet. [Source: 17.15.090]~~

~~6. Minimum rear yard required. Twenty feet provided that a minimum of ten feet may be permitted if one thousand five hundred square feet is maintained to the rear of the longest wall of the main building. [Source: 17.15.100]~~

~~7. General requirements. [Source: 17.15.120]~~

~~a. For parking requirements, see Section 17.30.090. [Source: 17.15.120.A]~~

~~b.~~2. Larger building site may be required. [Source: 17.15.120.B]

~~c.~~3. Optional design and development standards may be permitted if approved under the subdivision ordinance. [Source: 17.15.120.C]

~~d. Yards are minimum requirements unless building lines are established or unless standard street does not exist, see Section 17.30.060. [Source: 17.15.120.D]~~

4. Additional Setbacks.

~~e.~~a. Private Stables.~~One acre minimum area for private stables provided; further provides that no such~~Private stables shall ~~be located within fifty feet of any property line~~have a minimum setback of 50 feet from all property lines. [Source: 17.15.120.E, modified]

~~f.~~b. Feed and water troughs and buildings used for the housing or maintenance of domestic livestock shall be located at least ~~fifty~~ 50 feet from all lot lines, and at least ~~twenty~~ 20 feet from dwellings, whether on the same or adjacent properties, provided that such troughs and buildings for the housing or maintenance of chickens, ducks, geese, pigeons, pheasants, peafowl, guinea fowl, rabbits, mink, chinchilla, and similar animals need be only at least ~~ten~~ 10 feet from side or rear lot lines. [Source: 17.15.120.F, modified]

~~B.~~C. ~~Single-Family District or~~Low-Density Residential Zone (**R1**).

~~1. General requirements. [Source: 17.16.130]~~

~~a. For parking requirements, see Section 17.30.090. [Source: 17.16.130.A]~~

~~b.~~1. Larger building site may be required, see Section 17.30.080. [Source: 17.16.130.B]

~~c. Architectural features, see Section 17.30.060. [Source: 17.16.130.C]~~

~~d. For guest house regulations, see Section 17.30.040(C). [Source: 17.16.130.E]~~

~~e.~~2. Optional design and development standards may be permitted if approved under subdivision ordinance. [Source: 17.16.130.G]

~~2. For subdivision purposes, the minimum parcel size required—Corner lot. Corner lot: Seven thousand square feet. [Source: 17.16.050]~~

~~3. For subdivision purposes, the minimum parcel size required—Interior lot. Interior lot: Six thousand square feet; on interior or corner lot churches: Twenty thousand square feet; schools: Five acres. [Source: 17.16.060]~~

3. ~~Minimum L~~lot ~~W~~width ~~required~~. ~~Corner or interior lot:~~The minimum lot width shall be ~~Sixty~~ 60 feet; except for the following land uses: [Source: 17.16.070, modified]

a. ~~churches~~ Places of assembly: ~~one hundred~~ 100 feet [Source: 17.16.070, modified]

~~4.~~b. ~~,~~ Sschools: ~~two hundred~~ 200 feet~~. All other uses sixty feet.~~ [Source: 17.16.070, modified]

~~5. Maximum allowable lot coverage by all structures. Thirty-five percent. [Source: 17.16.080]~~

~~6. Maximum allowable height. Forty feet. [Source: 17.16.090]~~

~~7. Minimum front yard required. Twenty feet. [Source: 17.16.100]~~

~~8.~~4. ~~Minimum s~~Side ~~yard required~~Setback. ~~Interior lot line: Five feet; exterior lot line: Ten feet. Churches~~ Places of assembly and schools shall have a minimum side setback of 10~~ten~~ feet for both exterior ~~or~~ and interior lot lines. [Source: 17.16.110, modified]

~~9.~~5. ~~Minimum R~~rear ~~yard required~~Setback. ~~Twenty feet, provided that~~The minimum rear setback may be reduced to ~~ten~~ 10 feet ~~may be permitted~~ if a minimum of ~~one thousand five hundred~~1,500 square feet is maintained to the rear of the longest wall of the main building. [Source: 17.16.120, modified]

~~C.~~D. ~~Medium-Density~~~~Duplex~~ **Residential Zone ~~District or (~~R2~~)~~District~~.**

~~1. For subdivision purposes, the minimum parcel size required. [Source: 17.17.050]~~

~~a. Corner lot: Seven thousand square feet [Source: 17.17.050]~~

~~b. Interior lot: Six thousand square feet, except schools five acres, churches twenty thousand square feet. [Source: 17.17.050]~~

~~2. Minimum lot widths required. [Source: 17.17.060]~~

~~a. Corner lot: Sixty feet [Source: 17.17.060]~~

~~b. Interior lot: Sixty feet [Source: 17.17.060]~~

~~c. Schools: Two hundred feet [Source: 17.17.060]~~

~~d. Churches: One hundred feet [Source: 17.17.060]~~

~~3. Maximum allowable lot coverage by all structures. Forty percent. [Source: 17.17.070]~~

~~4. Maximum allowable height. Forty feet. [Source: 17.17.080]~~

~~5. Minimum front yard required. Twenty feet. [Source: 17.17.090]~~

~~6. Minimum side yard required. Interior lot line: Six feet; exterior lot line: Ten feet. [Source: 17.17.100]~~

~~7. Minimum rear yard required. Corner and interior lot: Twenty feet provided that ten feet may be permitted if a minimum of five hundred square feet of open area per unit is maintained to the side or the rear of the main building or buildings. [Source: 17.17.110]~~

~~8. Minimum lot area per family unit. Three thousand square feet. [Source: 17.17.120]~~

~~9. General requirements. [Source: 17.17.130]~~

~~a. For parking requirements, see Section 17.30.090. [Source: 17.17.130.A]~~

~~b.~~1. Larger building site may be required. [Source: 17.17.130.B]

~~c. Architectural features, see Section 17.30.060. [Source: 17.17.130.C]~~

~~d. Height limit accessory buildings twenty-five feet. [Source: 17.17.130.D]~~

~~e. For guest house regulations, see Section 17.30.040(C). [Source: 17.17.130.E]~~

~~f.~~2. Optional design and development standards may be permitted if approved under subdivision ordinance. [Source: 17.17.130.G]

~~10.~~

~~D.~~E. **Mult~~iple~~ Family ~~District or "R-3" District~~Zone (R3).**

~~1. For subdivision purposes, the minimum parcel size required. The minimum lot area shall be no less than sixteen thousand square feet. [Source: 17.18.040]~~

~~2. Minimum lot width. Each lot shall be no less than seventy-five feet wide. [Source: 17.18.050]~~

~~3. Building height. The maximum building height shall be twenty-five feet. [Source: 17.18.060]~~

~~4. Front yard setback. The front yard setback shall have a minimum depth of twenty feet. [Source: 17.18.070]~~

~~5. Interior side yard setback. The interior side yard setback shall be a minimum of ten feet. Exterior side yard setback is fifteen feet. [Source: 17.18.080]~~

~~6. Rear yard setback. The rear yard setback shall be a minimum of fifteen feet. [Source: 17.18.090]~~

~~7. Maximum lot coverage. The total lot area covered by structures shall not exceed forty percent of the total area of the lot. [Source: 17.18.100]~~

~~8.~~1. Drainage. A drainage plan shall be submitted to the D~~d~~epartment of T~~t~~ransportation for review and approval prior to issuance of B~~b~~uilding P~~p~~ermits. [Source: 17.18.110]

~~9.~~2. Encroachment P~~p~~ermit. Encroachment P~~p~~ermits shall be obtained from the D~~d~~epartment of T~~t~~ransportation prior to the issuance of a B~~b~~uilding P~~p~~ermit(s) when the project(s) create a new entrance onto a public road. [Source: 17.18.120]

~~10. Minimum lot area per dwelling unit. The minimum lot area per dwelling unit shall be two thousand square feet. [Source: 17.18.130]~~

~~11.~~3. Court Yyard Rrequirements. Lots proposed to be developed with more than one residential~~ly utilized~~ structure shall have a minimum setback of ~~twenty feet~~25 between on-site buildings and where a door opening faces a side ~~yard~~ setback property line a minimum of ~~ten~~ 10 feet setback shall be required. [Source: 17.18.140, modified]

~~12. Apartments. Two parking spaces required per unit. [Source: 17.18.150]~~

~~a. Yards are minimum required unless building lines are established or unless standard street does not exist, see Section 17.30.060. [Source: 17.16.130.H]~~

~~b. Yards are minimum required unless building lines are established or unless standard street does not exist, see Section 17.30.060. [Source: 17.17.130.H]~~



Chapter 17.25

Commercial and Mixed-Use Zones

Chapter 17.25 Commercial and Mixed-Use Zones

Sections

17.25.010 Purpose and Intent of Commercial and Mixed-Use Zones
17.25.020 Land Use Regulations for Commercial and Mixed Use Zones
17.25.030 Additional Land Use Regulations
17.25.040 Development Standards for Commercial and Mixed-Use Zones
17.25.050 Additional Development Standards

17.25.010 Purpose and Intent of Commercial and Mixed-Use Zones

A. **Purpose.** The purpose of this Chapter is to describe each of the county's commercial and mixed-use zones and identify allowed land uses and permit requirements, establish development standards, and identify any supplemental land use regulations applicable to residential zones. [Source: NEW]

B. **Intent.** The intent of this Chapter is to provide for areas in the county that can accommodate a variety of retail and commercial land uses that meet the needs of residents and visitors and provide economic opportunities for Trinity County communities. [Source: NEW]

C. **Summary of Commercial and Mixed-Use Zones.** The specific purpose of each of the five commercial or mixed-use zones are as follows: [Source: NEW]

1. **~~Residential-Office or "R-O" District~~Mixed-Use Zones (MUH and MUL).** ~~General description.~~ The purpose of ~~this zoning district~~ the Mixed-Use, High Zone (MHH) and the Mixed-Use, Low Zone (MUL) are to provide locations where office or commercial land uses can be sited on the same parcel as ~~and~~ residential land uses ~~can be sited on a given lot~~ or independent of each other. This ~~district~~ zone is primarily intended for ~~existing mix use areas as an alternative to commercial zoning~~commercial centers of communities where flexibility in land use can help meet community needs. The Mixed-Use, Low Zone (MUL) allows a density range of 1 to 4 dwelling units per acre; whereas, the Mixed-Use, High Zone (MUH) allows a density range of 12 to 24 dwelling units per acre. The MUH and MUL Zones implements the Mixed-Use (MU) General Plan land use designation. [Source: 17.18A.010, modified]

2. **Retail Commercial Zone ~~or "~~(C1~~" District~~).** ~~General description.~~ The purpose of ~~this zoning district~~the C1 zone is to provide appropriate locations for the distribution, ~~and~~ sale, or rental~~,~~ of goods or services of primarily a retail nature. Retail commercial areas are generally found within larger communities on major roads or interspersed within residential areas. Development, uses, and a~~A~~ctivities ~~located~~ in this ~~district~~ zone are generally compatible with and serve nearby residential uses. The C1 zone implements the Commercial (C) General Plan land use designation. [Source: 17.20.010, modified]

3. **General Commercial Zone or "(C2" Districts).** ~~General description.~~ The purpose of ~~this district~~the C2 zone is to provide appropriate locations for larger, more intensive commercial activities~~. General commercial districts~~ that are generally centralized within the community and located on major or arterial streets. The C2 zone implements the Commercial (C) General Plan land use designation. [Source: 17.21.010, modified]

4. **Highway Commercial Zone~~or "(~~HC~~" District).** ~~General description.~~ The purpose of ~~this zoning district~~the HC zone is to provide appropriate sites for the needs of ~~recreation and business travelers~~the traveling public to be accommodated at one stop. ~~This district~~The HC zone is intended to be applied to sites ~~fronting on~~ along S~~s~~tate highways or ~~along~~ arterial roads that provide access to major recreation destinations. ~~Highway commercial areas should be designed so that all or most of the needs of the traveling public can be accommodated at one stop. This zoning district~~The HC zone is not intended ~~to be applied to~~for strip commercial development along highways or arterials. The HC zone implements the Commercial (C) General Plan land use designation. [Source: 17.22.010, modified]

5. **Heavy Commercial Zone ~~or (~~C3 ~~District)~~.** ~~General description.~~ The purpose of ~~this zoning district~~the C3 zone is to provide appropriate sites for commercial uses which do not generally need highly visible locations and ~~for sites~~ for more intensive commercial uses and light industrial uses ~~as well~~. The C3 zone implements the Commercial (C) General Plan land use designation. [Source: 17.22A.010, modified]

17.25.020 Land Use Regulations for Commercial and Mixed Use Zones

A. **Allowed Uses and Permit Requirements.** Table 17.25-1 (Commercial and Mixed-Use Zones Allowed Uses and Permit Requirements) identifies the uses allowed within each residential zone and any permits required to establish the use, in compliance with Part 5 (Permit Processing). [Source: NEW]

B. **Additional Regulations.** Where the last column of Table 17.25-1 (Commercial and Mixed-Use Zones Allowed Uses and Permit Requirements) includes a Chapter or Section number, the regulations in the referenced Chapter or Section shall apply to the use. Provisions in other Sections of this Title or adopted Community Plans may also apply. [Source: NEW]

C. **Definitions.** See Part 7 (Definitions) for detailed definitions of land use types. [Source: NEW]

D. **Uses Not Listed.** Uses not specifically listed in Table 17.25-1 (Commercial and Mixed-Use Zones Allowed Uses and Permit Requirements) are prohibited, unless otherwise determined by the Planning Director as an appropriate use for the identified zone. It is the discretion of the Planning Director to determine what type of permit shall be required for any use not listed. [Source: NEW]

E. **Zoning Clearance and Building Permit Required.** Each land use specified in Table 17.25-1 (Commercial and Mixed-Use Zones Allowed Uses and Permit Requirements) allowed by-right, as indicated with a “P’ permit requirement shall require the issuance of a Zoning Clearance in compliance with Chapter 17.135 (Zoning Clearance) before any use is established. If the establishment of a by-right use includes construction activities (e.g., additions, alternations, new construction, reconstruction, remodeling), the issuance of a Building Permit shall also be required. [Source: NEW]

F. **Timberland Conversion.** Where the cutting or removal of trees is proposed, a harvest document issued by CalFire may be required in addition to the permit requirements established in this Chapter. See Chapter ___ (Timberland Conversion) for details about CalFire timberland conversion requirements. [Source: 17.14.110, modified]

~~B.~~G. ___

Table 17.25-120: Allowed Uses and Permit Requirements for Residential Zones

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	C1	C2	HC	C3	MUL / MUH	
Cannabis-Related Uses						
Cultivation, small	D	D	-	-	-	Chapter 17.85
Cultivation, medium	C	C	-	-	-	Chapter 17.85
Distribution	C	-	-	-	-	Chapter 17.85
Manufacturing (Type 6, N, P)	-	C	-	C	C/D	Chapter 17.85
Manufacturing (Type 7)	-	-	-	C	-	
Microbusiness	C	C	-	-	-	Chapter 17.85
Nursery	C	-	-	-	-	Chapter 17.85
Processing facility	C	-	-	-	-	Chapter 17.85
Retail, non-storefront	PC	PC	-	-	C	Chapter 17.85
Retail, storefront	D	D	D	-	C	Chapter 17.85
Testing facility	-	C	-	C	-	Chapter 17.85
Residential Uses						
Accessory dwelling unit	Chapter ___					
Accessory dwelling unit, junior	Chapter ___					
Caretaker unit	C D	C D	C D	C D	D	17.95.070
Dwelling, single-family	D	D	D	D	DP	
Dwelling, 2 units	-	-	-	-	P	
Dwelling, 3 units	-	-	-	-	P	
Dwelling, 4+ units	D	D	D	-	P	
Emergency shelters	P	P	P	P	P	17.95.080
Family daycare home	P	P	P	P	P	
Farmworker/employee housing, small	D*	D*	D*	D*	D	17.95.090
Live/work housing	P	P	-	-	P	17.95.150
Low-barrier navigation centers	P	P	P	P	P	
Mobile home park	D	D	D	D	P	

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	C1	C2	HC	C3	MUL MUH	
Mobile home/manufactured home	D*	D*	D*	D*	D	17.95.160
Mobile tiny home village	D*	D*	D*	D*	P	17.95.170
Mobile tiny homes	D*	D*	D*	D*	P	17.95.200
Residential care facilityies (less than 7 persons)	P	P	P	P	P	17.95.200
Residential care facilityies (7+ persons)	P	P	P	P	P	
Single room occupancy	P	P	P	P	P	17.95.240
Supportive housing	P	P	P	P	P	17.95.240
Transitional housing	P	P	P	P	P	17.95.070
Commercial Uses						
Animal hospital	-	C	C	-	-	C
Auto, fueling station	C*	P	P	P	-	C
Auto, repair/service	C	P	C D	P	-	C
Auto, sales	-	C	C D	P	-	C
Bar/night club	C D	P	P	-	D	C
Brewery, distillery, or winery	C D	P	P	-	C	C
Car wash	C	P	U P	P	-	C
Convenience store	P	P	P	-	P	C
Day care center	UD	D	-	-	D	
Equipment sales and rental facility	C	C D	P	P	-	C
Financial institution	P	P	P	-	P	C
Funeral and burial services	D	P	P	-	-	C
Cemetery	C	C	C	C	C	A
Grocery store	P	P	P	P	D	C
Highway commercial complex	-	-	D	-	-	B
Home enterprise	-	-	-	-	P	
Home occupation	-	-	-	-	P	

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	C1	C2	HC	C3	MUL / MUH	
Hospital	-	P	P	-	-	
Laundromat, connected to community water & sewer system	~~C~~ ~~D~~D	P	~~C~~P	D-	~~D~~P	C
~~Laundromat, not connected to community water system~~	~~C~~	~~C~~	~~C~~	-	-	~~C~~
Office, medical	P	P	P	P	P	C
Office, professional	P	P	P	-	P	C
Restaurant, with drive thru	C	~~C~~ D	~~C~~ D	-	-	C
Restaurant, without drive thru	P	P	P	-	P	C
Retail sales, nursery	D	P	P	-	-	C
Retail, general	P	P	P	-	P	C
Retail, restricted	C	D	C		C	C
Retail, personal services	P	P	P	-	P	C
Industrial and Manufacturing Uses						
Contractor yard	-	C	-	D	-	
Industrial, major	-	-	-	C	-	
Industrial, minor	-	C	-	P	-	
Lumber yard	-	C	-	C	-	
Recycling facility, indoor	-	~~P~~D	~~P~~D	P	-	
Recycling facility, indoor/outdoor	-	C	C	C	-	
Salvage/junk yards	-	-	-	C	-	
Storage, hazardous materials	-	-	-	C	-	
Storage, outdoor	-	C	C	P	-	
Storage, personal	C	P*	C	P	-	
Warehousing	-	C	-	P	-	

Land Use	Key P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted					Additional Regulations
	Zone					
	C1	C2	HC	C3	MUL MUH	
Wholesale, distributer	-	C	-	P	-	
Wholesale, sales	-	C	-	P	-	
Recreation, Entertainment, and Public Assembly Uses						
Bed and breakfast	P	P	-	-	D/P	
Campgrounds, tent only	-	-	C	-	-	
Campgrounds, improved	-	-	C	-	-	
Card room	-	C	-	-	-	
Fitness center/gym	P	P	D	P	P	
Instructional services	P	P	-	P	P	
Commercial recreation and entertainment, indoor	C	D	D	D	D	
Commercial recreation and entertainment, outdoor	-	-	-	C	C	
Country Club/Golf Club	D	-	-	-	-	
Galleryies or museums	P	P	-	P	P	
Hotel/motel	~~U~~D	~~U~~P	~~U~~P	-	P	
Parks/playgrounds	D	D	-	D	D	
Place of Assembly	~~U~~P	~~U~~P	~~U~~P	-	P	
Recreational vehicle park	-	C	-	-	-	
Special Event Facility	~~C~~D	P~~C~~	~~C~~D	-	C	
Theatre or cinema	D	P	~~C~~D	-	C	
Public and Quasi-Public Uses						
Adult day support centers, licensed	-	P	-	-	-	
Airports, heliports, landing strips, public/private	-	-	-	C	-	
Animal shelter	-	~~C~~D	C	-	-	
Community garden	D	D	D	D	D	

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	C1	C2	HC	C3	MUL / MUH	
Public or governmental facility	P	P	P	P	P	
Public utilities	P	P	P	P	P	
School, private	C	-	-	-	C	
School, technical/vocational	-	C	C	C	C	
School, college/university	-	C	C	C	C	
Telecommunication facilities	C	C	C	C	C	
Temporary Uses						
Temporary Uses	TUP	TUP	TUP	TUP	TUP	Chapter 17.120
Accessory Uses and Structures						
Accessory Uses	P/D	P/D	P/D	P/D	P/D	Chapter 17.90

~~17.25.020~~17.25.030 Additional Land Use Regulations

~~A. Residential-Office or "R-O" District.~~

~~1. Uses permitted without a use permit. [Source: 17.18A.020]~~

~~a. Single-family dwelling day care center for less than twelve children. [Source: 17.18A.020]~~

~~2. Uses permitted subject to first securing a use permit. [Source: 17.18A.030]~~

~~a. Professional offices. [Source: 17.18A.030.A]~~

~~b. Improved parking lot. [Source: 17.18A.030.B]~~

~~c. Day care center for more than twelve children. [Source: 17.18A.030.C]~~

~~d. Other uses found to be similar in nature as determined by the planning commission. [Source: 17.18A.030.D]~~

~~3. Uses legally established prior to application of this district. Existing uses lawfully established prior to being zoned R-O shall be considered as having an existing use permit and in compliance with these standards. [Source: 17.18A.040]~~

4. Accessory buildings. Only when constructed simultaneously with or subsequent to the main building on the same lot. Accessory uses normally incidental to one family dwellings except as may be authorized in a use permit. [Source: 17.18A.050]

B. Retail Commercial or "C-1" District.

1. Use permitted. The following list is representative of retail commercial uses which are permitted on a parcel in a retail commercial zoning district: [Source: 17.20.020]

a. General office; [Source: 17.20.020.A]

b. Retail sales and services conducted within a building; [Source: 17.20.020.B]

c. Day care center for less than twelve children; [Source: 17.20.020.C]

d. Rest home; [Source: 17.20.020.D]

e. Restaurant without drive-thru service; [Source: 17.20.020.E]

f. Financial institution without drive-thru service; [Source: 17.20.020.F]

g. Bed and breakfast inn; [Source: 17.20.020.G]

h. Other uses found to be similar in nature as determined by the planning commission. [Source: 17.20.020.H]

2. Uses permitted subject to first securing a planning directors use permit. [Source: 17.20.025]

A. A single-family dwelling provided said use is located on the second story or above or in the rear one-half of any commercial structure and accounts for no more than twenty-five percent of the gross square footage of said structure. [Source: 17.20.025]Cemeteries. Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: NEW]

a.

3. Uses permitted subject to first securing a use permit. [Source: 17.20.030]

a. Church. [Source: 17.20.030.A]

b. Laundromat. [Source: 17.20.030.B]

c. Auto service station (see special regulations in Chapter 17.30). [Source: 17.20.030.C]

d. Car wash. [Source: 17.20.030.D]

e. Mini storage. [Source: 17.20.030.E]

f. Parking lot. [Source: 17.20.030.F]

g. Equipment rental yard. [Source: 17.20.030.G]

h. Bar. [Source: 17.20.030.H]

i. Second hand sales store. [Source: 17.20.030.I]

j. Private club. [Source: 17.20.030.J]

k. Day care center for more than twelve children. [Source: 17.20.030.K]

l. Private school. [Source: 17.20.030.L]

m. Residential caretaker unit (see special regulations in Section 17.30.120. [Source: 17.20.030.M]

n. Restaurants with a drive-thru. [Source: 17.20.030.N]

C. General Commercial or "C-2" Districts.

1. Uses permitted. The following list is representative of general commercial uses which are permitted on a parcel in a general commercial zoning district: [Source: 17.21.020]

a. Adult day support centers licensed by the state; [Source: 17.21.020.A]

b. General office; [Source: 17.21.020.B]

c. Retail sales and services conducted within a building; [Source: 17.21.020.C]

d. Restaurant without drive-thru service; [Source: 17.21.020.D]

e. Bed and breakfast inn; [Source: 17.21.020.E]

f. Bar; [Source: 17.21.020.F]

g. Laundromat when hooked up to a community sewer system; [Source: 17.21.020.G]

h. Rest home; [Source: 17.21.020.H]

i. Auto service station (see special regulations in Chapter 17.30); [Source: 17.21.020.I]

j. Auto repair shop; [Source: 17.21.020.J]

k. Car wash; [Source: 17.21.020.K]

l. Parking lot; [Source: 17.21.020.L]

m. Second hand sales store; [Source: 17.21.020.M]

n. Undertaking establishment; [Source: 17.21.020.N]

o. Theater; [Source: 17.21.020.O]

p. Mini storage when all storage is within a building; [Source: 17.21.020.P]

q. Recycling when completely enclosed in a building; [Source: 17.21.020.Q]

r. Hotel/motel of ten units or less, hooked up to a community sewer system; [Source: 17.21.020.R]

s. Other uses found to be similar as determined by the planning commission. [Source: 17.21.020.S]

2. Uses permitted subject to first securing a planning directors use permit. [Source: 17.21.025]

a. A single-family dwelling provided said use is located on the second story or above or in the rear one-half of any commercial structure and accounts for no more than twenty-five percent of the gross square footage of said structure. [Source: 17.21.025]

3. Uses permitted subject to first securing a use permit. [Source: 17.21.030]

a. Church. [Source: 17.21.030.A]

b. Laundromat when located in a non-sewered area. [Source: 17.21.030.B]

c. Storage warehouse. [Source: 17.21.030.C]

d. Equipment rental yard. [Source: 17.21.030.D]

e. Restaurant with drive-thru service. [Source: 17.21.030.E]

f. Financial institution with drive-thru service. [Source: 17.21.030.F]

g. Auto sales. [Source: 17.21.030.G]

h. Contractors yard. [Source: 17.21.030.H]

i. Private club. [Source: 17.21.030.I]

j. Outdoor storage or sales associated with any of the uses listed in Section 17.21.020. [Source: 17.21.030.J]

k. Recycling with outdoor storage. [Source: 17.21.030.K]

l. Hotel/motel over ten units or hotel/motel not hooked up to a community sewer system. [Source: 17.21.030.L]

m. Lumber yard. [Source: 17.21.030.M]

n. Wholesale distributor. [Source: 17.21.030.N]

o. Welding or machine shop. [Source: 17.21.030.O]

p. Card room. [Source: 17.21.030.P]

q. Residential caretaker unit (see special regulations in Section 17.30.120. [Source: 17.21.030.Q]

D. Highway Commercial or "HC" District.

1. Uses permitted without a use permit. The following list is representative of highway commercial uses which are permitted on a parcel in the highway commercial zoning district: [Source: 17.22.020]

a. Convenience food store with or without petroleum sales. [Source: 17.22.020.A]

b. Restaurant without drive-thru service. [Source: 17.22.020.B]

c. Auto service station (see special regulations in Chapter 17.30). [Source: 17.22.020.C]

d. Hotel/motel ten units or less hooked up to a community sewer system. [Source: 17.22.020.D]

~~e. General office, retail stores and services when in addition to other highway commercial uses. [Source: 17.22.020.E]~~

~~f. Recycling center when conducted entirely indoors. [Source: 17.22.020.F]~~

~~g. Church. [Source: 17.22.020.G]~~

~~h. Other uses found to be similar in nature as determined by the planning commission. [Source: 17.22.020.H]~~

~~2. Uses permitted subject to first securing a planning directors use permit. [Source: 17.22.025]~~

~~a. A single-family dwelling provided said use is located on the second story or above or in the rear one-half of any commercial structure and accounts for no more than twenty-five percent of the gross square footage of said structure. [Source: 17.22.025]~~

~~3. Uses permitted subject to first securing a use permit. [Source: 17.22.030]~~

~~a. Recycling center when outdoor area is utilized. [Source: 17.22.030.A]~~

~~b. Campground. [Source: 17.22.030.B]~~

~~c. Commercial amusement enterprise. [Source: 17.22.030.C]~~

~~d. Hotel/motel over ten units or not hooked up to community sewer system. [Source: 17.22.030.D]~~

~~e. Recreation vehicle park. [Source: 17.22.030.E]~~

~~f. Restaurant with drive-thru service. [Source: 17.22.030.F]~~

~~g. Resort. [Source: 17.22.030.G]~~

~~h. Truck service station. [Source: 17.22.030.H]~~

~~i. Auto repair shop. [Source: 17.22.030.I]~~

~~j. Bus passenger station. [Source: 17.22.030.J]~~

~~k. Laundromat. [Source: 17.22.030.K]~~

~~l. Outdoor storage or sales associated with any of the uses listed in Section 17.22.020. [Source: 17.22.030.L]~~

~~m. Car wash. [Source: 17.22.030.M]~~

~~n. Auto sales. [Source: 17.22.030.N]~~

~~o. Highway commercial complex containing more than ten thousand square feet of gross building area or occupying more than two acres. [Source: 17.22.030.O]~~

~~p. Mini storage. [Source: 17.22.030.P]~~

~~q. Residential caretaker unit (see special regulations in Section 17.30.120. [Source: 17.22.030.Q]~~

~~E. Heavy Commercial or C-3 District.~~

~~1. Uses permitted without a use permit. The following list is representative of heavy commercial uses which are permitted on a parcel in the heavy commercial zoning district when conducted within a building: [Source: 17.22A.020]~~

~~a. Warehouse; [Source: 17.22A.020.A]~~

~~b. Mini storage; [Source: 17.22A.020.B]~~

~~c. Cabinet shop; [Source: 17.22A.020.C]~~

~~d. Commercial services; [Source: 17.22A.020.D]~~

~~e. Metal fabrication; [Source: 17.22A.020.E]~~

~~f. Welding shop; [Source: 17.22A.020.F]~~

~~g. Wholesale sales and storage; [Source: 17.22A.020.G]~~

~~h. Auto repair shop. [Source: 17.22A.020.H]~~

~~2. Uses permitted subject to first securing a planning directors use permit. [Source: 17.22A.025]~~

~~a. A single-family dwelling provided said use is located on the second story or above or in the rear one-half of any commercial structure and accounts for no more than twenty-five percent of the gross square footage of said structure. [Source: 17.22A.025]~~

~~3. Uses permitted subject to first securing a use permit. [Source: 17.22A.030]~~

~~a. Heavy equipment repair shop. [Source: 17.22A.030.A]~~

~~b. Bulk petroleum storage plant. [Source: 17.22A.030.B]~~

~~c. Lumber yards. [Source: 17.22A.030.C]~~

~~d. Construction storage yards. [Source: 17.22A.030.D]~~

~~e. Truck repair shop. [Source: 17.22A.030.E]~~

~~f. Other uses found to be similar in nature as determined by the planning commission. [Source: 17.22A.030.F]~~

~~g. Residential caretaker unit (see special regulations in Section 17.30.120). [Source: 17.22A.030.G]~~

~~F.~~B. Commercial B~~b~~uilding S~~s~~ize. A Director's U~~u~~se P~~p~~ermit shall be required for the construction of any building where such construction would result in over ~~five thousand~~ 5,000 square feet of floor area on any parcel zoned C1 or C2. [Source: 17.30.150, modified]

17.25.040 Development Standards for Commercial and Mixed-~~-~~Use Zones

A. Purpose of Development Standards. The purpose of Table ~~xx~~17.25-2 (Development Standards for Commercial and Mixed-Use Zones) is to clearly establish the basic site and structure regulations that apply to all development in each of the commercial and mixed-use zones. The table also identifies when and where additional site and structure standards apply to

commercial and mixed-use zones, such as off-street parking, landscaping, signs, fences and walls, and performance standards. [Source: NEW]

B. Additional Development Standards. The "Additional Development Standards" row of Table ~~XX~~17.25-2 (Development Standards for Commercial and Mixed-Use Zones) will include a chapter or section number when additional regulations located in another portion of this Title apply to the zone and are required for permit approval. [Source: NEW]

C. Density and Floor Area Ratio. Maximum density and floor area ratio (FAR) standards shall be consistent with the General Plan or applicable Community Plan or Specific Plan. See Table __ (Zones Implementing the General Plan) in Chapter ~~XX~~17.10 (Zones and Zoning Map) of this Title. General Plan land use designations and corresponding density and FAR standards for each zone. [Source: NEW]

Table 17.25-2: Development Standards for Commercial and Mixed-Use Zones

Development Standard	Zone				
	C1	C2	HC	C3	MUL MUH
Minimum Parcel Size	10,000 sqft	10,000 sqft	10,000 sqft	0.5 acre	~~7,000sqft~~ 10,000 sqft
Minimum Lot Width	75 ft	75 ft	100 ft	100 ft	60 ft
Maximum lot coverage	40%	-	40%	40%	35%
Maximum height	25 ft	25 ft	35 ft	25 ft	~~25 ft~~ 35 ft
Minimum Front setback	10 ft	10 ft	10 ft	10 ft	~~25 ft~~ 10 ft
Minimum Side setback (interior)	10 ft	5 ft	6 ft	6 ft	5 ft
Minimum Side setback (exterior)	10 ft	10 ft	10 ft	10 ft	10 ft
Minimum Rear setback	6 ft	5 ft	6 ft	6 ft	~~20 ft~~ 10 ft
Additional Development Standards	17.25.050.A 17.25.050.B 17.25.050 D	17.25.050.A 17.25.050.B 17.25.050.C 17.25.050 D	17.25.050.A 17.25.050.B 17.25.050 D	17.25.050.A 17.25.050.B 17.25.050 D	17.25.050.A 17.25.050.B 17.25.050 D
Additional Regulations					
Fences and Walls	Chapter 17.45				
Landscaping	Chapter 17.50				
Performance Standards	Section 17.40.050				
Parking and Loading Space Requirements	Chapter 17.55				
Sign Standards	Chapter 17.60				
Solid Waste and Recycling Standards	Chapter 17.65				

~~17.25.030~~

~~A. Residential-Office or "R-O" District.~~

~~1. For subdivision purposes, the minimum parcel size required. The minimum lot area shall be no less than seven thousand square feet. [Source: 17.18A.070]~~

2. Minimum lot width. Each lot shall be no less than sixty feet wide. [Source: 17.18A.080]

3. Building height. The maximum building height shall be twenty-five feet. [Source: 17.18A.090]

4. Front yard setback. The front yard setback shall have a minimum depth of twenty feet. [Source: 17.18A.100]

5. Interior side yard setback. The interior side yard setback shall be a minimum of five feet. [Source: 17.18A.110]

6. Exterior side yard setback. The exterior side yard setback shall be a minimum of ten feet. [Source: 17.18A.120]

7. Rear yard setback. The rear yard setback shall be a minimum of twenty feet. [Source: 17.18A.130]

8. Maximum lot coverage. The total lot area covered by structures shall not exceed thirty-five percent of the total area of the lot. [Source: 17.18A.140]

B. Retail Commercial or "C-1" District.

1. For subdivision purposes, the minimum parcel size required. The minimum lot area shall be no less than ten thousand square feet. [Source: 17.20.040]

2. Minimum lot width. Each lot shall be not less than seventy-five feet wide. [Source: 17.20.050]

3. Building height. The maximum building height shall be twenty-five feet. [Source: 17.20.060]

4. Front yard setback. The front setback shall have a minimum depth of ten feet. [Source: 17.20.070]

5. Interior side yard setback. The interior side yard setback shall be a minimum of ten feet, unless the side yard setback abuts a commercial or industrial zoned parcel in which case there are no setback requirements. [Source: 17.20.080]

6. Exterior side yard setback. The exterior side yard setback shall be a minimum of ten feet. [Source: 17.20.090]

7. Rear yard setback. The rear yard setback shall be a minimum of six feet unless the rear yard abuts a commercial or industrial zoned parcel in which case there are no setback requirements. [Source: 17.20.100]

8. Maximum lot coverage. The total lot area covered by structures shall not exceed forty percent of the total area of the lot. [Source: 17.20.110]

9. Drainage. A drainage plan shall be submitted to the department of transportation for review and approval prior to issuance of building permit(s). [Source: 17.20.120]

10. Encroachment permit. Encroachment permits shall be obtained from the department of transportation prior to the issuance of building permits when projects create a new entrance onto a public road. [Source: 17.20.130]

~~C. General Commercial or "C-2" Districts.~~

~~1. For subdivision purposes, the minimum parcel size required. The minimum lot area shall be no less than ten thousand square feet. [Source: 17.21.040]~~

~~2. Minimum lot width. Each lot shall be not less than seventy-five feet wide. [Source: 17.21.050]~~

~~3. Building height. The maximum building height shall be twenty-five feet. [Source: 17.21.060]~~

~~4. Interior side yard setback. The interior side yard setback shall be a minimum of five feet, unless the side yard abuts a commercial or industrial zoned parcel in which case there are no setback requirements. [Source: 17.21.080]~~

~~5. Exterior side yard setback. The exterior side yard setback shall be a minimum of ten feet. [Source: 17.21.090]~~

~~6. Rear yard setback. The rear yard setback shall be a minimum of five feet unless the rear yard abuts a commercial or industrial zoned parcel in which case there are no setback requirements. [Source: 17.21.100]~~

~~7. Maximum lot coverage. No maximum. [Source: 17.21.110]~~

~~8. Drainage. A drainage plan shall be submitted to the department of transportation for review and approval prior to issuance of building permit(s). [Source: 17.21.120]~~

~~9. Encroachment permit. Encroachment permits shall be obtained from the department of transportation prior to the issuance of building permits when projects create a new entrance onto a public road. [Source: 17.21.130]~~

~~D. Highway Commercial or "HC" District.~~

~~1. For subdivision purposes, the minimum parcel size required. The minimum lot area shall be no less than ten thousand square feet. [Source: 17.22.040]~~

~~2. Minimum lot width. Each lot shall be not less than one hundred feet wide. [Source: 17.22.050]~~

~~3. Building height. The maximum building height shall be thirty-five feet. [Source: 17.22.060]~~

~~4. Front yard setback. The front yard setback shall have a minimum depth of ten feet. [Source: 17.22.070]~~

~~5. Interior side yard setback. The interior side yard setback shall be a minimum of six feet unless the side yard abuts a commercial or industrial zoned parcel in which case there are no setback requirements. [Source: 17.22.080]~~

~~6. Exterior side yard setback. The exterior side yard setback shall be a minimum of ten feet. [Source: 17.22.090]~~

~~7. Rear yard setback. The rear yard setback shall be a minimum of six feet unless the rear yard abuts a commercially or industrial zoned parcel in which case there are no setback requirements. [Source: 17.22.100]~~

~~8. Maximum lot coverage. The total lot area covered by structure shall not exceed forty percent of the total area of the lot. [Source: 17.22.110]~~

~~9. Drainage. A drainage plan shall be submitted to the department of transportation for review and approval prior to issuance of building permit(s). [Source: 17.22.120]~~

~~10. Encroachment permit. Encroachment permits shall be obtained from the department of transportation prior to the issuance of building permits when projects create a new entrance onto a public road. [Source: 17.22.130]~~

~~E. Heavy Commercial or C-3 District.~~

~~1. For subdivision purposes, the minimum parcel size required. The minimum lot area shall be no less than one-half acre. [Source: 17.22A.040]~~

~~2. Minimum lot width. Each lot shall be not less than one hundred feet wide. [Source: 17.22A.050]~~

~~3. Building height. The maximum building height shall be twenty-five feet. [Source: 17.22A.060]~~

~~4. Front yard setback. The front yard setback shall have a minimum depth of ten feet. [Source: 17.22A.070]~~

~~5. Interior side yard setback. The interior side yard setback shall be a minimum of six feet unless the side yard abuts a commercial or industrial zoned parcel in which case there are no setback requirements. [Source: 17.22A.080]~~

~~6. Exterior side yard setback. The exterior side yard setback shall be a minimum of ten feet. [Source: 17.22A.090]~~

~~7. Rear yard setback. The rear yard setback shall be a minimum of six feet unless the rear yard abuts a commercially or industrial zoned parcel in which case there are no setback requirements. [Source: 17.22A.100]~~

~~8. Maximum lot coverage. The total lot area covered by structure shall not exceed forty percent of the total area of the lot. [Source: 17.22A.110]~~

~~9. Drainage. A drainage plan shall be submitted to the department of transportation for review and approval prior to issuance of building permit(s). [Source: 17.22A.120]~~

~~10. Encroachment permit. Encroachment permits shall be obtained from the department of transportation prior to the issuance of building permits when projects create a new entrance onto a public road. [Source: 17.22A.130]~~

~~17.25.040~~17.25.050 Additional Development Standards

A. Additional Height. Additional height may be approved upon obtaining a Director's Use Permit if the site is located within a Fire District that has the appropriate equipment to respond to structure fires for structures over 35 feet. [Source: NEW]

B. Interior Ssside and Rear ~~yard~~ Ssetbacks. If the interior side ~~yard~~ setback and/or rear setback abuts a commercial or industrial zoned parcel, then no minimum setback shall be required. [Source: 17.20.080, modified]

C. Front ~~yard~~ Ssetback. The front ~~yard~~ setback shall have a minimum depth of ~~ten~~ 10 feet unless the two nearest ~~general commercial~~C-2 zoned ~~lots~~ parcels on the same street and block have less than a ~~ten~~10-foot average setback,~~.~~ i~~I~~n ~~this~~ which case the setback shall be the average of the setback of these two nearest structures. [Source: 17.21.070, modified]

D. The following standards apply to all commercial zones (C1, C2, HC, and C3).

1. Drainage. A Dd~~d~~rainage Pp~~p~~lan shall be submitted to the Dd~~d~~epartment of Tt~~t~~ransportation for review and approval prior to issuance of Bb~~b~~uilding Pp~~p~~ermit(s). [Source: 17.20.120, modified]

2. Encroachment Pp~~p~~ermit. Encroachment Pp~~p~~ermits shall be obtained from the Dd~~d~~epartment of Tt~~t~~ransportation prior to the issuance of Bb~~b~~uilding Pp~~p~~ermits when projects create a new entrance onto a public road. [Source: 17.20.130, modified]

~~E. Residential-Office or "R-O" District.~~

~~1. General requirements. [Source: 17.18A.150]~~

~~a. For parking requirements, see Section 17.30.090. [Source: 17.18A.150.A]~~

~~b. Height Limit. Accessory buildings: Twenty-five feet. [Source: 17.18A.150.B]~~

~~F.~~

Chapter 17.30

Industrial Zones

Chapter 17.30 Industrial Zones

Sections

17.30.010 Purpose and Intent of Industrial Zones
17.30.020 Land Use Regulations for Industrial Zones
17.30.030 Additional Land Use Regulations
17.30.040 Development Standards for Industrial Zones
17.30.050 Additional Development Standards

17.30.010 Purpose and Intent of Industrial Zones

A. Purpose. The purpose of this Chapter is to identify allowed land uses and permit requirements, establish development standards, and identify any supplemental land use regulations applicable to the Industrial zone. [Source: NEW]

~~A. Industrial Districts or "I" Districts.~~

B. ~~General description~~Intent. The ~~purpose~~ intent of this ~~zoning district~~ Chapter is to provide locations for manufacturing and industrial uses in a manner which is compatible with neighboring uses ~~and which~~ , protects the environment of the county, and provides economic opportunities within Trinity County. [Source: 17.23.010, modified]

17.30.020 Land Use Regulations for Industrial Zones

A. Allowed Uses and Permit Requirements. Table ~~XX~~17.30-1 (Allowed Uses and Permit Requirements for Industrial Zones) identifies the uses allowed within each industrial zone and any permits required to establish the use, in compliance with Part 5 (Permit Processing). [Source: NEW]

B. Additional Regulations. Where the last column of Table 17.30-1 ~~XX~~(Allowed Uses and Permit Requirements for Industrial Zones) includes a Chapter or Section number, the regulations in the referenced Chapter or Section shall apply to the use. Provisions in other Sections of this Title or adopted Community Plans may also apply. [Source: NEW]

C. Definitions. See Part 7 (Definitions) for detailed definitions of land use types. [Source: NEW]

D. Uses Not Listed. Uses not specifically listed in Table 17.30-1 ~~XX~~(Allowed Uses and Permit Requirements for Industrial Zones) are prohibited, unless otherwise determined by the Planning Director as an appropriate use for the identified zone. It is the discretion of the Planning Director to determine what type of permit shall be required for any use not listed. [Source: NEW]

E. Zoning Clearance and Building Permit Required. Each land use specified in Table 17.30-1 ~~XX~~(Allowed Uses and Permit Requirements for Industrial Zones) allowed by-right, as indicated with a “P’ permit requirement shall require the issuance of a Zoning Clearance in compliance with Chapter 17.135 (Zoning Clearance) before any use is established. If the establishment of

a by-right use includes construction activities (e.g., additions, alternations, new construction, reconstruction, remodeling), the issuance of a Building Permit shall also be required. [Source: NEW]

F. **Timberland Conversion.** Where the cutting or removal of trees is proposed, a harvest document issued by CalFire may be required in addition to the permit requirements established in this Chapter. See Chapter __ (Timberland Conversion) for details about CalFire timberland conversion requirements. [Source: 17.14.110, modified]

G.

Table 17.30-1: Allowed Uses and Permit Requirements for Industrial Zones

Land Use	Key P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted	Additional Regulations
	Zone	
	I	
Agricultural and Resource Uses		
Agricultural packing and processing plant	P	
Chicken, turkey, or hog ranch	D	17.95.040
Dairy	D	17.95.040
Animal husbandry	P	17.30.030.B 17.95.040
Animal sales yard	P	
Apiary	P	17.30.030.B 17.95.040
Cattle feed yard	P	
Farm Stand	P	17.30.030.B
Firewood, storage and processing	P	
Forestry	P	
Grazing	P	
Nursery/greenhouse, plant production	P	17.30.030.B 17.95.020
Poultry farm	P	17.30.030.B 17.95.040
Row and field crops, perennial	P	17.30.030.B 17.95.020
Row and field crops, seasonal/rotating	P	17.30.030.B 17.95.020
Stables, public	P	
Cannabis-Related Uses		
Cultivation, small	D	Chapter 17.85
Cultivation, medium	D	Chapter 17.85
Distribution	C	Chapter 17.85
Manufacturing	D/C	Chapter 17.85
Microbusiness	C	Chapter 17.85
Nursery	C	Chapter 17.85
Processing facility	D	Chapter 17.85
Retail, non-storefront	~~P~~C	Chapter 17.85
Retail, storefront	-	Chapter 17.85

Land Use	Key P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted	Additional Regulations
	Zone	
	I	
Testing facility	~~D~~C	Chapter 17.85
Residential Uses		
Caretaker unit	~~C~~ D	17.95.070
Emergency shelter~~s~~	P	17.95.080
Commercial Uses		
Auto, repair/service	P	17.30.030.B 17.95.210
Brewery, distillery, or winery	~~P~~C	17.30.030.B
Equipment sales and rental facility	P	17.30.030.B
Office, professional	P	
Retail sales, nursery	P	
Retail, general	~~P~~C	
Industrial and Manufacturing Uses		
Contractor yard	P	17.30.030.B
Fertilizer plant~~s~~ or yard~~s~~	D	
Energy generating facilities, commercial	~~U~~C	
Industrial, hazardous	~~U~~C	
Industrial, major	~~U~~D	
Industrial, minor	P	17.30.030.B
Lumber yard	~~U~~ D	
Mining	~~U~~C	Chapter 17.100
Recycling facility, indoor	P	17.30.030.B
Recycling facility, indoor/outdoor	D	
Refuse disposal facility	~~U~~C	
Salvage/junk yard~~s~~	~~U~~C	
Sawmill, permanent	~~U~~ D	
Septage hauler/disposal	~~U~~C	
Slaughterhouse	~~U~~C	

Land Use	Key P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted	Additional Regulations
	Zone	
	I	
Storage, hazardous materials	~~U~~C	
Storage, outdoor	P	17.30.030.B
Storage, personal	P	17.30.030.B
Warehousing	P	17.30.030.B
Wholesale, distributer	P	17.30.030.B
Wholesale, sales	P	17.30.030.B
Recreation, Entertainment, and Public Assembly Uses		
Fitness center/gym	D~~P~~	
Instructional services	D	
Public and Quasi-Public Uses		
Airports, heliports, landing strips, public/private	C	
Community Garden	D	
Correctional facilityies	~~U~~C	
Public or governmental facility	P	
Public utilities	P	
Telecommunication facilities	D	17.95.240
Temporary Uses		
Temporary Uses	TUP	Chapter 17.105
Accessory Uses and Structures		
Accessory Uses	P/D	Chapter 17.75

~~1. Subject to the provisions of Sections 17.23.160 and Chapter 17.30, none but the following uses, or uses which in the opinion of the planning commission are similar will be allowed (see Section 17.30.010). [Source: 17.23.010]~~

17.30.030 Additional Land Use Regulations

~~2.~~A. Performance Exceptions for By-Right Uses.~~Uses permitted without a use permit—Exceptions.~~ Uses ~~permitted~~ allowed by-right (indicated with a "P") as established in Table ~~XX~~17.30-1 (Allowed Uses and Permit Requirements for Industrial Zones) ~~without a use permit~~shall require a Director's Use Permit ~~except when these uses listed in this chapter~~ if the proposed use

exceeds any of the following thresholds~~, a use permit shall be required~~. [Source: 17.23.020, modified]

~~a.~~1. If a use involves water quantity uses over three gallons/minute~~s~~ in a critical water resources overlay area. [Source: 17.23.020.A, modified]

~~b.~~2. Through new source review, requires an authority to construct permit from the North Coast Unified Air Quality Management Board. [Source: 17.23.020.B]

~~c.~~3. Exceeds ~~sixty-five~~65 dBA at the property line of a use. [Source: 17.23.020.C, modified]

~~d.~~4. Requires a Regional Water Quality Control Board discharge permit. [Source: 17.23.020.D]

~~e.~~5. Any use which generates air emissions, liquid, solid, or hazardous wastes, noise, offensive odors, smoke, dust, or glare in a manner which may be detrimental to the public health, safety, or welfare~~ shall require a use permit~~. [Source: 17.23.020.E, modified]

~~i. Welding shop; [Source: 17.23.020.E.1]~~

~~ii. Plumbing shop; [Source: 17.23.020.E.2]~~

~~iii. Wholesale sales and storage; [Source: 17.23.020.E.3]~~

~~iv. Warehouse and mini storage; [Source: 17.23.020.E.4]~~

~~v. Cabinet shop; [Source: 17.23.020.E.5]~~

~~vi. Auto repair shop; [Source: 17.23.020.E.6]~~

~~vii. Agricultural uses, other than hog raising; [Source: 17.23.020.E.7]~~

~~viii. Office uses less than five thousand square feet; [Source: 17.23.020.E.8]~~

~~ix. Construction storage yards; [Source: 17.23.020.E.9]~~

~~x. Uses associated with publication operations, including: [Source: 17.23.020.E.10]~~

~~(1) Printing;~~

~~(2) Lithography and bookbinding;~~

~~(3) Cartography;~~

~~(4) Editorial and designing operations;~~

~~(5) Bottling;~~

~~(6) Machine Shop;~~

~~(7) Public utility buildings and yards;~~

~~(8) Metal fabrication;~~

xi. Limited retail uses in conjunction with manufacturing or industrial uses, when no more than twenty-five percent of the building's gross square footage is utilized for such purposes; [Source: 17.23.020.E.11]

xii. Heavy equipment and truck repair shop; [Source: 17.23.020.E.12]

xiii. Secondary wood processing facility. [Source: 17.23.020.E.13]

3. Uses permitted subject to securing a use permit in each case. [Source: 17.23.030]

a. Power generating plants (exception: Hydroelectric plants). [Source: 17.23.030.A]

b. Biomass plants. [Source: 17.23.030.B]

c. Cogeneration plants. [Source: 17.23.030.C]

d. Geothermal facilities. [Source: 17.23.030.D]

e. Coal refining and processing plants. [Source: 17.23.030.E]

f. Nuclear power plants (fusion and fission processes). [Source: 17.23.030.F]

g. Lumber mill. [Source: 17.23.030.G]

h. Hazardous waste treatment facilities. [Source: 17.23.030.H]

i. Hazardous waste haulers. [Source: 17.23.030.I]

j. Septage hauler/disposal. [Source: 17.23.030.J]

k. Office use over ten thousand square feet. [Source: 17.23.030.K]

l. Commercial excavation of stone or earth materials. [Source: 17.23.030.L]

m. Mining operation. [Source: 17.23.030.M]

n. Batch plants. [Source: 17.23.030.N]

o. Concrete plants. [Source: 17.23.030.O]

p. Rock crushers. [Source: 17.23.030.P]

q. Drilling for and/or removal of oil or gas. [Source: 17.23.030.Q]

r. Manufacture and storage of explosives. [Source: 17.23.030.R]

s. Distillation of bones, fat rendering, food processing, fish canning and other uses of the same character. [Source: 17.23.030.S]

t. Dumping, disposal, reduction of garbage, sewage, offal, dead animals or refuse. [Source: 17.23.030.T]

u. Hog raising. [Source: 17.23.030.U]

v. Junk yards, wrecking yards, salvage yards. [Source: 17.23.030.V]

w. Manufacture of acids, cement, fertilizer, gas, glue, gypsum, inflammable fluids or gases, refining of petroleum and its products, smelting of copper, iron, tin,

~~zinc, and other ores, and other uses which do not meet the performances standards set out in this title. [Source: 17.23.030.W]~~

~~x. Bulk storage of oil and gasoline (including tank farms). [Source: 17.23.030.X]~~

4.6. Accessory buildings and uses. Accessory buildings and uses normally incidental to the uses permitted~~, including residential caretaker unit (PW-01-06), associated with a use. "Watchman's Quarters" Resolution No. PC-2001-01~~. [Source: 17.23.040, modified]

~~**17.30.030**~~

17.30.040 Development Standards for Industrial Zones

A. Purpose of Development Standards. The purpose of Table ~~XX~~17.30-2 (Development Standards for Industrial Zones) is to clearly establish the basic site and structure regulations that apply to all development in the industrial zone. The table also identifies when and where additional site and structure standards apply to industrial zoned parcels, such as off-street parking, landscaping, signs, fences and walls, and performance standards. [Source: NEW]

B. Additional Development Standards. The "Additional Development Standards" row of Table 17.30-2 ~~XX~~(Development Standards for Industrial Zones) will include a chapter or section number when additional regulations located in another portion of this Title apply to the zone and are required for permit approval. [Source: NEW]

C. Density and Floor Area Ratio. Maximum density and floor area ratio (FAR) standards shall be consistent with the General Plan or applicable Community Plan or Specific Plan. See Table 17.10-1 (Zones Implementing the General Plan) in Chapter 17.10~~XX~~ (Zones and Zoning Map) of this Title. General Plan land use designations and corresponding density and FAR standards for each zone. [Source: NEW]

Table 17.30-__ : Development Standards for Industrial Zones

Development Standard	Zone I
Minimum Parcel Size	0.5 acre
Minimum Lot Width	100 ft
Maximum lot coverage	60%
Maximum height	45 ft (1)
Minimum Front setback	25 ft
Minimum Side setback	10 ft
Minimum Rear setback	10 ft
Additional Development Standards	17.30.050
Additional Regulations	
Fences and Walls	Chapter 17.45
Landscaping	Chapter 17.50
Performance Standards	Section 17.40.050
Parking and Loading Space Requirements	Chapter 17.55

Sign Standards	Chapter 17.60
Solid Waste and Recycling Standards	Chapter 17.65

17.30.050 Additional Development Standards

~~A. Additional Height. Industrial Districts or "I" Districts.~~

~~1. General requirements.~~

~~a. Parking requirements, see Section 17.30.090. [Source: 17.23.130.A]~~

~~b. Minimum setbacks for yards shall be maintained unless the criteria in Section 17.30.060 apply. [Source: 17.23.130.B]~~

A. Additional height may be approved upon obtaining a Director's Uuse Ppermit if~~.~~:

1. The gross floor area ratio to building site does not exceed five to one; and~~.~~ [Source: 17.23.130.C, modified]

~~c.~~2. The site is located within a Fire District that has the appropriate equipment to respond to structure fires for structures over 35 feet. [Source: NEW]

~~d. All uses shall conform to the performance standards set out in the industrial zone development standards. [Source: 17.23.130.D]~~

~~2. Industrial zone performance standards. [Source: 17.23.160]~~

~~a. General Requirements. [Source: 17.23.160.A]~~

~~i. Use Restrictions.~~

~~(1) Removal of Structures. Residential uses are allowed with a use permit, provided they are located on the second story or rear one-half of any building used for industrial or commercial purposes. [Source: 17.23.160.A.1]~~

~~(2)~~B. Access to Local Streets Prohibited. No vehicular access shall be ~~permitted~~ allowed to a local street from an industrial through lot which also has frontage on a highway or collector C~~c~~ounty road. [Source: 17.23.160.A.1, modified]

~~ii. Building Development Standards.~~

~~(1) Exterior Walls. All building surfaces facing or abutting on residential property shall be constructed of material complementing the rural character of the community, and shall be maintained in a neat and presentable condition throughout the life of the building. [Source: 17.23.160.A.2]~~

~~B.~~C. Street Setbacks, Street Widening and Extensions. The front and side street setbacks shall be measured from the right-of-way or easement line, or lot line, whichever is more restrictive. Additional setback area to accommodate a ~~sixty~~60-foot right-of-way (~~thirty~~ 30 feet each side of centerline) for road improvements shall be required unless it can be shown that all elements of the design cross section, drainage, utility accommodations and border areas can be contained in a lesser width, subject to the review an approval of the director of transportation. [Source: 17.23.160.A.2]

~~C.~~D. Industrial Districts or "I" Districts.

~~1. For subdivision purposes, the minimum parcel size required. One-half acre. (See land use elem. matrix.) [Source: 17.23.060]~~

~~2. Minimum lot width required. One hundred feet. [Source: 17.23.070]~~

~~3. Maximum allowable lot coverage by all structures. Sixty percent. [Source: 17.23.080]~~

~~4. Maximum allowable height. Forty-five feet. [Source: 17.23.090]~~

~~5. Minimum front yard required. Twenty-five feet. [Source: 17.23.100]~~

~~6. Minimum side yard required. Ten feet. [Source: 17.23.110]~~

~~7. Minimum rear yard required. Ten feet. [Source: 17.23.120]~~

~~8.~~1. Drainage Plan. A drainage plan shall be submitted to and approved by the department of transportation ~~prior to the issuance of~~before a Bbuilding Permit or Uuse Ppermit~~(s)~~ is issued. [Source: 17.23.140, modified]

~~9.~~2. Encroachment Ppermit. Encroachment permits shall be obtained from the Trintiy County Ddepartment of Ttransportation ~~prior to the issuance of~~ before Bbuilding Ppermits are issued when projects create a new entrance onto a Cc~~o~~unty road. [Source: 17.23.150, modified]

a. Property Development Standards.

i. Landscaping.

(1) A landscaping plan shall be submitted to the director of planning for approval prior to issuance of a building permit. [Source: 17.23.160.B.1]

(2) All required yards abutting upon public roads shall be landscaped with trees, shrubs, or planted ground cover. These plants shall be maintained in a neat and orderly manner at all times. All open and unlandscaped portions of any site shall be graded for proper drainage and maintained in a good condition free from weeds, trash and debris. [Source: 17.23.160.B.1]

ii. Lighting.

(1) Any lighting provided shall be directed away from all surrounding land uses and public rights-of-way. [Source: 17.23.160.B.4]

(2) Lighting shall be the minimum necessary to provide for involved, safety and adequate security for the use involved. [Source: 17.23.160.B.4]

iii. Trash Enclosures.

(1) All trash, loading and storage areas shall be enclosed with materials architecturally compatible with the main building and located so as not to be visible from any public rights-of-way or neighboring areas. [Source: 17.23.160.B.5]

(2) Trash bins shall remain in the enclosures except during trash pickup. [Source: 17.23.160.B.5]

iv. Loading Operations.

(1) Off Street Loading Space. Sufficient off street loading space shall be provided and maintained for the pickup and delivery of goods. Each off street loading space shall be so arranged that it will not impede traffic circulation within the parking area and will not block parking stalls. [Source: 17.23.160.B.6]

(2) Loading operations shall not be permitted on any street or alley, which also serves a residential district. [Source: 17.23.160.B.6]

(3) Loading facilities and gates shall be located in such a manner so as not to cause traffic congestion or to interrupt the normal flow of traffic on public rights-of-way. Adequate space shall be

~~provided on-site for maneuvering and turn around of tracks and other loading vehicles. [Source: 17.23.160.B.6]~~

~~(4) Loading facilities shall be located in such a manner that all loading operations take place completely within the property lines of the site. [Source: 17.23.160.B.6]~~

Chapter 17.35

Public Facilities Zone

Chapter 17.35 Public Facilities Zone

Sections

17.35.010 Purpose and Intent
17.35.020 Land Use Regulations
17.35.030 Additional Land Use Regulations
17.35.040 Development Standards
17.35.050 Additional Development Standards

17.35.010 Purpose and Intent

A. Purpose. The purpose of this Chapter is to identify allowed land uses and permit requirements, establish development standards, and supplemental land use regulations applicable to the Public Facilities zone. [Source: NEW]

B. Intent. The intent of this Chapter is to provide for areas in the county that can accommodate a variety of public and institutional uses to address the needs of residents. [Source: NEW]

~~1.~~C. General D~~d~~escription. The P~~p~~ublic F~~f~~acilities (PF) ~~district~~ zone includes governmental, utility, educational, and other similar uses ~~which are strongly vested with~~ that have public or social importance and provide essential support services to county residents. The PF zone implements the Public Facilities (PF) General Plan land use designation. [Source: 17.29.010, modified]

~~B. "U" districts.~~

~~1. All the unincorporated territory of the county which is not included under the terms of this title in any other district, is hereby designated and classified as constituting "U" districts. [Source: 17.07.010]~~

17.35.020 Land Use Regulations

A. Allowed Uses and Permit Requirements. Table ~~XX~~17.35-1 (Allowed Uses and Permit Requirements for the Public Facilities Zone) identifies the uses allowed within the P~~p~~ublic F~~f~~acilities (PF and any permits required to establish the use, in compliance with Part 5 (Permit Processing). [Source: NEW]

B. Additional Regulations. Where the last column of Table ~~XX~~17.35-1 (Allowed Uses and Permit Requirements for the Public Facilities Zone) includes a Chapter or Section number, the regulations in the referenced Chapter or Section shall apply to the use. Provisions in other Sections of this Title or adopted Community Plans may also apply. [Source: NEW]

C. Definitions. See Part 7 (Definitions) for detailed definitions of land use types. [Source: NEW]

D. Uses Not Listed. Uses not specifically listed in Table ~~XX~~17.35-1 (Allowed Uses and Permit Requirements for the Public Facilities Zone) are prohibited, unless otherwise determined by the Planning Director as an appropriate use for the identified zone. It is the discretion of the Planning Director to determine what type of permit shall be required for any use not listed. [Source: NEW]

E. Zoning Clearance and Building Permit Required. Each land use specified in Table ~~XX~~17.35-1 (Allowed Uses and Permit Requirements for the Public Facilities Zone) allowed by-right, as indicated with a "P' permit requirement shall require the issuance of a Zoning Clearance in compliance with Chapter ~~XX~~17.135 (Zoning Clearance) before any use is established. If the establishment of a by-right use includes construction activities (e.g., additions, alternations, new construction, reconstruction, remodeling), the issuance of a Building Permit shall also be required. [Source: NEW]

F. **Timberland Conversion.** Where the cutting or removal of trees is proposed, a harvest document issued by CalFire may be required in addition to the permit requirements established in this Chapter. See Chapter (Timberland Conversion) for details about CalFire timberland conversion requirements. [Source: 17.14.110, modified]

G.

Table 17.35-1: Allowed Uses and Permit Requirements for the Public Facilities Zone

Land Use	Key P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted	Additional Regulations
	Zone	
	PF	
Residential Uses		
Accessory dwelling unit	Chapter 17.80 (Accessory Dwelling Units)	
Accessory dwelling unit, junior	Chapter 17.80 (Accessory Dwelling Units)	
Caretaker unit	D	17.95.070
Emergency shelters	P	
Low-barrier navigation centers	P	
Supportive housing	P	
Transitional housing	P	
Commercial Uses		
Animal hospital	C	
Hospital	~~U~~C	
Office, medical	P	
Office, professional	P	
Industrial and Manufacturing Uses		
Recycling facility, indoor	C	
Recycling facility, indoor/outdoor	C	
Refuse disposal facility	~~U~~C	
Recreation, Entertainment, and Public Assembly Uses		
Bed and breakfast	-	
Campgrounds, tent only	D	17.95.060
Campgrounds, improved	D	17.95.060
Instructional services	P	
Galleryies or museums	P	
Low-intensity recreational uses	P	
Parks/playgrounds	P/~~U~~D	~~Section~~ 17.35.030.B
Place of Assembly	P	
Recreational vehicle park	D	
Special Event Facility	C	
Public and Quasi-Public Uses		

Land Use	Key	P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted	Additional Regulations
	Zone		
	PF		
Adult day support centers, licensed	-		
Airports, heliports, landing strips, public/private	C		
Animal shelter	P		
Community garden	D		
Fairgrounds	-		
Public or governmental	P		
Correctional facilityies	~~U~~C		
Public utilities	P		
School, private	P/D		
School, technical/vocational	C		
School, college/university	C		
Telecommunication facilities	D		
Temporary Uses			
Temporary Uses	TUP		Chapter 17.105
Accessory Uses and Structures			
Accessory Uses	P/D		Chapter 17.75

~~A. Public Facilities or "PF" District.~~

~~1. List of uses permitted on a parcel in a public facilities district. [Source: 17.29.020]~~

~~a. Administrative offices (government). [Source: 17.29.020.A]~~

~~b. Counseling service (government). [Source: 17.29.020.B]~~

~~c. Day care center (government). [Source: 17.29.020.C]~~

~~d. Library. [Source: 17.29.020.D]~~

~~e. Park (less than one acre). [Source: 17.29.020.E]~~

~~f. Playground. [Source: 17.29.020.F]~~

~~g. Post office. [Source: 17.29.020.G]~~

~~2. 17.29.030 - List of uses permitted only after obtaining a use permit. [Source: 17.29.030]~~

~~a. Animal shelter. [Source: 17.29.030.A]~~

b. Airport. [Source: 17.29.030.B]

c. Business incubator with six criteria (see Resolution PC-2000-03). [Source: 17.29.030.C]

d. County correctional facility (jail). [Source: 17.29.030.D]

e. Fairgrounds. [Source: 17.29.030.E]

f. Fire hall. [Source: 17.29.030.F]

g. Heliport. [Source: 17.29.030.G]

h. Hospital. [Source: 17.29.030.H]

i. Park (over one acre). [Source: 17.29.030.I]

j. Public parking facility. [Source: 17.29.030.J]

k. Public utility structures. [Source: 17.29.030.K]

l. Public maintenance and storage facility or yard. [Source: 17.29.030.L]

m. Refuse disposal facility. [Source: 17.29.030.M]

n. Residential caretaker unit (see special regulations in Section 17.30.120). [Source: 17.29.030.N]

o. School. [Source: 17.29.030.O]

p. Sheriff's station. [Source: 17.29.030.P]

q. Business Incubator. If these six criteria are met: [Source: 17.29.030.Q]

i. It is funded primarily by public funds. [Source: 17.29.030.Q]

ii. The land and buildings are owned by a public entity. [Source: 17.29.030.Q]

iii. It is administered and operated directly by the public entity or indirectly by a non-profit corporation under contract with the public entity. [Source: 17.29.030.Q]

iv. It provides job and business training to a target group of persons. This target group shall include underemployed persons, unemployed persons, and/or displaced worker. [Source: 17.29.030.Q]

v. It is open to any business, which meets the facilities selection criteria, on a space available basis. [Source: 17.29.030.Q]

vi. Incubator space and services are limited to five years or less. Annual extensions may be granted on a case-by-case basis if the business operator can demonstrate special circumstances and compliance with the approved business plan. Time extensions shall require approval of the operating agency and the planning director. [Source: 17.29.030.Q]

~~B. Unclassified or "U" District.~~

~~1. List of uses permitted on a parcel in an unclassified district. [Source: 17.11.020]~~

~~a. Single-family dwelling. [Source: 17.11.020]~~

~~b. Christmas tree farm. [Source: 17.11.020]~~

~~c. Forestry. [Source: 17.11.020]~~

~~d. Orchard. [Source: 17.11.020]~~

~~e. Row and Field Crops. [Source: 17.11.020]~~

~~f. The keeping of the following animals per the identified ratios of animal to square foot of lot area: [Source: 17.11.020]~~

~~i. Horses, mules, cattle, similar livestock: Maximum one animal per twenty thousand square feet.~~

~~ii. Goats, sheep, similar livestock: Maximum three animals per twenty thousand square feet.~~

~~iii. Ratites (emus and related birds): Maximum one pair of ratites plus their offspring (maximum of forty offspring) per twenty thousand square feet. Offspring include chicks and/or pullets less than thirteen months of age.~~

~~iv. Chickens, ducks, geese, pigeons, pheasants, peafowl, guinea fowl, rabbits, mink, chinchilla, similar livestock — maximum twenty-five animals per twenty thousand square feet. (See note below.)~~

~~g. Note: For computational purposes only, square footage used in computing the allowable number of animals for one category of animals may not be used for any other category. [Source: 17.11.020]~~

~~2. Uses permitted subject to first securing a use permit. Any use, except those identified in Section 17.11.020. [Source: 17.11.030]~~

17.35.030 Additional Land Use Regulations

~~C.~~A. Cemeteries. Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: NEW]

B. Parks. Parks over one acre shall require the approval of a Director's Use Permit. [Source: 17.29.030, modified]

~~17.35.030~~17.35.040 Development Standards

A. Purpose of Development Standards. The purpose of Table ~~XX~~17.35-2 (Development Standards for the Public Facilities Zone) is to clearly establish the basic site and structure regulations that apply to all development in the public facilities zone. The table also identifies

when and where additional site and structure standards apply to the public facility zone, such as off-street parking, landscaping, signs, fences and walls, and performance standards. [Source: NEW]

B. Additional Development Standards. The "Additional Development Standards" row of Table 17.35-2~~XX~~ (Development Standards for the Public Facilities Zone) will include a chapter or section number when additional regulations located in another portion of this Title apply to the zone and are required for permit approval. [Source: NEW]

~~A.~~C. Density and Floor Area Ratio. Maximum density and floor area ratio (FAR) standards shall be consistent with the General Plan or applicable Community Plan or Specific Plan. See Table ~~XX~~17.10-1 (Zones Implementing the General Plan) in Chapter 17.10~~XX~~ (Zones and Zoning Map) of this Title. General Plan land use designations and corresponding density and FAR standards for each zone. [Source: NEW]

Table 17.35- : Development Standards for Industrial Zones

Development Standard	Zone PF
Minimum Parcel Size	2,000 sqft
Minimum Lot Width	25 ft
Minimum Lot Depth	80 ft
Maximum lot coverage	-
Maximum height	40 ft
Minimum Front setback	17.35.050.A
Minimum Side setback	17.35.050.B
Minimum Rear setback	20 ft
Additional Development Standards	17.30.050.C
Additional Regulations	
Fences and Walls	Chapter 17.45
Landscaping	Chapter 17.50
Performance Standards	Section 17.40.050
Parking and Loading Space Requirements	Chapter 17.55
Sign Standards	Chapter 17.60
Solid Waste and Recycling Standards	Chapter 17.65

17.35.050 Additional Development Standards

~~B. For subdivision purposes, the minimum parcel size required. The minimum lot area shall be one recorded lot or parcel not less than two thousand square feet in area. Each lot shall be not less than eighty feet in depth. Each lot shall have a minimum width of twenty-five feet. Due to the wide variety of public facility uses it will be necessary to determine lot size based upon intended use. [Source: 17.29.040]~~

~~C. Building height. The maximum building height shall be forty feet, but not more than two stories. [Source: 17.29.050]~~

A. Front ~~yard~~Setback. No minimum front ~~yard~~ setback~~s are~~ is required except ~~that~~when :~~On lots fronting on street~~ the front lot line of the parcel is within ~~two hundred~~ 200 feet of a residential use or zone on the same side of the street~~, the~~ shall have a minimum front ~~yard~~ setback ~~for all buildings shall not be less than~~of ~~twenty~~ 20 feet ~~in depth~~. The entire front ~~yard~~ setback, exclusive of driveways and necessary sidewalks shall be landscaped. [Source: 17.29.060.A, modified]

~~1.~~B. Side ~~yard~~Setbacks. No minimum side yard setbacks are required except when~~that:On corner lots~~ side lot line(s) of the parcel is within ~~two hundred~~200 feet of a residential use or zone on the same side of the street~~,~~ shall have ~~the~~ a minimum side ~~yard~~ setback ~~for all buildings shall be not less than ten~~ of 10 feet ~~in depth~~. ~~The entire~~Side setbacks, exclusive of driveways and necessary walkways, shall be landscaped. [Source: 17.29.070.A, modified]

~~2.~~C. Rear ~~yard~~Setback. ~~The rear yard of a lot shall not be less than twenty feet in depth, except that lots~~ Parcels where the rear setback is abutting an alley ~~may be~~ shall have a minimum setback of ~~ten~~ 10 feet ~~in depth~~. [Source: 17.29.080, modified]

~~D. Maximum lot coverage. No requirement, except as set forth in other provisions of this title. [Source: 17.29.090]~~

~~E. Relationship to other zoning districts. In the event of conflict with the requirements set forth in other zoning districts relative to uses permitted either by right or upon securing a use permit, the requirements of this chapter shall prevail. [Source: 17.29.100]~~

~~F. Unclassified or "U" District.~~

~~1. Lot dimensions. The minimum lot area shall be one recorded parcel not less than five acres in area. [Source: 17.11.040]~~

~~2. Minimum lot width required. Each lot shall be not less than three hundred feet in depth. Each lot shall have a minimum width of one hundred feet. [Source: 17.11.050]~~

~~3. Building height. Maximum building height shall be forty feet. [Source: 17.11.060]~~

~~4. Front yard. Front yards shall have a minimum depth of twenty feet. [Source: 17.11.070]~~

~~5. Side yard. Each side yard shall have a minimum width of ten feet. [Source: 17.11.080]~~

~~6. Rear yard. There shall be a rear yard not less than twenty feet in depth for any portion of the building. [Source: 17.11.090]~~

~~7. Maximum lot coverage. The total land area covered by structures shall not exceed twenty-five percent of the total area of the lot. [Source: 17.11.100]~~

~~G. Unclassified or "U" District.~~

~~1. Appropriate zoning. For subdivision purposes, appropriate zoning shall be determined as part of the subdivision process. For other entitlement requests, appropriate zoning shall be determined, as necessary, prior to issuance of the entitlement. [Source: 17.11.110]~~



~~Chapter 17.40 Special Building Site Area Zone [Source: 17.28]~~

~~Sections~~

~~17.30.010 Purpose and Intent of Industrial Zones [Source: 17.23.010]~~

~~17.30.020 Land Use Regulations for Industrial Zones [Source: 17.23.020, 17.23.030, 17.30.020]~~

~~17.30.030 Additional Land Use Regulations [Source: NEW]~~

~~17.30.040 Development Standards for Industrial Zones [Source: 17.23.060 through 17.23.120]~~

~~17.30.050 Additional Development Standards [Source: 17.23.130, 17.23.140, 17.23.150, 17.23.160]~~

~~17.40.010 Purpose and Intent of Special Building Site Area Zones~~

~~A. Special Building Site Areas or "B" Districts.~~

~~1. In general. The purpose of special building site areas are to provide for flexibility and development for varied parcel sizes in the county area. [Source: 17.28.005]~~

~~17.40.020 Land Use Regulations and Development Standards for Special Building Site Areas~~

~~A. Special Building Site Areas or "B" Districts.~~

~~1. Special building site area regulations or "B" districts. The following regulations shall apply in all districts, which are combined with such "B" districts and shall be applied in lieu of the building site area and parcel width required, in the combined district, and shall be subject to the provisions of Chapter 17.30 of this title. [Source: 17.28.010]~~

~~a. B-1 Areas. Minimum parcel size shall be ten thousand square feet, and the minimum parcel width shall be one hundred feet. [Source: 17.28.010.A]~~

~~b. B-2 Areas. Minimum parcel size shall be fifteen thousand square feet, and the minimum parcel width shall be one hundred feet. [Source: 17.28.010.B]~~

~~c. B-3 Areas. Minimum building site area and minimum parcel width shall be as specified on the zoning map. [Source: 17.28.010.C]~~

Chapter 17.40

Specific Unit Development Zone

Chapter 17.40 Specific Unit Development Zone

Sections

17.40.010 Purpose and Intent of the Specific Unit Development Zone

17.40.020 Land Use Regulations for the Specific Unit Development Zone

17.40.030 Development Standards for the Specific Unit Development Zone

17.40.010 Purpose and Intent of the Specific Unit Development Zone

A. Purpose. The purpose of this Chapter is to describe character and intent of the county's Specific Unit Development (SUD) zone, describe allowed land uses and permit requirements, establish development standards, and identify any supplemental land use regulations applicable to the SUD zone. [Source: NEW]

~~A.~~B. Purpose of the Specific Unit Development (SUD) ~~District~~Zone. To provide for developments that~~, because of a mixture of building types, land uses, or lot sizes,~~ do not fit within the parameters of standard zoning regulations as established in this Title due to a mixture of building types, land uses, or parcel sizes,. Specific Unit Developments are subject to a special set of site~~-~~ specific guidelines and ~~schematic~~ land use design which allow a mixture of uses that might otherwise create land use conflicts. ~~Such developments often incorporate common areas or other amenities not normally found in standard developments.~~ [Source: 17.24.010, modified]

17.40.020 Land Use Regulations for the Specific Unit Development Zone

A. Allowed Uses. ~~Permitted uses.~~ Any use or combination of uses consistent with the applicable General Plan land use designation and ~~which are~~ arranged and designed in such a manner as to result in development which is internally compatible and ~~compatible with surrounding uses~~does not conflict with the public health, safety, and welfare ~~is~~ may be ~~permitted~~ allowed in an the SUD, subject to a Conditional Use Permit~~as long as a planning commission use permit is obtained~~. [Source: 17.24.030, modified]

B. Cannabis-Related Land Uses. The following cannabis-related land uses are allowed with a Conditional Use Permit if the SUD guidelines specifically identify parcels for industrial development. [Source: 17.43, modified)

1. Cannabis nursery
2. Distribution
3. Manufacturing
4. Processing
5. Cultivation
6. Retail
7. Non-storefront Retail

8. Testing

~~4.~~9. Microbusiness

17.40.030 Development Standards for the Specific Unit Development Zone

A. Minimum ~~A~~acreage ~~R~~required. The minimum acreage necessary to qualify for ~~specific unit development~~ SUD ~~designation~~ zoning is ~~twenty~~ 20 acres. After such zoning is in effect, the minimum parcel size can vary, dependent upon the schematic plan and guidelines submitted as part of the Conditional Use Permit. [Source: 17.24.040, modified]

B. Requirements for Establishing ~~designation as~~ a ~~S~~specific ~~U~~unit ~~D~~development~~.~~

1. Permit Required. ~~In addition to those requirements specified in Chapter 17.30E (Application Processing Requirements)~~ The establishment of a SUD requires the approval of a Conditional Use Permit in compliance with Chapter ___ (Conditional Use Permits) and Subparagraph B.2 below.

~~B.~~2. Additional Documentation. T~~t~~he following ~~should be required~~ shall be submitted with the Conditional Use Permit application ~~prior to~~ for consideration by the P~~p~~lanning C~~c~~ommission: [Source: 17.24.020, modified]

~~1.~~a. Schematic Plan. A schematic plan of the project site which indicates the approximate location of buildings, building elevation, roads, walkways, parking, landscaping, the proposed uses of the buildings and grounds, and phasing of development. [Source: 17.24.020.A]

~~2.~~b. Guidelines. A written set of guidelines, which address architectural design, signage, utility information, and other such information as deemed necessary by the P~~p~~lanning D~~d~~irector. [Source: 17.24.020.B, modified]

Chapter 17.45

Overlay Zones

Chapter 17.45 Overlay Zones

Sections

17.45.010 Purpose and Intent
17.45.020 General Provisions
17.45.030 Airport Compatibility Overlay Zone (-ACO)
17.45.040 Cannabis Opt-Out Overlay Zone (-COO)
17.45.050 Historic Design Review Overlay Zone (-HDO)
17.45.060 Critical Water Resource Overlay Zone (-CWR)
17.45.070 Flood Hazard Overlay Zone (-FHO)
17.45.080 Scenic Conservation Overlay Zone (-SCO)
17.45.090 Recreation Development Overlay Zone (-RDO)

17.45.010 Purpose and Intent

A. **Purpose.** The purpose of this Chapter is to describe the character and intent of the County's overlay zones, identify allowed uses and permitting requirements, establish development standards, and identify supplemental land use regulations applicable to overlay zones. [Source: NEW]

B. **Intent.** The intent of this Chapter is to establish areas in the County where certain land use or development standards shall apply in addition to the underlying base zone to achieve a specific purpose such as resource and historic preservation or compatibility with unique land uses. [Source: NEW]

17.45.020 General Provisions

A. **Allowed Uses and Development Standards.** All development standards, allowable uses, and permit requirements of the base zone with which the overlay zone is combined shall be enforced, except as modified by an Overlay Zone. [Source: NEW]

~~A.~~B. **Conflicting Standards.** Where standards of an overlay zone conflict with the underlying base zone, the standards of the overlay zone shall prevail. [Source: NEW]

C. **Definitions.** See Part 7 (Definitions) for land use definitions and explanations. [Source: NEW]

~~17.45.020~~17.45.030 Airport Compatibility Overlay Zone (-ACO)

A. **Purpose and Intent**

1. **Purpose.** The purpose of the Airport Compatibility Overlay Zone (-ACO) is to protect the public health, safety, and welfare by minimizing land use conflicts between airports and surrounding development, consistent with State law governing airport land use compatibility. [Source: NEW]

2. **Intent.** The Airport Compatibility Overlay Zone (-ACO) is intended to promote the orderly development of land uses within airport influence areas to protect airport operations, preserve navigable airspace, reduce exposure of people and property to airport-related safety hazards and noise impacts, and ensure the long-term viability of airports serving Trinity County. [Source: NEW]

   The Airport Compatibility Overlay Zone (-ACO) is further intended to establish consistency between this Zoning Code and adopted airport land use regulations and plans, including the Trinity County Airport Land Use Compatibility Plan, applicable Airport Master Plans, and Airport Layout Plans. This overlay functions as a regulatory reference and referral mechanism and is not intended to restate, duplicate, or supersede airport-specific land use or development standards adopted through those plans. [Source: NEW]

B. **Authority.** The Airport Compatibility Overlay Zone (-ACO) is established in compliance with the authority and intent of California Public Utilities Code Sections 21670 through 21679, which require coordination between local land use agencies and Airport Land Use Commissions to prevent the creation of new airport-related hazards and incompatible land uses. [Source: NEW]

C. **Applicability**

1. **Applicability to Airports and Affected Lands.** The Airport Compatibility Overlay Zone (-ACO) and regulations established in this Section apply to all airports located within Trinity County and to all lands subject to review or regulation under an adopted Airport Land Use Compatibility Plan, Airport Master Plan, and/or Airport Layout Plan. [Source: NEW]

2. **Airport Influence and Referral Areas.** The Airport Compatibility Overlay Zone (-ACO) applies to all parcels located within airport influence areas, safety zones, noise contours, height restriction areas, or referral areas as identified in an adopted Airport Land Use Compatibility Plan or other airport planning document adopted by the Trinity County Airport Land Use Commission. [Source: NEW]

3. **Future Amendments.** The applicability of this overlay shall automatically extend to lands included within the boundaries of any Airport Land Use Compatibility Plan, Airport Master Plans, or Airport Layout Plans adopted or amended after the adoption of this Code. [Source: NEW]

D. **Allowed Land Uses and Development Standards**

1. **Relationship to Underlying Zoning.** Except as otherwise established in the Trinity County Airport Land Use Compatibility Plan, and applicable Airport Master Plans, and Airport Layout Plans, all allowed land uses, conditionally allowed land uses, development standards, and other applicable regulations of the underlying base zone shall remain in full effect. [Source: NEW]

2. **Default to Adopted Airport Regulations.** Where airport-related land use or development standards are addressed in an adopted Airport Land Use Compatibility Plan, Airport Master Plan, or Airport Layout Plan, those standards shall govern. This

section does not establish independent land use or development standards. [Source: NEW]

3. **Consistency With Airport Plans.** Pursuant to California Public Utilities Code Section 21676, all land use decisions within the Airport Compatibility Overlay Zone shall be consistent with the applicable Airport Land Use Compatibility Plan unless overridden in accordance with State law. [Source: NEW]

E. **Airport Land Use Commission Review.** Proposed land uses, development, or subdivision within the Airport Compatibility Overlay Zone that are subject to review by the Trinity County Airport Land Use Commission shall be referred and processed in compliance with adopted Airport Land Use Commission procedures and applicable State law. [Source: NEW]

F. **No Expansion of Development Rights.** The application of the Airport Compatibility Overlay Zone shall not be construed to authorize any land use or development that is inconsistent with adopted airport plans, nor to limit the authority of the Trinity County Airport Land Use Commission or other applicable agency to impose conditions, deny projects, or require modifications to achieve airport compatibility. [Source: NEW]

G. **Zoning Map Notation**

1. **Zoning Map Designation.** Areas subject to the Airport Compatibility Overlay Zone (-ACO) shall be identified on the Zoning Map with the suffix "-ACO." [Source: NEW]

2. **Reference to Adopted Plans.** The Zoning Map may include a general reference to airport influence areas; however, the precise boundaries of the Airport Compatibility Overlay Zone shall be determined by the applicable Airport Land Use Compatibility Plan, Airport Master Plan, or Airport Layout Plan, as adopted and amended. [Source: NEW]

3. **Informational Nature of Mapping.** The depiction of the Airport Compatibility Overlay Zone (-ACO) on the Zoning Map is intended for informational and implementation purposes. In the event of a discrepancy between the Zoning Map and an adopted airport planning document, the adopted airport planning document shall control. [Source: NEW]

H. **Interpretation.** This overlay zone is intended to direct applicants, property owners, and decision-makers to airport-related land use regulations adopted outside of this Code. The absence of specific land use or development standards within this section shall not be interpreted as an exemption from airport compatibility, safety, or referral requirements. [Source: NEW]

~~17.45.030~~17.45.040 Cannabis Opt-Out Overlay Zone (-COO)

****Placeholder section for a potential new overlay zone that recognizes the established opt-out areas on the Zoning Map. County staff is still working through concepts with the consultant team and will have updates to this Section in pending drafts****

~~17.45.040~~17.45.050 Historic Design Review Overlay Zone (-HDO)

A. **Purpose.** The purpose of the Historic Design Review Overlay Zone (-HDO) ~~this chapter~~ is to ~~promote the public health, safety, and general welfare by providing for the~~ identif~~ication~~y, protect~~ion~~, and enhance~~ment, perpetuations, and use of improvements,~~ buildings, structures, signs, ~~objects, features,~~ and sites~~, places, and areas within the~~ in the county with architectural, artistic, cultural~~, engineering, aesthetic~~, or historical ~~, political, social, and other heritage for the following reasons:~~significance. The Historic Design Review Overlay Zone (-HDO) ~~aims~~intends to: [Source: 17.29C.010]

1. ~~To s~~Safeguard the county's heritage as embodied and reflected in such resources; [Source: 17.29C.010.A, modified]
2. ~~To e~~Encourage public knowledge, understanding, and appreciation of the county's past; [Source: 17.29C.010.B, modified]
3. ~~To f~~Foster civic and neighborhood ~~pride~~ identity and a sense of ~~identity~~ place based on the recognition and use of cultural and historic resources; [Source: 17.29C.010.C, modified]
4. ~~To p~~Promote the enjoyment and use of cultural resources ~~appropriate for the~~for education and recreation ~~of the people of the county~~; [Source: 17.29C.010.D, modified]
5. ~~To p~~Preserve diverse and harmonious architectural styles and design preferences reflecting ~~phases of~~ the county's history and to encourage complementary contemporary design and construction; [Source: 17.29C.010.E, modified]
6. ~~To e~~Enhance property values and ~~to~~ increase economic and financial benefits to the county and its ~~inhabitants~~residents; [Source: 17.29C.010.F, modified]
7. Stimulate local business and industry by ~~To p~~enhancing ~~rotect and enhance~~ the county's attraction to tourists and visitors ~~(thereby stimulating business and industry)~~; [Source: 17.29C.010.G, modified]
8. Promptly ~~To i~~identify ~~as early as possible~~ and resolve conflicts between the preservation of cultural resources and alternative land uses; [Source: 17.29C.010.H, modified]
9. ~~To i~~Integrate the preservation of cultural resources into public and private land management and development processes; [Source: 17.29C.010.I, modified]
10. ~~To c~~Conserve valuable material and energy resources by ongoing use and maintenance of the existing historic environment. [Source: 17.29C.010.J]

B. **Areas of ~~a~~Application.**

1. ~~This section shall apply to:~~The standards established in this Section shall apply to the following areas:

   a. ~~(a) a~~All districts or sites listed in the National Register of Historic Places; ~~(b)~~

   b. ~~to o~~Other sites of historic significance upon application of the property owner.

B.2. ~~Said areas or sites~~Parcels approved for inclusion in the Historic Design Review Overlay Zone shall be zoned as ~~"Special Treatment~~HDR in the Zoning Map~~" (ST), or "Special Treatment Area" (STA), (~~which shall be applied ~~as an overlay zone~~in addition to the underlying base zone~~) upon approval of the board of supervisors~~. [Source: 17.29C.020, modified]

C. **District boundaries.**

1. **District I:** Siskiyou/Trinity County line, Shasta/Trinity County line, divide between Grass Valley Creek and Indian Creek, divide between Vitzhum Gulch and Tom Lang Gulch, unnamed ridge, Lime Kiln Gulch, Browns Mountain, Rush Creek Road, Highway 3, Rush Creek, divide between Canyon Creek and Stuart Fork, to the point of beginning. [Source: 17.29C.030.A]

2. **District II:** Humboldt/Trinity County line, Siskiyou/Trinity County line, divide between Canyon Creek and Stuart Fork, Rush Creek, Highway 3, Rush Creek Road, Browns Mountain, Lime Kiln Gulch, unnamed ridge, divide between Vitzhum Gulch and Tom Lang Gulch, divide between Grass Valley Creek and Indian Creek, Shasta/Trinity County line, Hayfork divide, Hells Half Acre Creek, to the point of beginning. [Source: 17.29C.030.B]

3. **District III:** Hells Half Acre Creek, Hayfork divide, Shasta/Trinity County line, Tehama/Trinity County line, Mendocino/Trinity County line, Humboldt/Trinity County line, to the point of beginning. [Source: 17.29C.030.C]

D. ~~**Permitted** **Allowed Land Uuses.** All uses ~~permitted ~~allowed in the underlying base zone shall be ~~permitted ~~allowed in the ~~"ST" or "STA" ~~Historic Design Review Ooverlay zone with the same permitting requirements as established for the intended use in the underlying zone. [Source: 17.29C.040, modified]

E. **Architectural Review Committee Review and Approval.** ~~provided that ~~Rreview and approval ~~is ~~shall be obtained from the appropriate Aarchitectural Rreview ~~and preservation ~~Ccommittee before any of the following take place on a parcel in the Historic Design Review Overlay Zone: [Source: 17.29C.040, modified]

1. ~~proposal to tear down, d~~The d~~emolitionsh~~, construction, alteration, or removal~~e~~ of any structure, building, or other improvement~~, or any portion thereof, which lies within a historical district or special treatment area or which has been designated as a landmark, or special treatment site in agreement with the provisions of this chapter;~~; [Source: 17.29C.040, modified]

2. ~~or to~~The alteration, in any manner, of an exterior architectural element of any structure or improvement ~~within a historical district or special treatment area or special treatment site~~; [Source: 17.29C.040, modified]

3. ~~or to~~The placement, ~~erect, alter ~~alteration, removal, or relocation~~e~~ of any sign ~~within a historical district or on a special treatment site~~; [Source: 17.29C.040, modified]

4. ~~or to ~~The removal~~e~~ of any tree(s) (~~larger than ~~three ~~10 inches in diameter at breast height~~); or [Source: 17.29C.040, modified]

D.5. ~~or to~~ The ~~locate~~placement, alteration, or removal~~e~~ of any item affecting the general appearance of a historical district or ~~special treatment area or special treatment~~ site. [Source: 17.29C.040, modified]

E.F. **Establishment**

1. There are established in the county three architectural review and preservation committees, each consisting of five members appointed by the bboard of sSupervisors. The members of each committee shall be residents of the county. [Source: 17.29C.050]

2. Each committee shall consist of a planning commission member from the affected district, an architect or contractor or builder, a historical society member, a member of the business community (who owns a business within a special treatment area under the committee's jurisdiction), and a representative of the artistic community. A planning department staff member shall serve as secretary. Said planning staff member shall be a non-voting member of the committee. [Source: 17.29C.050]

3. Each committee shall have the power and authority to perform all the duties as described and provided in Section 17.29C.060. The original appointment of the members of the committee shall be made for four-year staggered terms. If a member is unable to fulfill his/her term, the ~~b~~Board of ~~s~~Supervisors shall make an interim appointment to fill the unexpired term of that member and, where the member is required to have special qualifications, such vacancy shall be filled by interim appointment, in the manner described in this chapter, with a person having those qualifications. Members may continue to serve upon reappointment by the board of supervisors. [Source: 17.29C.050]

4. In the event that the position has been posted and a qualified person has not applied within sixty days of the position being posted then the clerk of the board shall re-post the vacancy. The public notice shall state that a qualified person has not applied for the position; therefore, the ~~b~~Board of ~~s~~Supervisors will accept applications from any individual having interest or experience in a similar field to the position being posted. [Source: 17.29C.050]

F.G. **Committee authority.** The committees shall have the following authority:

1. To conduct any survey of local properties within the boundaries of the county, complying with all applicable standards and criteria of the statewide survey undertaken by the State Historic Preservation Office; [Source: 17.29C.060.A.1]

2. To serve in an advisory capacity to the ~~b~~Board of ~~s~~Supervisors when conducting studies and/or retaining consultants for projects within the historic districts or special treatment areas; [Source: 17.29C.060.A.2]

3. To adopt specific guidelines for landmarks, special treatment sites, improvements within the historical districts or special treatment areas; [Source: 17.29C.060.A.3]

4. To cooperate with ~~f~~Federal and ~~s~~State governments in the pursuit of the objectives of historic preservation; [Source: 17.29C.060.A.4]

5. To participate in the review and approval of land use, renewal, community or county improvements and other planning undertaken or approved by any agency or official of the ~~c~~County, ~~s~~State or ~~f~~Federal governments. (Applies only to areas or sites affected by this chapter); [Source: 17.29C.060.A.5]

6. To establish and maintain a detailed inventory or improvements, structures and buildings within the historical districts and special treatment areas and of landmarks, landmark sites and special treatment sites within the county; [Source: 17.29C.060.A.6]

7. To establish rules and regulations which are necessary for the effective conduct of the business of the committee; [Source: 17.29C.060.A.7]

8. To adopt guidelines for trees greater than three inches in diameter; [Source: 17.29C.060.A.8]

9. To perform all other duties, responsibilities and functions outlined in this chapter, and all other duties which are proper or necessary to the purpose of this chapter. The committee shall obtain approval from the board of supervisors prior to entering into any contractual relationship or incurring any expenses. [Source: 17.29C.060.A.9]

~~G.~~H. **Review Ccriteria.** The Aarchitectural Rreview ~~and preservation~~ Ccommittee may approve a project or proposal for work as described in ~~Section 17.29.040~~Subsection E above if it determines that: [Source: 17.29C.070, modified]

1. The proposed construction, removal, rehabilitation, alteration, remodeling, excavation, placement or exterior alteration conforms with the purposes of this Ssection and ~~specifically~~ emphasizes the preservation of architectural styles existing in the county circa 1900 (i.e., 1890—1910), or emphasizes other distinct or noteworthy architectural styles of the area or site. [Source: 17.29C.070, modified]

~~H.~~2. **Design Gguidelines.** The proposed project, alteration, or remodel complies with all applicable design guidelines ~~Subject to approval by the board of supervisors, the~~ as adopted by the Board of Supervisors~~committee shall~~ by resolution. ~~adopt minimum design guidelines to use in its review of applications within special treatment areas and special treatment sites relating to new construction, rehabilitation, preservation, restoration or reconstruction of any improvements, signs, streetscapes, trees, buildings or structures. Any such guidelines shall not be adopted or amended by the committee without prior public hearing. Notice of the date, place and time and a general description of the proposal shall be published at least ten days prior to such hearing in the local newspaper. There shall be guidelines for commercial improvements and residential improvements. These design guidelines shall pertain to the type of construction as it relates to historic use of property (e.g. a house used for commercial purposes would need to meet guidelines for residential structures).~~ [Source: 17.29C.080, modified]

I. ~~Application procedures~~**Architectural Review Application.** ~~Applications for approval of activities covered by this chapter shall be accompanied by~~ Tthe following materials, in addition to other information that the Ccommittee may deem appropriate in making its decision, shall be submitted with the Architectural Review Application: [Source: 17.29C.090, modified]

1. An elevation of each exposed side of the existing or proposed building or buildings, drawn at a scale of one-eighth of an inch equals one foot, or larger, identifying all materials, textures and colors to be used; [Source: 17.29C.090.A]

2. Samples of all materials, including paint chips of the proposed exterior colors; [Source: 17.29C.090.B]

3. A site plan indicating existing topography, vegetation, structures and adjacent development, drawn at a scale of one-eighth of an inch equals one foot or larger; [Source: 17.29C.090.C]

4. Drawings of exterior details on buildings, including: ~~l~~Light standards and fixtures; screens for mechanical equipment or trash, meters and meter boxes; existing and proposed signs; and such other details as may exist on any building or property; [Source: 17.29C.090.D, modified]

5. Drawings of the exterior of structures, displays (including window coverings, treatments or screening) or furniture or merchandise (located outside of a structure) to be located upon sites within the special treatment area or site, including fences, signs and lighting; [Source: 17.29C.090.E]

6. Site photographs indicating topography, vegetation, existing structures and adjacent development; [Source: 17.29C.090.F

7. True, correct and complete copies of old photographs or historical records, if available, pertaining to the existing building site or area; [Source: 17.29C.090.G]

8. Where the application involves grading or drainage work, a plan indicating existing (solid line) and proposed (dashed line) contours, at two foot or five-~~-~~foot intervals, and all existing features of the grade; [Source: 17.29C.090.H]

9. Conceptual landscape plans, including lighting, general type of vegetation, size and location of ground covers, trees and other vegetation, where changes of landscaping are proposed; [Source: 17.29C.090.I]

10. Development which will alter or interrupt in a significant manner views or vistas from a public street or way shall be visually apparent on the site plan. Documentation shall be submitted indicating that alternative ways of preserving sightlines have been considered; [Source: 17.29C.090.J]

11. **Sign Applications.** Applications for signs shall include all of the following:

    a. A site plan showing the location of the building upon which the sign will be attached; [Source: 17.29C.090.K, modified]

    b. A~~a~~n elevational drawing showing the location on the building where the sign ~~showing the location on the building where the sign~~ will be placed (drawn to scale); [Source: 17.29C.090.K, modified]

    c. A~~a~~ rendition (drawn to scale) of the proposed sign, including size (length, width, depth), design height from ground, distance from other nearby signs; [Source: 17.29C.090.K, modified]

d. Llighting, colors (paint chips); and [Source: 17.29C.090.K, modified]

~~11.~~e. Identification of lettering styles to be used from the approved list of lettering styles.~~;~~ [Source: 17.29C.090.K, modified]

12. Any or all of the application requirements as written in this Ssubsection may be waived at the discretion of the Cc~~c~~ommittee. [Source: 17.29C.090.L, modified]

J. **Demolition or Rr~~r~~emoval.** No improvement, structure, or building located within a ~~historic district~~the Historic Design Review Overlay~~, special treatment area or special treatment site~~ shall be torn down, demolished, or removed unless such improvement, structure, or building is or has become so damaged or dilapidated ~~, either from fire or other elements or from natural deterioration,~~ that it is unusable and cannot reasonably be repaired or restored. Approval to demolish, tear down, or remove shall be obtained from the Cc~~c~~ommittee and is subject to the issuance of a Dd~~e~~molition Pp~~e~~rmit required by the Cc~~c~~ounty Bb~~u~~ilding Division~~department~~. [Source: 17.29C.100, modified]

K. **Non-Aa~~a~~rchitectural Dd~~e~~corations.**

1. **Holiday/Special Event Specific.** Holiday or special event specific decorations shall be removed within seven days following the holiday or special event. [Source: 17.29C.120.A]

2. **Non-Hh~~o~~liday or Non-Ss~~s~~pecial Event Specific.** Non-holiday or non-special event specific decorations (e.g.: pin wheels, pennants, ~~wind socks~~windsocks, and other decorations placed outdoors) are prohibited unless otherwise approved by the Committee. [Source: 17.29C.120.B, modified]

L. **Variation from Bb~~u~~ilding Cc~~o~~de Rr~~e~~quirement and Ee~~n~~croachments.** The Bb~~u~~ilding Ii~~n~~spector is authorized and directed, where applicable, to administer and enforce as alternative building regulations, those rules and regulations adopted in agreement with the Park and State Historical Building Code of Title 24 and building standards of California Code of Regulations as authorized in Sections 18950 through 18960 of the Health and Safety Code. Said direction shall apply to any area or site subject to the provisions of ~~the chapter~~this Section. [Source: 17.29C.130, modified]

M. **Ordinary Mm~~a~~intenance and Rr~~e~~pair.** The standards established in this Section are not intended to:

1. ~~Nothing in this chapter shall be construed to p~~Prevent the ordinary maintenance and repair of any improvement, sign, or exterior architectural feature, which was constructed, placed, erected, or located in conformance with this ~~chapter~~Section~~, in or on any property covered by this chapter~~ that does not involve a change in design, materials, or exterior appearance.~~;~~

~~M.~~2. ~~nor does this chapter prevent~~Prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any improvement, sign, or exterior architectural feature~~any such feature~~, including trees greater than three inches in diameter, when the appropriate authority (e.g. ~~chief~~ Bb~~u~~ilding Ii~~n~~spector, certified arborist) certifies to the Cc~~o~~mmittee that such action is required for the public safety due to unsafe or

dangerous conditions and cannot reasonably be restored or repaired. [Source: 17.29C.140, modified]

N. **Landlord Disclosure.** For properties being rented to tenants, it shall be the landlord's duty to disclose to his/her tenants the information regarding the standards and guidelines applied to the special treatment areasHistoric Design Review Overlay Zone and ensure the property is maintained in compliance with this Section. [Source: 17.29C.150, modified]

17.45.05017.45.060 Critical Water Resource Overlay Zone (-CWR)

A. **Purpose.** The purpose of the Critical Water Resource Overlay (-CWR) Zone is to preserve and protect important water resources in Trinity County and minimize the impact of development on those resources from extraction or contamination. [Source: NEW]

A.B. **Applicability of overlay zone.**

1. Zoning Map. The initials "-CWR" appearing after a zone abbreviation on thea Zzoning Mmap indicates that the property so classifiedis within the Critical Water Resource Overlay Zone and is subject to provisions of this chapter Section in addition to those of the underlying zone. [Source: 17.29A.010.A, modified]

2. The "-CWR" overlay zone may be applied to any land within the county for which the Bboard of Ssupervisors, after public hearing, determines that development may have a detrimental impact on water resources such as those resulting from extractions of ground and/or surface waters which would be beyond the capability of the resource or by contamination of ground or surface waters. [Source: 17.29A.010.B, modiifed]

B.C. Uses **permittedAllowed Uses.** All uses permitted allowed under in the basic land use zonesunderlying zone as established in this Title,; provided , however, that the said use is found to conform to the "CWR" overlayalso in compliance with the standards and requirements of this Section. [Source: 17.29A.020, modified]

C.D. **Development Sstandards.** Any proposed development, improvement, or activity on a parcel within the -CWR overlay shall comply with the following development standards:

1. **Water Quantity.** Where the "-CWR" overlay zone pertains to the amount of water available, proof of such water availability shall be demonstrated prior to the division of any parcel of land. Water availability shall be proven by one or all of through at least one of the following methods: [Source: 17.29A.030.A, modiifed]

   a. An on-site well located a minimum of one hundred100 feet from any stream, and drilled to a minimum depth of 50 fifty feet, for each proposed parcel producing year-round flows of not less than one and one-half gallons per minute (gpm); [Source: 17.29A.030.A.1, modified]

   b. A spring on each proposed parcel producing year round flows of not less than one and one-half gpm; or [Source: 17.29A.030.A.2]

   c. Provide water to each proposed parcel from a public (community) water system defined and regulated under the California Health and Safety Code, Division 5, Pure Water Law. [Source: 17.29A.030.A.3]

2. **Water Quality.** Where the "-CWR" oOverlay zone pertains to the quality of water, proof of safe drinking water shall be demonstrated prior to the division of any parcel of land. The following conditions may be required at the discretion of the Ccounty Environmental Hhealth Divisiondepartment: [Source: 17.29A.030.B, modified]

   a. Chemical analysis of the subject water source to be performed by a Sstate certified laboratory for chemical analysis. [Source: 17.29A.030.B.1, modified]

   b. Bacteriological analysis of the subject water source to be performed by a Sstate certified laboratory for bacteriological analysis. The nature and scope of said analyses shall be at the discretion of the County Environmental Health Divisioncounty health department. [Source: 17.29A.030.B.2, modified]

D.E. **Exceptions.** The provisions of this chapter Section shall not be applicableapply to divisions whereby it is found by the Bboard of Ssupervisors that said division would not in any manner necessitate the use of water, either for human or animal consumption or irrigation. Upon such finding, all documents pertaining to said division shall be clearly marked by the zone abbreviation followed by the initials "CWRN." No building, septic tank or other like permits may be issued by any agency for land so designated "CWRN." [Source: 17.29A.040]

17.45.06017.45.070 Flood Hazard Zoning District or Flood Hazard Overlay Zone (-FHO)

1.A. Statutory authorizationAuthority. The Legislature of the State of California has inUnder the authority of Government Code Section 65302, 65560, and 65800, conferred upon local government units the authority toto the Board of Supervisors adopted regulations for the county's flood hazard areas based on the following findings:designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the board of supervisors of Trinity County does ordain as follows. [Source: 17.29B.010, modified]

2. Findings of fact.

a.1. The flood hazard areas of Trinity County are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. [Source: 17.29B.020.A]

b.2. Damage and loss due to floodingThese flood losses are is caused by the cumulative effect of obstructions in areas of special flood hazards areas, which can increase flood heights and velocities, and when inadequately anchored objects or structures, which can cause damage uses in other surrounding areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from damage also contribute to the flood loss. [Source: 17.29B.020.B, modified]

3.B. Statement of pPurpose. It is the The purpose of this chapter Section to promote the public health, safety, and general welfare, to protect fish and wildlife resources, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: [Source: 17.29B.030, modified]

a.1. Protect human life and health; [Source: 17.29B.030.A]

~~b.~~2. Minimize expenditure of public money for costly flood control projects; [Source: 17.29B.030.B]

~~c.~~3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; [Source: 17.29B.030.C]

~~d.~~4. Minimize prolonged business interruptions; [Source: 17.29B.030.D]

~~e.~~5. Minimize damage to public facilities and utilities, such as water and gas mains, electricity, telephone, sewer lines, streets and bridges located in areas of special flood hazards; [Source: 17.29B.030.E]

~~f.~~6. Help maintain a stable tax base by providing for sound use and development of areas of special flood hazard so as to minimize future flood blight areas; [Source: 17.29B.030.F]

~~g.~~7. Ensure that potential buyers are notified that property is in an area of special flood hazard; [Source: 17.29B.030.G]

~~h.~~8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and [Source: 17.29B.030.H]

~~i.~~9. Minimize impacts to fish and wildlife resources that are associated with floodplains where such resources do not conflict with public health and safety. [Source: 17.29B.030.I]

~~4.~~C. **Intent.** It is the intent of this Section to ~~Methods of reducing flood losses. In order to accomplish its purposes, this chapter includes~~ establish standards, methods, and provisions ~~for~~that: [Source: 17.29B.040, modified]

~~a.~~1. Restrict~~ing~~ or prohibit~~ing~~ uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities; [Source: 17.29B.040.A, modified]

~~b.~~2. Require~~ing that~~ uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction; [Source: 17.29B.040.B, modified]

~~c.~~3. Control~~ling~~ the alteration of natural floodplains, stream channels, and natural protective barriers, which help to accommodate flood waters and maintain fish and wildlife resources; [Source: 17.29B.040.C, modified]

~~d.~~4. Control~~ling~~ filling, grading, dredging, and other development which may increase flood damage; and [Source: 17.29B.040.D, modified]

~~e.~~5. Prevent~~ing~~ or regulate~~ing~~ the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards in other areas. [Source: 17.29B.040.E, modified]

~~B.~~D. ~~Basis for~~ ~~e~~**E**~~E~~**stablishing** ~~the areas of s~~**S**~~S~~**pecial** **F**~~f~~**lood** **H**~~h~~**azard** **Areas**~~s~~**.** [Source: 17.29B.160, modified]~~.~~

1. ~~The areas of s~~Special flood hazard areas are identified by the Federal Emergency Management Agency (FEMA) through risk mapping studies, resulting in Flood

Insurance Rate Maps (FIRMs)~~or the Federal Insurance Administration~~. These flood insurance studies are the minimum area of applicability of this ~~chapter~~ Section and may be supplemented by other studies, as approved by the Bboard of Ssupervisors upon a recommendation from the ~~floodplain administrator~~Planning Director. [Source: 17.29B.160.A]

~~2. Special flood hazard areas identified by the Federal Emergency Management Agency or the Federal Insurance Administration are described in the following scientific and engineering reports: [Source: 17.29B.160.B]~~

~~a. The Federal Emergency Management Agency report entitled "Flood Insurance Study for Trinity County," dated August 16, 1988, as amended on April 17, 1996 and September 2, 2009 and any subsequent revisions, with accompanying flood insurance rate maps. [Source: 17.29B.160.B.1]~~

~~b. The U.S. Army Corps of Engineers, San Francisco District, report entitled "Floodplain Management Services Special Study, Weaverville Streams, Trinity County, California," dated August 1989, with accompanying flood maps and Trinity River aerial photographs dated 1/17/74 and 1/21/74 (Flight #1, TRP 5 and 6 and Flight #2, TRP 7 & 8, respectively) which are hereby adopted by reference and declared to be part of this chapter. [Source: 17.29B.160.B.2]~~

~~3. Special flood hazard areas identified by other studies approved by the board of supervisors are described in the following scientific and engineering reports: [Source: 17.29B.160.C]~~

~~a. The California Department of Water Resources, Northern District, report titled "Trinity River Hydraulic Study, North Fork Trinity to Lewiston Dam," dated July 18, 2007. [Source: 17.29B.160.C.1]~~

~~4.~~2. ~~These f~~Flood hazard studies are on file at the Trinity County Planning Department~~, P.O. Box 2819, 61 Airport Road, Weaverville, CA 96093-2819~~. [Source: 17.29B.160, modified]

~~C. ARTICLE II. - FLOOD HAZARD (FH) ZONING DISTRICT~~

~~1.~~E. **Applicability** ~~of flood hazard (FH) zoning district~~. All of the following areas shall be zoned F~~f~~lood H~~h~~azard Overlay Zone (FHO) ~~zoning district~~: [Source: 17.29B.050, modified]

~~a.~~1. Areas designated as a regulatory floodway or zone AE on the Federal Emergency Management Agency's (FEMA) flood insurance rate maps (FIRM); [Source: 17.29B.050.A]

2. Areas designated on the FIRM as Z~~z~~one A along the Trinity River, Coffee Creek, or along streams in communities with an adopted community plan; [Source: 17.29B.050.B]

~~b.~~3. All lands designated as Zone A, AO, or AH on the Federal Emergency Management Agency's (FEMA) flood insurance rate (FIRM) maps. [Source: 17.29B.110, modified]

~~c.~~4. Areas identified as ~~one hundred~~100-year floodplain on parcel maps and final maps filed for record in accordance with the Trinity County Subdivision Ordinance; [Source: 17.29B.050.C, modified]

~~d.~~5. Areas identified as ~~one hundred~~100-year floodplain ~~in~~ with an approved U~~u~~se P~~p~~ermit (Director's or Conditional) ~~condition~~ or other C~~c~~ounty entitlement; and [Source: 17.29B.050.D, modified]

~~e.~~6. Areas identified as 100~~one hundred~~-year floodplain by a flood study approved by the B~~b~~oard of S~~s~~upervisors. [Source: 17.29B.050.E]

~~f.~~7. Areas along the Trinity River identified as inundated by the maximum fishery flow by a flood study approved by the B~~b~~oard of S~~s~~upervisors. [Source: 17.29B.050.F, modified]

F. **Land Use Regulations.** The following land use regulations and permitting requirements apply to the FHO overlay zone in addition to the land use regulations of the underlying zone. [Source: NEW]

~~2.~~1. ~~Uses permitted~~Allowed Uses. The following uses are ~~permitted~~ allowed within ~~a designated special flood hazard area, excepting floodways~~the FHO overlay zone: [Source: 17.29B.060, modified]

a. Agricultural uses not involving the construction of structures or other uses which would limit the flow of flood waters. [Source: 17.29B.060.A]

b. Placement and repair of wire or wood fencing, which will allow for the passage of water. No solid fencing or walls are allowed without first obtaining a floodplain development permit. [Source: 17.29B.060.B]

c. Maintenance and repair of existing bridges, culverts and roadways. [Source: 17.29B.060.C]

d. Recreational mining or dredging, not subject to the Surface Mining and Reclamation Act (SMARA). [Source: 17.29B.060.D]

~~3.~~2. ~~Uses permitted subject to first securing a F~~floodplain D~~d~~evelopment P~~p~~ermit (per ~~Section~~ Chapter ~~17.29B.220 of this chapter~~). The following uses ~~may be permitted~~are allowed subject to first securing a ~~director's issued F~~floodplain D~~d~~evelopment P~~p~~ermit approved by the Planning Director, and ~~, where applicable, complying with regulatory floodway provisions of Section 17.29B.090, below~~comply with applicable development standards established in this Section: [Source: 17.29B.070, modified]

a. All uses allowed in the underlying zone. [Source: 17.29B.120, modified]

~~a.~~b. Construction or replacement of bridges, culverts, roadways, bank slope protection devices and levees, and fisheries or wildlife habitat improvement projects shall be allowed, provided a certification by a registered professional engineer is provided demonstrating that the net effect of the project, in conjunction with all other projects developed on the affected stream reach since the effective date of the FIRM for said stream, will not cumulatively increase flood waters of the stream by more than one foot in the project area.

Such certification shall be provided to the ~~floodplain administrator~~Planning Director. [Source: 17.29B.070.A]

~~b.~~c. Substantial improvements to existing structures~~, subject to compliance with development standards in the flood hazard overlay (FHO) zoning district (Section 17.29B.130)~~. [Source: 17.29B.070.B, modified]

~~c.~~d. ~~Development~~ Construction of new~~of~~ structures ~~within the flood hazard (FH) zoning district may be permitted upon first securing floodplain development permit~~, provided that there are no building sites lying outside of the FHO ~~zoning district~~zone. ~~If approved, development shall comply with development standards in Section 17.29B.130.~~ [Source: 17.29B.070.C, modified]

~~4.~~3. ~~Uses permitted subject to first securing a use permit~~**Conditional Use Permit.** The following uses may be ~~permitted~~ allowed ~~subject to first securing a planning commission issued~~ with the approval of a Conditional U~~u~~se P~~p~~ermit in compliance with Chapter ___ (Conditional Use Permits), and, where applicable, complying with regulatory floodway provisions of Section 17.29B.090, below. [Source: 17.29B.080, modified]

a. Mining activities, provided all of the requirements of Surface Mining and Reclamation Act (SMARA) are met. Structures, equipment and material stockpiles shall not be in the floodplain between November 1 and April 30 of any year. [Source: 17.29B.080.A]

b. As part of a resort development or special occupancy park, seasonal uses, such as RV or tent camping may be ~~permitted~~allowed, provided they meet the standards for recreational vehicles in Section 17.29B.130(G). The Conditional Use Permit shall include all materials required for a~~A~~ F~~f~~loodplain D~~d~~evelopment P~~p~~ermit as established in Section ___ ~~shall also be required~~for Planning Commission's consideration.~~,~~ and shall be conditioned to require the following: [Source: 17.29B.080.B, modified]

i. R~~r~~emoval of all facilities (including, but not limited to, picnic tables, trash containers, portable toilets) from areas subject to flooding, during the period between November 1 and April 30. [Source: 17.29B.080.B]

~~b.~~ii. Permanently placed facilities, such as propane tanks or sewage disposal systems shall not be ~~permitted~~allowed for any length of time. [Source: 17.29B.080.B, modified]

~~5.~~4. ~~Uses permitted in r~~**Regulatory F~~f~~loodways.** A "regulatory floodway," lying within an area of special flood hazard as shown on a FIRM map, is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential. The following provisions apply to regulatory floodways: [Source: 17.29B.090, modified]

a. **Encroachments.** Encroachments, including fill, new construction, substantial improvement, and other new development are prohibited within floodways

unless certification by a Rregistered Ppprofessional Eengineer is provided demonstrating that encroachments shall not result in any increase in [the base] flood elevation during the occurrence of the base flood discharge. [Source: 17.29B.090.A, modified]

b. If subsection ASubparagraph 5.a above is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Section 17.29B.130Subsection E.3 of this Section. [Source: 17.29B.090.B, modified]

c. If Subparagraph 5.a abovesubsection A cannot be satisfied, and the floodplain administratorPlanning Director determines that no practicable alternative exists to revising the boundaries of the previously adopted floodway, then the floodplain administratorPlanning Director may request an amendment to the floodway map, in compliance with 44 CFR Section 65.7, "Floodway Revisions." [Source: 17.29B.090.C, modified]

6. Development standards for lands lying within the flood hazard zoning district. Development standards for the allowable uses listed above for lands lying within the flood hazard (FH) zoning district are the same as development standards for lands lying within the flood hazard overlay (FHO) zoning district (Section 17.29B.130). [Source: 17.29B.100]

D. ARTICLE III. - FLOOD HAZARD OVERLAY (FHO) ZONING DISTRICT

1. Applicability of the flood hazard overlay (FHO) zoning district. The following areas shall be zoned flood hazard overlay (FHO) zoning district: All of those lands as designated on the Federal Emergency Management Agency's (FEMA) flood insurance rate (FIRM) maps as zone AO or AH (areas of shallow flooding), or lands designated as zone A which are not included in a flood hazard (FH) zoning district. [Source: 17.29B.110]

2. Permitted uses. All uses permitted in the underlying zone shall be permitted in the flood hazard overlay (FHO) zoning district provided, however, that a floodplain development permit shall be obtained prior to commencement of construction and issuance of any other county entitlement. [Source: 17.29B.120]

3.G. **Development Standards.** Development standards for lands lying within the flood hazard overlay (FHO) zoning district. The following standards shall be appliedapply to any development proposed within a flood hazard overlay zoning district FHO zone or within a special flood hazard area within whichwhere development is permitted by this Cchapter. [Source: 17.29B.130, modified]

a.1. **Anchoring.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and be certified per subsection (A)(3)a registered professional architect or engineer. [Source: 17.29B.130.A.1; 17.29B.130.A.3, modified]

i. All manufactured homes shall [Source: 17.29B.130.A.2]meet the anchoring standards of subsection (F)(2).

~~ii. All standards in subsection (A)(1) and (A)(2) shall be certified by a registered professional architect or engineer. [Source: 17.29B.130.A.3]~~

~~b.~~2. **Construction Materials and Methods.**

~~i.~~a. All new construction and substantial improvements shall be constructed with flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage. [Source: 17.29B.130.B.1]

~~ii.~~b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. [Source: 17.29B.130.B.2]

~~iii.~~c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. [Source: 17.29B.130.B.3]

~~iv.~~d. All new construction and substantial improvements within FIRM map Z~~z~~ones AH or AO shall be constructed so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. [Source: 17.29B.130.B.4, modified]

3. **Elevation and Floodproofing.**

~~c.~~a. **Residential Structures.** New construction and substantial improvement of residential structures shall have the lowest floor, including basement, shall comply with the following standards: [Source: 17.29B.130.C.1, modified]

~~(1)~~i. In A, AE, AH, and A1-30 FIRM map zones, structures shall be elevated ~~not less than~~ at least two feet above the base flood elevation. ~~Nonresidential structures may meet the standards in subsection (C)(2).~~ [Source: 17.29B.130.C.1.a, modified]

~~(2)~~ii. In ~~an~~ the AO FIRM map zone, structures shall be elevated above the highest adjacent grade to a height equal to or exceeding two feet above the depth number specified in feet on the FIRM, or elevated at least four feet above the highest adjacent grade if no depth number is specified. [Source: 17.29B.130.C.1.b, modified]

~~(3)~~iii. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the C~~c~~ounty B~~b~~uilding l~~i~~nspector, to be properly elevated. Such certification, or verification, shall be provided to the ~~floodplain administrator~~Planning Director. [Source: 17.29B.130.C.1, modified]

~~ii.~~b. **Nonresidential Structures.** Nonresidential construction shall be elevated in conformance with subsection (C)(1), or together with attendant utility and sanitary facilities: [Source: 17.29B.130.C.2]

~~(1)~~i. Be flood proofed so that below the elevation recommended under subsection (C)(1), the structure is watertight with walls substantially impermeable to the passage of water; [Source: 17.29B.130.C.2.a]

~~(2)~~ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and [Source: 17.29B.130.C.2.b]

~~(3)~~iii. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the ~~floodplain administrator~~Planning Director. [Source: 17.29B.130.C.2.c]

~~iii.~~c. **Parking and Storage Structures.** All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are used solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletin TB 1-93 and TB 7-93 and must meet the following minimum criteria: [Source: 17.29B.130.C.3, modified]

i. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. [Source: 17.29B.130.C.3.a]

ii. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings, or devices, provided that they permit the automatic entry and exit of floodwaters. [Source: 17.29B.130.C.3.a]

~~(1)~~iii. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; and [Source: 17.29B.130.C.3.a]

~~(2)~~iv. Be certified by a registered civil engineer or architect. [Source: 17.29B.130.C.3.b]

~~iv. Manufactured homes shall also meet the standards in subsection F. [Source: 17.29B.130.C.4]~~

~~v.~~d. **Crawl Spaces.** This subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements. [Source: 17.29B.130.C.5, modified]

~~(1)~~i. The building must be designed and adequately anchored to resist flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood

velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer; [Source: 17.29B.130.C.5.a]

~~(2)~~ii. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exist of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93; [Source: 17.29B.130.C.5.b]

~~(3)~~iii. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building but also any joists, insulation, or other materials that extend below the BFE; [Source: 17.29B.130.C.5.c]

~~(4)~~iv. Any building utility systems with the crawl space must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions; and [Source: 17.29B.130.C.5.d]

~~(5)~~v. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following: [Source: 17.29B.130.C.5.e]

~~(a)~~(1) The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01; [Source: 17.29B.130.C.5.e]

~~(b)~~(2) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point; [Source: 17.29B.130.C.5.e]

~~(c)~~(3) There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed seventy-two hours; and [Source: 17.29B.130.C.5.e]

~~(d)~~(4) The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used. [Source: 17.29B.130.C.5.e]

~~d.~~4. **Standards for Utilities.** All new and replacement utility systems, such as water, sewer, and disposal fields shall comply with the following standards [Source: 17.29B.130.D, modified]

i.a. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters. [Source: 17.29B.130.D.1]

ii.b. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. [Source: 17.29B.130.D.2]

iii.c. All disposal fields for on-site waste disposal systems shall be located outside of the one hundred100-year flood zone. [Source: 17.29B.130.D.3]

e.5. **Standards for Manufactured Homes.** All new and replacement manufactured homes, (including manufactured homes located in new and existing mobile home parks), and any substantial improvements and additions to manufactured homes shall comply with the following standards: [Source: 17.29B.130.E, modified]

i.a. Be elevated on a permanent foundation system such that the lowest floor is not less than two feet above the base flood elevation; [Source: 17.29B.130.E.1]

ii.b. Be securely anchored to a permanent foundation system designed to resist flotation, collapse or lateral movement, and installed in accordance to FEMA Publication 85 entitled "Manufactured Home Installation in Flood Hazard Areas"; and [Source: 17.29B.130.E.2]

iii.c. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the Ccounty Bbuilding Iinspector to be properly elevated. Such certification and verification shall be provided to the floodplain administratorPlanning Director. [Source: 17.29B.130.E.3, modified]

f.6. **Standards for Recreational Vehicles.** All recreational vehicles placed on sites within zones A1-30, AH, AE and A on the county's flood insurance rate FIRM map will shall either: [Source: 17.29B.130.F, modified]

i.a. Be on site for fewer than one hundred eighty180 consecutive days and be fully licensed and ready for highway use—a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or [Source: 17.29B.130.F.1]

ii.b. Meet the permit requirements of Article VISubsection G of this chapter Section and the elevation and anchoring requirements for manufactured homes in subsection FSubparagraph 3.e of this Section. [Source: 17.29B.130.F.2, modified]

g.7. **Floodplain Encroachments.** Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply: [Source: 17.29B.130.G]

i.a. **Areas without a Regulatory Floodway (Includes all flood zones):** All fill and other encroachments shall be certified by a registered professional

engineer or architect to not increase the base flood elevation more than ~~twelve~~ 12 inches. Such certification shall be provided to the ~~floodplain administrator~~Planning Director. [Source: 17.29B.130.G.1, modified]

~~ii.~~b. **Areas with a Regulatory Floodway:** Within an adopted regulatory floodway, the County of Trinity shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. [Source: 17.29B.130.G.2]

~~iii.~~c. If ~~subsections (G)(1) and (2)~~the above standards are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this Ssection. [Source: 17.29B.130.G.3, modified]

~~E.~~H. ~~ARTICLE IV. - STANDARDS FOR SUBDIVISIONS~~Standards for Subdivisions

1. **Standards for Ssubdivisions.** All new tentative subdivision proposals and other proposed large developments including proposals for manufactured home parks (no matter the acreage or number of lots) shall: [Source: 17.29B.140]

   a. Identify the special flood hazard areas (SFHA) and base flood elevations (BFE). [Source: 17.29B.140.A]

   b. If the site is filled above the base flood elevation, the lowest floor and final pad elevation shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the ~~floodplain administrator~~Planning Director. [Source: 17.29B.140.B]

   c. All subdivision proposals shall be consistent with the need to minimize flood damage. [Source: 17.29B.140.C]

   d. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage. [Source: 17.29B.140.D]

   e. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. [Source: 17.29B.140.E]

   f. The creation of new parcels, which have no building sites outside of the one hundred-year floodplain is prohibited, except for the creation of open space parcels. [Source: 17.29B.140.F]

~~F. ARTICLE V. - GENERAL PROVISIONS~~

~~1. Lands to which this chapter applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of Trinity County. [Source: 17.29B.150]~~

~~2. Compliance. All departments, officials, and public employees of the County of Trinity, which are vested with the duty or authority to issue permits or licenses, shall conform~~

to the provisions of this chapter and shall issue no such permits or licenses for uses, buildings, or purposes where the same would be in conflict with the provisions of this chapter, and any such permits or licenses, if issued in conflict with the provisions of this chapter, shall be null and void. [Source: 17.29B.170]

3. It shall be the duty of the building inspector to enforce the provisions of this chapter pertaining to the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure. It shall be the duty of all officers of the County of Trinity to enforce this chapter, and all the provisions of the same. [Source: 17.29B.170.A]

4. Any person, firm or corporation who violates any of the regulatory provisions of this chapter is guilty of an offense punishable as a misdemeanor or infraction. Any person convicted of a misdemeanor shall be punished by a fine of not more than five hundred dollars, or by imprisonment not to exceed six months in the county jail, or by both such fine and imprisonment. Any person convicted of an infraction shall be punished by a fine of not more than two hundred fifty dollars. Each person is guilty of a separate offense for each and every day during any portion of which any violation is committed, continued, or permitted, and shall be punished accordingly. [Source: 17.29B.170.B]

5. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved, or maintained, contrary to the provision of this chapter, and/or any use of any land, building or premises, established, conducted, operated, or maintained contrary to the provisions of this chapter, shall be declared to be unlawful and a public nuisance, and the district attorney of said county shall, upon order of the board of supervisors, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law, and shall take such other steps and shall apply to such court or courts, as may have jurisdiction, to grant such relief as will enjoin any person, firm, or corporation, from setting up, erecting, building, maintaining, or using any such building or structure or using any property contrary to the provisions of this chapter. [Source: 17.29B.170.C]

6. The remedies provided for herein shall be cumulative and not exclusive. [Source: 17.29B.170.D]

7. Abrogation and greater restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. [Source: 17.29B.180]

8. Interpretation. In the interpretation and application of this chapter, all provisions shall be: [Source: 17.29B.190]

   a. Considered as minimum requirements; [Source: 17.29B.190.A]

   b. Liberally construed in favor of the governing body; and [Source: 17.29B.190.B]

~~c. Deemed neither to limit or repeal any other powers granted under state statutes. [Source: 17.29B.190.C]~~

~~9. Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of Trinity County, any officer or employee thereof, the State of California, the Federal Insurance Administration, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. [Source: 17.29B.200]~~

~~10. Severability. This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any portion thereof, other than the sections so declared to be unconstitutional or invalid. [Source: 17.29B.210]~~

~~G.~~I. ~~ARTICLE VI. - ADMINISTRATION~~ Administration

1. ~~Requirement of a f~~**Floodplain Ddevelopment Ppermit.** A Ffloodplain Ddevelopment Ppermit shall be obtained before construction or development begins within ~~areas zoned FH or~~ the FHO zone, as established in ~~Articles II and III~~this Section. Application for a Ffloodplain Ddevelopment Ppermit shall be made on forms ~~furnished~~ provided by the ~~floodplain administrator~~Planning Director that ~~may require, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; the location of the foregoing, and other information specified by the floodplain administrator. Specifically, include~~ the following ~~information is required~~: [Source: 17.29B.220, modified]

   a. A site plan, including but not limited to: [Source: 17.29B.220.A]

      i. For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site; [Source: 17.29B.220.A.1]

      ii. Proposed locations of water supply, sanitary sewer, and utilities; [Source: 17.29B.220.A.2]

      iii. The base flood elevation from the flood insurance study and/or flood insurance rate map; and [Source: 17.29B.220.A.3]

      iv. If applicable, the location of the regulatory floodway. [Source: 17.29B.220.A.4]

   b. Foundation design detail, including but not limited to: [Source: 17.29B.220.B]

i. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; [Source: 17.29B.220.B.1]

ii. For a crawl-space foundation, location and total net area of foundation openings as required in Section 17.29B.130(C)(3) of this chapter and FEMA Technical Bulletins TB 1-93 and TB 7-93; and [Source: 17.29B.220.B.2]

iii. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five percent using the Standard Proctor Test method). [Source: 17.29B.220.B.3]

c. The proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in Section 17.29B.130(C)(2) of this chapter and FEMA Technical Bulletin TB 3-93. [Source: 17.29B.220.C]

d. All appropriate certifications listed in Section 17.29B.240(D) of this chapter. [Source: 17.29B.220.D]

e. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. [Source: 17.29B.220.E]

e.f. Any additional information or documentation as deemed necessary by the Planning Director. [Source: NEW]

2. Designation of the floodplain administrator. [Source: 17.29B.230]

a. The planning director is hereby appointed to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions. [Source: 17.29B.230]

b. A planning commissioner, county supervisor or the floodplain administrator, may at his or her discretion, refer the permit to the planning commission for a public hearing and approval. [Source: 17.29B.230]

3.2. Duties and responsibilities of the floodplain administratorReview of Projects in the FHO Zone. The duties and responsibilities of the floodplain administratorPlanning Director shall include, but not be limited to, the consider the following in the review of proposed projects in the FHO zone: [Source: 17.29B.240, modified]

a. Review all development permits to determine thatPermit Application Review: [Source: 17.29B.240.A, modified]

i. The permit requirements of this chapter Section have been satisfied. [Source: 17.29B.240.A.1, modified]

ii. All other required Sstate and Ffederal permits have been obtained. [Source: 17.29B.240.A.2, modified]

iii. The site is reasonably safe from flooding. [Source: 17.29B.240.A.3]

iv. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point within the County of Trinity. [Source: 17.29B.240.A.4]

v. All letters of map revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition. [Source: 17.29B.240.A.5]

vi. The proposed development does not limit the ability to flush sediment through the Trinity River by the use of controlled water releases from Lewiston Dam. [Source: 17.29B.240.A.6]

vii. The proposed development does not adversely impact fish or wildlife resources associated with riparian vegetation within an area of special flood hazards. [Source: 17.29B.240.A.7]

b. Review and use of ~~other~~ base flood data: [Source: 17.29B.240.B, modified]

i. When base flood elevation data has not been provided in accordance with Section 17.29B.160, the ~~floodplain administrator~~Planning Director shall obtain, review, and reasonably ~~utilize~~ use any base flood elevation and floodway data available from a Ff~~f~~ederal or Ss~~s~~tate agency, or other source, in order to ~~administer Article III~~issue a decision on the permit application. Any such information shall be submitted to the Bb~~b~~oard of Ss~~s~~upervisors for adoption; or [Source: 17.29B.240.B.1, modified]

ii. If no base flood elevation data is available from a Ff~~f~~ederal or Ss~~s~~tate agency or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas — A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995. [Source: 17.29B.240.B.2, modified]

c. Whenever a watercourse is to be altered or relocated: [Source: 17.29B.240.C]

i. Notify adjacent communities, the California Department of Fish and Game, the Army Corps of Engineers, the North Coast Regional Water Quality Control Board, and the California Department of Water Resources prior to such alteration or relocation of a watercourse; [Source: 17.29B.240.C.1]

ii. Submit evidence of such notification to the Federal Insurance Administration, and Federal Emergency Management Agency; and [Source: 17.29B.240.C.2]

iii. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. [Source: 17.29B.240.C.3]

d. Whenever the base flood elevation changes due to physical alterations: [Source: 17.29B.240.D]

i. Within six months of information becoming available or project completion, whichever comes first, the ~~floodplain administrator~~Planning Director shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR). [Source: 17.29B.240.D.1]

ii. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition. [Source: 17.29B.240.D.2]

e. Obtain and maintain for public inspection and make available as needed: [Source: 17.29B.240.E]

i. The certification required in Section 17.29B.130(C)(1), 17.29B.130(E)(3) (lowest floor). [Source: 17.29B.240.E.1]

ii. The certification required in Section 17.29B.130(C)(2)(c) (elevation, or flood proofing of nonresidential structures). [Source: 17.29B.240.E.2]

iii. The certification required in Section 17.29B.130(C)(3) (wet flood proofing standard). [Source: 17.29B.240.E.3]

iv. The certification required in Section 17.29B.090(A) and 17.29B.130(D) (floodplain/floodway encroachments) [Source: 17.29B.240.E.4]

v. The certification required in Section 17.29B.140(B) (subdivision standards). [Source: 17.29B.240.E.5]

vi. The certification required in Section 17.29B.070(A), (construction or replacement of bridges, culverts, roadways, bank slope protection devices and levees, and fisheries or wildlife habitat improvement projects). [Source: 17.29B.240.E.6]

f. Make interpretations, where needed, as to the location of the boundaries of the area of special flood hazards. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood

hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation ~~as provided in Article VII~~in compliance with Chapter (Appeals). [Source: 17.29B.240.F, modified]

g. Take action to remedy violations of this ~~chapter~~ Section as specified in Section 17.29B.170 herein. [Source: 17.29B.240.G, modified]

h. To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the ~~floodplain administrator~~Planning Director shall: [Source: 17.29B.240.H]

i. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher; [Source: 17.29B.240.H.1]

ii. Enter into a "Non-Conversion Agreement for Construction within Flood Hazard Areas" with Trinity County. The agreement shall be recorded with the Trinity County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the ~~floodplain administrator~~Planning Director and county counsel; and [Source: 17.29B.240.H.2]

iii. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least ~~seventy-two~~72 hours. [Source: 17.29B.240.H.3, modified]

4.3. **Environmental Rreview.** Floodplain Ddevelopment Ppermits issued pursuant to the provision of this ~~chapter~~ Section shall comply with the provisions of the California Environmental Quality Act as set forth in Title 18 of the Trinity County Municipal Code. [Source: 17.29B.250, modified]

~~H. ARTICLE VII. - VARIANCE PROCEDURES~~

~~1. Appeal board. [Source: 17.29B.260]~~

~~a. The pPlanning cCommission of Trinity County shall hear and decide appeals and requests for variances from the requirements of this chapter. Any person dissatisfied with a determination of the planning commission may appeal the matter to the board of supervisors. All appeals are subject to the administrative procedures set forth in the Trinity County Zoning OrdinanceCode. [Source: 17.29B.260.A]~~

~~b. The pPlanning cCommission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter. [Source: 17.29B.260.B]~~

~~c.~~4. **Findings and Considerations.** In ~~passing upon such~~ approving Floodplain Development Permit applications, the Planning Director, or decision-making authority

pPlanning cCommission and/or bBoard of sSupervisors shall consider all technical evaluations, all relevant factors and standards specified in other sections of this chapter, andof the following factors: [Source: 17.29B.260.C, modified]

i.a. The danger that materials may be swept onto other lands to the injury of others. [Source: 17.29B.260.C.1]

ii.b. The danger of life and property due to flooding or erosion damage. [Source: 17.29B.260.C.2]

iii.c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and future owners of that property. [Source: 17.29B.260.C.3]

iv.d. The importance of the services provided by the proposed facility to the community. [Source: 17.29B.260.C.4]

v.e. The necessity to the facility of a waterfront location where applicable. [Source: 17.29B.260.C.5]

vi.f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage. [Source: 17.29B.260.C.6]

vii.g. The compatibility of the proposed use with existing and anticipated development. [Source: 17.29B.260.C.7]

viii.h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area. [Source: 17.29B.260.C.8]

ix.i. The safety of access to the property in time of flood for ordinary and emergency vehicles. [Source: 17.29B.260.C.9]

x.j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site. [Source: 17.29B.260.C.10]

xi.k. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges. [Source: 17.29B.260.C.11]

xii.l. The impacts on fish and wildlife resources associated with floodplains. [Source: 17.29B.260.C.12]

d. Generally, variances may be issued for new construction and for substantial improvement to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsection (C)(1), through (C)(12), have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases. [Source: 17.29B.260.D]

e. Upon consideration of the factors of subsection C and the purposes of this chapter, the pPlanning cCommission and/or bBoard of sSupervisors may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. [Source: 17.29B.260.E]

f. The floodplain administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request. [Source: 17.29B.260.F]

2. Conditions for variance. [Source: 17.29B.270.

a. Variances may be issued for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or State Inventory of Historic Places, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. [Source: 17.29B.270.A]

b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result. [Source: 17.29B.270.B]

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief. [Source: 17.29B.270.C

d. Variances shall only be issued upon: [Source: 17.29B.270.D]

i. A showing of good and sufficient cause. [Source: 17.29B.270.D.1]

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant. [Source: 17.29B.270.D.2]

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, or create nuisances, cause fraud on, or victimization of the public, or conflict with existing local laws or ordinances. [Source: 17.29B.270.D.3]

e. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provision of subsection A through D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. [Source: 17.29B.270.E]

f. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the floodplain administrator in the office of

~~the Trinity County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land. [Source: 17.29B.270.F]~~

~~17.45.070~~17.45.080 Scenic Conservation Overlay Zone (-SCO)

A. ~~General description~~**Purpose.** The purpose of the Scenic Conservation Overlay (-SCO) Zone is t~~T~~o identify and preserve ~~the~~ areas of unusual scenic qualities which are unique to Trinity County and to provide the necessary degree of control on the placement of structures, development of roads, and vegetative management within those areas. [Source: 17.25.010, modified]

B. **Applicability** ~~of overlay zone~~.

~~1. The "SC" appearing after a zone abbreviation on the sectional district maps indicates that the property so classified is subject to the provisions of this section in addition to those of the underlying zone. [Source: 17.25.020.A]~~

~~2.~~1. Application of the ~~"~~-SCO~~"~~ overlay zone shall be based upon, but not limited to, the following: [Source: 17.25.020.B, modified]

a. The areas lying within the ~~one hundred~~100-year flood plain of the streams and reservoirs designated as public waterways in the Ccounty Ssubdivision Oordinance. [Source: 17.25.020.B.1, modified]

b. The areas lying adjacent to and within ~~fifty~~ 50 feet~~'~~ of public roads and highways designated as scenic highways in the General Plan or otherwise approved by the Bboard of Ssupervisors. [Source: 17.25.020.B.2, modified]

c. ~~Other such s~~Streams designated in the Ggeneral Pplan as scenic waterways. [Source: 17.25.020.B.3, modified]

d. Any other areas deemed by the Board of Supervisors as having unique scenic character. [Source: NEW]

2. Zoning Map. Parcels approved for inclusion in the Scenic Conservation Overlay Zone shall be zoned as -SCO in the Zoning Map, which shall be applied in addition to the underlying base zone. [Source: 17.25.020.A, modified]

~~c.~~

C. ~~**Permitted**~~**Allowed Uuses.** All uses ~~permitted~~ allowed in the underlying zone shall be ~~permitted~~ allowed within the ~~"~~-SCO~~"~~ overlay zone with the same permit requirements.~~,~~ provided~~, however,~~ a ~~planning~~ Ddirector Uuse Ppermit ~~shall be required~~ is obtained for ~~those~~ any ~~activities or developments~~uses or structures ~~indicated~~ identified in Subs~~S~~ection ~~17.25.040~~D. A Director's Use Permit is only required~~, and within~~for ~~only that~~ the portion of the parcel that is within the ~~overlay "~~-SCO~~"~~ overlay zone. [Source: 17.25.030, modified]

D. **Scope of Rreview.** The scope of the Pplanning Ddirector's review ~~on use permits~~ required by this Ssection shall be limited to: [Source: 17.25.040, modified]

1. The location of buildings; [Source: 17.25.040.A]

2. The development of private and public roads or driveways; [Source: 17.25.040.B]

3. The construction of d~~D~~ecks, boat landings, wells, or similar improvements accessory to the structures; [Source: 17.25.040.C, modified]

4. The removal of vegetation, except as allowed under Subsection. [Source: 17.25.040.D, modified]

E. **Exceptions.** A Director's Use Permit is not required in the following cases:

1. Where such a review was provided as part of a Timber Harvest Plan or environmental document prepared pursuant to the California Environmental Quality Act or National Environmental Protection Act. [Source: 17.25.050, modified]

2. The removal of bushes and trees under 20 feet tall, provided such vegetative management does not involve the use of machinery, except for chain saws and other similar hand tools. [Source: 17.25.040.D, modified]

~~17.45.080~~17.45.090 Recreation Development ~~District~~Overlay Zone (-RDO)

~~A. Subject to the provisions of Chapter 17.30, none but the following uses, or uses, which in the opinion of the planning commission are similar, will be allowed (see Section 17.30.010). [Source: 17.26.005]~~

A. **Purpose.** The purpose of the ~~following regulations~~ Recreation Development Overlay Zone (-RDO) is to establish development standards and ~~to~~ allowable uses in the Trinity Unit of the Whiskeytown-Shasta-Trinity National Recreation Area ~~which will~~that: ~~(1) be~~ [Source: 17.26.008, modified]

1. Are compatible with public and private recreation and enjoyment and the conservation of natural resources and scientific, historic, scenic and other values; [Source: 17.26.008]

2. ~~(2)~~ Pprovide immunity from acquisition by the Department of Agriculture of all "improved property" as defined by Title 36, Code of Federal Regulations, Chapter II, Part 251; and [Source: 17.26.008]

~~B.~~3. ~~(3) a~~Allow property owners within the recreation area to take advantage of the certification procedures established by Section 251.40, 251.41, and 251.42 of the above code. [Source: 17.26.008]

B. **Applicability.** The -RDO~~R-D-~~1 overlay zone applies to all parcels within the Trinity Unit of the Whiskeytown-Shasta-Trinity National Recreation Area and surrounding areas as identified by the Board of Supervisors. The standards established in this Section shall apply to all parcels in the -RDO~~R-D-1~~ zone in addition to the underlying base zone. Where standards established in this Section conflict with the standards of the underlying base zone, the standards of this Section shall prevail. [Source: NEW]

C. **Land Use Regulations.** The following land use regulations and permit requirements shall apply to any parcel within the -RDO~~-D-1~~ overlay zone in addition to the land use regulations of the underlying base zone. Uses not listed in this subsection are prohibited in the -RDO~~-D-1~~ zone, regardless of the allowed uses in the underlying base zone.

C.1. **Allowed Uses Permitted.** The following uses shall be allowed in the RDOR D-1 zone without a use permit, provided they are allowed in the underlying base zone:

1.a. Single-family dwellings subject to complyingin compliance with other requirements of this Ttitle. [Source: 17.26.010.A, modified]

2.b. Accessory buildings and uses such as garages, carports, woodsheds, boat houses and buildings of a similar nature but not including tent or trailer or rooming and boarding of not over two persons. [Source: 17.26.010.B]

3.c. Utilities as necessary to make possible the exercise of any use otherwise permitted. [Source: 17.26.010.C]

4.d. Timber management and tree harvesting by individual selection and the utilization use of other renewable resources. [Source: 17.26.010.D]

D.2. **Use Permit Required.** The following uUses are permitted allowed subject to first securingwith the approval of a Director's Uuse Ppermit in each case, provided the use is allowed in the underlying base zone: [Source: 17.26.020, modified]

a. **Recreational Uses.** The following recreational uses are allowed, regardless of the underlying base zone:

i. Motels, hotelsHotels/motels,

ii. resortsSpecial event facilities

iii. , Mmobile home court:s, and

1.iv. Campgrounds (tent-only and improved, to accommodate recreationists. [Source: 17.26.020.A, modified]

b. **Commercial Uses.** The following commercial uses are allowed, provided the underlying base zone is a commercial or mixed-use zone as established in Chapter 17.25 (Commercial and Mixed-Use Zones):Commercial uses when basic zoning is "C" district, but limited to

i. Groceryfood stores

ii. , Rrestaurants (with or without drive thru),

iii. Auto or marine fueling and repair/service stationsservice stations, automotive or marine maintenance facilities, or service and other comparable business.

2.iv. Service uses and Other similar commercial uses, at the discretion of the Planning Director, provided that they are part of or serving a resort or, hotel/motel, or other recreational use. [Source: 17.26.020.B, modified]

c. **Industrial Uuses.** Any industrial use as defined in Chapter (Industrial and Manufacturing Land Use Definitions) are allowed, provided the underlying when basic base zoneing is an "I" district industrial zone as established in Chapter 17.30 (Industrial Zones) and the uses comply with the following:

i. ~~when there is~~is the proposed use does not ~~not~~ produce any waste by-products that ~~has~~ have any values. [Source: 17.26.020.C, modified]

ii. The proposed use will not have any adverse impact of the recreation and aesthetic value of the surrounding area, ~~Industrial uses which have an adverse impact~~ including, but are not limited to cement production, gravel extraction operations involving more than one-fourth acre of surface, smelters, sand, gravel, and aggregate processing plants, fabricating plants, pulp mills, and commercial livestock feeder yards. [Source: 17.26.020.C, modified]

~~3.~~iii. Exceptions. ~~Provided however, d~~Development of valid, existing mining claims and mineral interests shall be allowed, subject to conditions necessary to lessen the adverse effects of the mining operations on recreation and aesthetic values of the area. [Source: 17.26.020.C, modified]

~~4.~~d. Public utility uses and structures not covered above. [Source: 17.26.020.D]

~~5. Signs. [Source: 17.26.020.E]~~

~~a. Maximum size one square foot for residential uses. [Source: 17.26.020.E.1]~~

~~b. Maximum size forty square feet in area, eight feet in length and fifteen (feet maximum height from ground for any other use, including advertisement of the sale of rental of property; signs not to be illuminated by any neon or flashing device. Commercial signs to be placed only on property on which advertising use occurs, or on the property which is advertised for sale or rental. Signs to be subdued in appearance, harmonizing in design and color with the surroundings and shall not be attached to any tree or shrub. [Source: 17.26.020.E.2]~~

~~6.~~e. ~~Recreation livestock use~~Animal husbandry, stables, and grazing associated with a recreational use. [Source: 17.26.020.F, modified]

~~E.~~D. ~~Recreation Development Districts or R-D-1 **District**~~**Development Standards.** The following development standards shall apply to parcels within the ~~-~~RDO~~-D-1~~ zone in addition to the development standards of the underlying base zone.

1. Minimum ~~building site required on all **lots**~~**Parcel Size.**

a. Residential uses: one-half acre [Source: 17.26.030, modified]

b. ~~;~~ C~~c~~ommercial uses: one acre [Source: 17.26.030, modified]

~~1.~~c. ~~;~~ l~~i~~ndustrial uses: three acres. [Source: 17.26.030, modified]

2. **Minimum L~~l~~ot W~~w~~idth** ~~required. Corner and interior :~~ one hundred fifty 150 feet ~~average lot width.~~ [Source: 17.26.040, modified]

3. **Lot C~~c~~overage:**~~.~~ ~~No requirement.~~None [Source: 17.26.050, modified]

4. **Maximum ~~allowable~~ Hheight:**. ~~Two stories but not to exceed forty~~ 40 feet. [Source: 17.26.060, modified]

5. **Setbacks**.

~~5.~~a. **Minimum Ffront ~~yard required~~Setback.** The front setback shall be a minimum of ~~One hundred fifty~~ 150 feet from the center line of any public road including overhead public utility lines, except within a subdivision or commercial area, then the minimum front setback shall be ~~twenty~~ 20 feet. [Source: 17.26.070, modified]

~~6.~~b. **Minimum Sside ~~yards required~~Setback.** ~~Ten~~ 10 feet. [Source: 17.26.080, modified]

~~7.~~c. **Minimum Rrear ~~yards required~~Setback.** ~~Twenty~~ 20 feet. [Source: 17.26.090, modified]

~~F. Recreation Development Districts or R-D-1 District.~~

~~1. General requirements.~~

~~a.~~d. **High-Water Line Setbacks.** No structures, including utility lines, shall be located closer than ~~three hundred~~300 feet from the high~~-~~water line of any reservoir other than structures to service boating or swimming, provided that for allowable commercial uses the front setback shall be a minimum of ~~fifty~~ 50 feet from the center line of any public road. [Source: 17.26.100, modified]

~~b.~~E. **Application and Permit Requirements.** In addition to any other requirements set out in Chapter 17.30, the review authority ~~planning commission~~ shall require the following as part of permit application: [Source: 17.26.100.A, modified]

~~i.~~1. Posting of adequate security to ~~insure~~ensure compliance with conditions of approval. [Source: 17.26.100.A.1, modified]

~~ii.~~2. Landscaping, screening from roads. [Source: 17.26.100.A.2]

~~iii.~~3. Architectural and landscaping approval. [Source: 17.26.100.A.3]

~~iv.~~4. Approval of building materials. [Source: 17.26.100.A.4]

~~v.~~5. Approval of site plans, color of exterior (all colors to be neutral, all roofing non-glare). [Source: 17.26.100.A.5]

~~vi.~~6. Restriction on earth work, or disturbance of streams, vegetation, trees, or other natural material, removal or disposal of slash. [Source: 17.26.100.A.6]

~~vii.~~7. Any other condition necessary to protect the beauty of the area. [Source: 17.26.100.A.7]

~~viii.~~8. Location of single-family development to be buffered by distance, topography or forest cover from existing or planned public use areas. [Source: 17.26.100.A.8]

~~c. Non-conforming uses, structures, signs and lots: [Source: 17.26.100.B]~~

~~i. Non-conforming signs may be maintained for two years after the effective date of this title. [Source: 17.26.100.B.1]~~

~~ii. Non-conforming commercial or industrial uses must be discontinued within ten years after effective date of this title, which period may be extended by the board of supervisors for a period sufficient to allow the owner to amortize any investment made prior to November 8, 1965. [Source: 17.26.100.B.2]~~

~~iii. Non-Conforming Structures. Any structure that is nonconforming due to height, location, coverage and setbacks must be discontinued within ten years after effective date of this title, which period may be extended by the board of supervisors for a period sufficient to allow the owner to amortize any investment made prior to November 8, 1965. [Source: 17.26.100.B.3]~~

~~iv. Any building site of less than the required area that was in single ownership on or before September 16, 1967, may be used as a building site. [Source: 17.26.100.B.4]~~

~~d.~~ **Variances and Amendments.** Any proposed Variance or Amendment to the land use or development standards within the ~~-RDOR-D-1~~ zone, in compliance with Chapters __ (Amendments) and __ (Variances) shall be ~~[Source: 17.26.100.C]~~

~~i. Variances may be granted subject to the provisions of Chapter 17.31 and subject to: [Source: 17.26.100.C.1]~~

~~(1) Submission to, and approval of the Secretary of Agriculture to assure that any variance granted conforms to the applicable standards Part 251.42.~~

F. ~~Any amendment to the ordinance or rezoning shall be~~ submitted to and approved by the Secretary of Agriculture to assure that such amendment conforms to the applicable standards Part 251.42. [Source: 17.26.100.C, modified~~.2~~]

17 – Zoning Code

Part 2 – Zones, Land Uses, and Standards

ADMINISTRATIVE DRAFT

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Chapter 17.15

Agriculture and Resource Zones

Chapter 17.15 Agriculture and Resource Zones

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17.15.010 Purpose and Intent of Agriculture and Resource Zones

A. Purpose. The purpose of this Chapter is to describe each of the County's agricultural and resource zones, identify allowed land uses and permit requirements, establish development standards, and identify any supplemental land use regulations applicable to agricultural and resource zones. [Source: NEW]

B. Intent. The intent of this Chapter is to provide for areas in the County that can accommodate a wide range of agriculture, agriculture-related, natural resources, and wildlife and habitat conservation uses. [Source: NEW]

C. Summary of Agriculture and Resources Zones. The specific purpose of each of the four agriculture and resource zones is as follows: [Source: NEW]

1. **Agriculture Zone (A).** The purpose of the Agriculture zone is to provide for areas in the County that accommodate agriculture and agriculture-related uses, such as animal husbandry and horticulture. The A zone implements the Agriculture (A) General Plan land use designation. [Source: NEW]

2. **Agricultural Preserve Zone (AP).** The Agricultural Preserve zone is intended for agricultural lands in the county that are at least 100 acres and qualify for inclusion under the California Land Conservation Act (California Government Code, Section 51200 et seq.). The purpose of the AP zone is to preserve and ensure the continued use of lands for agricultural production purposes. To obtain the benefits of the AP zone, the property owner must enter into a contract with the County. Failure to comply with the conditions of the contract will result in cancellation of the AP zoning designation and its benefits as well as tax penalties. The AP zone implements the Agriculture (A) General Plan land use designation. [Source: 17.13A.010, modified]

3. **Agriculture-Forest Zone (AF).** The purpose of the Agriculture-Forest zone is to identify and set development standards for lands suitable for forestry management, but which are not zoned Timberland Production Zone. The AF zone implements the Resource Land (RE) General Plan land use designation. [Source: 17.14.010, modified]

4. **Open Space Zone (OS).** The Open Space zone is intended to protect significant or critical wildlife habitat areas or areas which should not be developed due to public health and safety reasons. The OS zone implements the Open Space (OS) General Plan land use designation. [Source: 17.25A.010, modified]

5. **Recreation Development Zone (RD1).** The purpose of the Recreation Development zone is to establish development standards and to allow uses in the Trinity Unit of the Whiskeytown-Shasta-Trinity National Recreation Area which will:

   a. Be compatible with public and private recreation and enjoyment and the conservation of natural resources and scientific, historic, scenic and other values;

   b. Provide immunity from acquisition by the Department of Agriculture of all "improved property" as defined by Title 36, Code of Federal Regulations, Chapter II, Part 251; and

   c. Allow property owners within the recreation area to take advantage of the certification procedures established by Section 251.40, 251.41, and 251.42 of the above code. [Source: 17.26.008, modified]

6. **Timberland Production Zone (TPZ)**. The purpose of the Timberland Production Zone is to provide for timberland zoning and restrictions for a minimum of a 10-year period. Such zoning allows land to be valued for property tax purposes on the basis of its use for growing and harvesting timber and compatible uses. The TPZ zone implements the Resource Land (RE) General Plan land use designation [Source: 17.14A.010, modified]

17.15.020 Land Use Regulations for Agriculture and Resource Zones

A. **Allowed Uses and Permit Requirements.** Table 17.15-1 (Allowed Uses and Permit Requirements for Agricultural and Resource Zones) identifies the uses allowed within each agricultural and resource zones and any permits required to establish the use, in compliance with Part 5 (Permit Processing). [Source: 17.13.005, modified]

B. **Accessory Uses and Structures.** Accessory uses and structures in agricultural and resource zones shall be allowed in compliance with Chapter 17.75__ (Accessory Uses and Structures) in Part 4 of this Title. [Source: NEW]

C. **Additional Regulations.** Where the last column of Table 17.15-1 (Allowed Uses and Permit Requirements for Agricultural and Resource Zones) includes a chapter or section number, the regulations in the referenced chapter or section shall apply to the use. Provisions in other sections of this Title or adopted Community Plans may also apply. [Source: NEW]

D. **Definitions.** See Part 7 (Definitions) for detailed definitions of land use types. [Source: NEW]

E. **Uses Not Listed.** Uses not specifically listed in Table 17.15-1 (Allowed Uses and Permit Requirements for Agricultural and Resource Zones) are prohibited, unless otherwise determined by the Planning Director as an appropriate use for the identified zone. It is the discretion of the Planning Director to determine what type of permit shall be required for any use not listed. [Source: NEW]

F. **Zoning Clearance and Building Permit Required.** Each land use specified in Table __ (Allowed Uses and Permit Requirements for Agricultural and Resource Zones) allowed by-right, as indicated with a "P' permit requirement shall require the issuance of a Zoning Clearance in compliance with Chapter 17.135 (Zoning Clearance) before any use is established. If the establishment of a by-right use includes construction activities (e.g., additions, alternations, new construction, reconstruction, remodeling), the issuance of a Building Permit shall also be required. [Source: NEW]

G. **Timberland Conversion.** Where the cutting or removal of trees is proposed, a harvest document issued by CalFire may be required in addition to the permit requirements established in this Chapter. See Chapter __ (Timberland Conversion) for details about CalFire timberland conversion requirements. [Source: 17.14.110, modified]

Table 17.15-1: Allowed Uses and Permit Requirements for Agricultural and Resource Zones

Land Use	Key: P = Permitted by-right; D = Director's Use Permit; C = Conditional Use Permit; TUP = Temporary Use Permit; - = Not Permitted					Additional Regulations
	Zone					
	A	AP	AF	OS	TPZ	
Agricultural and Resource Uses						
Agricultural packing and processing plant	~~UP~~	P	Section	-	-	
Agritourism	P/D	P/D	-	-	-	17.95.030
Chicken, turkey, or hog ranch	~~UP~~	P	Section	-	-	17.95.040
Dairy	P	P	-			17.95.040
Animal husbandry	P	P	Section	-	-	17.95.040
Animal sales yard	~~UD~~	D	Section	-	-	
Apiary	P	P	Section	-	-	17.95.040
Cattle feed yard	~~UD~~	~~UD~~	Section	-	-	
Farm stand	P	P	P	-	-	
Firewood, storage and processing	P	P	P	D	P	
Forestry	P	P	P	P	P	
Grazing	P	P	P	P	P	
Habitat conservation and improvement	P	P	P	P	P	
Nursery/greenhouse, plant production	P	P	~~C~~D*	C	P	17.95.020
Poultry farm	P	P	Section			
Row and field crops, perennial	P	P	Section	-	D	17.95.020
Row and field crops, seasonal/rotating	P	P	Section	-	D	17.95.020
Stable, public	D	D	Section	-	C	
Watershed management activities	-	-	P	P	P	
Cannabis-Related Uses						
Cultivation, small	D	D	D	-	Section	Chapter 17.85
Cultivation, medium	C	C	C	-	Section	Chapter 17.85
Distribution	C	C	-	-	-	Chapter 17.85
Manufacturing (Type 6, N, P)	D/C	D/C	D/C	-	-	Chapter 17.85
Manufacturing (Type 7)						
Microbusiness	D/C	D/C	D/C	-	-	Chapter 17.85

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	A	AP	AF	OS	TPZ	
Nursery	C	C	-	-	-	Chapter 17.85
Processing facility	C	C	C	-	-	Chapter 17.85
Retail, non-storefront	D	D	D	-	-	Chapter 17.85
Retail, storefront	C	-	-	-	-	Chapter 17.85
Testing facility	-	-	-	-	-	Chapter 17.85
Residential Uses						
Accessory dwelling unit	Chapter 17.80					
Accessory dwelling unit, junior	Chapter 17.80					
Caretaker unit	~~U~~ D	~~C~~ D	~~C~~ D	~~C~~ D	~~U~~ D	17.95.070
Dwelling, single-family	P	P	P	-	~~U~~ D	
Emergency shelter	P	P	P	-	D	17.95.080
Family daycare home	P	P	P	-	P	
Farmworker/employee housing, small	P	P	P	-	D	17.95.090
Farmworker/employee housing, large	P	~~U~~ P	P	P	P	17.95.090
Mobile home/manufactured home	P	P	P	-	D	17.95.160
Mobile tiny home	P	P	P	-	D	17.95.170
Residential care facility (less than 7 persons)	P	P	P	-	D	17.95.200
Residential care facility (7+ persons)	P	P	P	-		17.95.200
Supportive housing	P	P	P	-	D	17.95.240
Temporary Worker Housing	D	D	D	-	D	
Transitional housing	P	P	P	-	D	17.95.240
Commercial Uses						
Animal hospital	~~U~~C	~~U~~C	-	-	-	
Brewery, distillery, or winery	C	C	C	-	-	
Equipment sales and rental facility	C	-	-	-	-	
Cemetery	C	-	-	-	-	
Home enterprise	P	P	P	-	-	17.95.140
Home occupation	P	P	P	-		17.95.130

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	A	AP	AF	OS	TPZ	
Hospital	C	-	-	-	-	
Kennel, breeding or boarding	~~U~~D	~~U~~D	-	-	-	17.95.110
Laundromat, connected to community water & sewer system	D	D	D	-	-	
Retail sales, nursery	~~U~~ D	~~U~~ D	-	-	-	
Industrial and Manufacturing Uses						
Contractor yard	-	-	C	-	D	
Energy generating facility, commercial	C*	~~U~~C	-	-	-	
Industrial, major	C*	-	C*	-		
Industrial, minor	D*	-	C*	-	-	
Lumber yard	C*	-	C*	-	~~U~~C	
Mining	~~U~~C	~~U~~C	C*	~~U~~C	~~U~~C	Chapter 17.100
Sawmill	-	-	~~C~~ D	D	~~U~~ D	
Slaughterhouse	D	~~U~~C	-	-	-	
Storage, outdoor	~~U~~ D	~~U~~ D	~~U~~ D	-	-	
Wholesale, distributer	C	-	-	-	-	
Wholesale, sales	C	-	-	-	-	
Recreation, Entertainment, and Public Assembly Uses						
Bed and breakfast	C	C	C	-	-	17.95.050
Campground, tent only	~~U~~D	~~U~~D	~~C~~ D	~~U~~ D	~~U~~ D	17.95.060
Campground, improved	~~U~~C	-	~~C~~ D	-	~~U~~ D	17.95.060
Commercial recreation and entertainment, indoor	C	C	C	-		
Commercial recreation and entertainment, outdoor	C	C	C	C	-	
Low-intensity recreational use	~~U~~ P	~~U~~ D	P	~~U~~ D		
Park/playground	P	P	-	P		
Place of Assembly	~~U~~D	~~U~~D	-	-		
Recreational vehicle park	D	D	C	-	~~U~~ D	

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	A	AP	AF	OS	TPZ	
Special Event Facility	D	D	C	-	-	17.95.220
Public and Quasi-Public Uses						
Airport, heliport, landing strip, public/private	~~U~~C	~~U~~C	-	-	-	
Animal shelter	~~U~~C	~~U~~C	-	-	-	
Community garden	P	P	P	D	-	
Public or governmental facility	~~U~~P	P	P	-	-	
Public utilities	~~U~~P	P	P	-	-	
School, private	~~U~~C	C	-	-	-	
Telecommunication facility	D	D	D	D	C	17.95.030
Temporary Uses						
Temporary Use	TUP	TUP	TUP	TUP	TUP	Chapter 17.105
Accessory Uses and Structures						
Accessory Use	P/D	P/D	P/D	P/D	P/D	Chapter 17.75

17.15.030 Additional Land Use Regulations

A. **Uses Adjacent to Residential Properties.** When any of the following uses are to be established within 200 feet of any residential use or residentially zoned parcel a Conditional Use Permit shall be required in compliance with Chapter 17.145 (Conditional Use Permit): [Source: 17.30.020.A, modified]

1. Any establishment where liquor is served, [Source: 17.30.020.A, modified]
2. Any commercial establishment of amusement or recreation, or [Source: 17.30.020.A, modified]
3. Any establishment where entertainers are provided. [Source: 17.30.020.A, modified]

B. **Registered Professional Forester (RFP) Determination.** The following uses shall require a RPF to find that the use will not negatively detract from the ability to grow and harvest timber and timber products before the applicable permit as established in Table 17.15-1 (Land Use Regulations for Agriculture and Resource Zones) may be issued or approved. The RPF shall provide all supporting documentation to the Community Development Department. The RPF's report will be considered by the decision making body when determining if the proposed use is compatible with timber growing and harvesting. [Source: 17.14.025, modified]

1. Agricultural Uses. Agricultural uses are allowed in the AF zone as follows:

   a. Allowed By-Right. Agricultural uses are allowed on Site Class IV or V timberland (Dunnings scale), as determined by a RPF, without a use permit. [Source: 17.14.020.A, modified]

   b. Conditional Use Permit. Agricultural uses are allowed on Site Class I, II or III timberland (Dunning scale) as determined by a RPF, with the approval of a Conditional Use Permit when located in a manner to minimize conflicts with timber management activities on the remainder of the site and not interfere with future logging operations (e.g., location on an established log landing would be discouraged). [Source: 17.14.025, modified]

   c. The RPF determination shall not be required for parcels 40 acres or less in size. [Source: 17.14.025, modified]

2. **Accessory Structures.** Accessory structures allowed in the AF zone in compliance with Chapter 17.75 (Accessory Uses and Structures) shall be located in close proximity to the main dwelling to minimize conflicts with timber management activities on the remainder of the site. [Source: 17.14.025, modified]

C. Cemeteries. Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: NEW]

17.15.040 Development Standards for Agriculture and Resource Zones

A. **Purpose of Development Standards.** The purpose of Table 17.15-2 (Development Standards for Agricultural and Resource Zones) is to clearly establish the basic site and structure regulations that apply to all development in each of the agricultural and resource zones. The table also identifies when and where additional site and structure standards apply to agricultural and resource zones, such as off-street parking, landscaping, signs, fences and walls, and performance standards. [Source: NEW]

B. **Additional Development Standards.** The "Additional Development Standards" row of Table 17.15-2 (Development Standards for Agricultural and Resource Zones) will include a chapter or section number when additional regulations located in another portion of this Title apply to the zone and are required for permit approval. [Source: NEW]

C. **Density and Floor Area Ratio.** Maximum density and floor area ratio (FAR) standards shall be consistent with the General Plan or applicable Community Plan or Specific Plan. See Table 17.10-1 (Zones Implementing the General Plan) in Chapter 17.10 (Zones and Zoning Map) of this Title. General Plan land use designations and corresponding density and FAR standards for each zone. [Source: NEW]

Table 17.15-2: Development Standards for Agricultural and Resource Zones

Development Standard	Zone				
	A	AP	AF	OS	TPZ

Minimum Parcel Size	10 acre	40 acres	40 acres	5 acres	160 acres
Minimum Lot Width	100 ft	-	-	120 ft	400 ft
Maximum lot coverage	10%	10%	10%	10%	10%
Maximum height	~~40 ft~~ 35 ft	~~40 ft~~ 35 ft	~~40 ft~~35 ft	35 ft	35 ft
Front setback (min.)	20 ft	20 ft	20 ft/100 ft	20 ft	50 ft
Side setback (min.)	20 ft	20 ft	20 ft/100 ft	21 ft	50 ft
Rear setback (min.)	20 ft	20 ft	20 ft/100 ft	22 ft	50 ft
Additional Development Standards	17.15.050.A	17.15.050.A 17.15.050.B	17.15.050.A 17.15.050.C	17.15.050.A	17.15.050.A 17.15.050.E
Additional Requirements					
Fences and Walls	Chapter 17.45				
Landscaping	Chapter 17.50				
Performance Standards	Section 17.40.050				
Parking and Loading Space Requirements	Chapter 17.55				
Sign Standards	Chapter 17.60				
Solid Waste and Recycling Standards	Chapter 17.65				

17.15.050 Additional Development Standards

A. **Additional Height.** Additional height may be approved upon obtaining a Director's Use Permit if the site is located within a Fire District that has the appropriate equipment to respond to structure fires for structures over 35 feet. [Source: NEW]

B. **Minimum Parcel Area for Agricultural Preserves.** Minimum Parcel Area. The minimum acreage to be considered for AP zoning shall be 100 contiguous acres across one or more parcels. Each parcel shall comply with the parcel size standards established in Table 17.15-2 (Development Standards for Agricultural and Resource Zones). [Source: 17.13A.050, modified]

C. **Agriculture-Forest Zone (AF).**

1. **Minimum Parcel Area.** The minimum parcel area shall be 10 acres for Site Class IV or V timberland; and 40 acres for Site Class I, II or III timberland (Dunning scale). [Source: 17.14.050, modified]

2. **Setbacks.** The front, side, and rear setbacks shall have a minimum depth of 100 feet, if the property line abuts lands zoned Timberland Production Zone. [Source: 17.14.070; 17.14.080; 17.14.090, modified]

3. **Setback from Surface Water Bodies.** Setbacks shall either comply with water body setbacks established in the California Forest Practice Rules, or be at least 200 feet from any water body, . [Source: 17.14.100, modified]

D. **Timberland Production Zone.**

1. **Reduced Parcel Size Requirement.** The minimum parcel size requirement may, at the discretion of the Planning Commission or Board of Supervisors, be reduced when necessary to resolve adjacent land use conflicts through lot line adjustment. [Source: 17.14A.040, modified]

2. **Additional Setbacks.**

   a. All yard setbacks shall be a minimum of 50 feet, except that 100 feet shall be maintained from other TPZ or federally managed lands. [Source: 17.14A.060, modified]

   b. Structures shall not be located on landings, roads, or storage areas as shown on the Timber Management Plan, or Timber Harvest Plan. The placement of the proposed structure shall be reviewed related to compatibility with the growing and harvesting of timber by the Planning Director after consultation with the State Department of Forestry. [Source: 17.14A.080, modified]

3. A Timber Management Plan shall be prepared for all parcels to be rezoned to TPZ pursuant to Section 51113 of the Government Code. The rezone application shall meet the requirements of Section 51113 as it now reads or may hereafter be amended, and shall meet the following requirements: [Source: 17.14A.050, modified]

   a. **Minimum Parcel Size.** The minimum parcel size for entry into TPZ for lots legally created prior to March 1, 1988 shall be no less than 40 acres for Site I-III timberlands and 160 acres for Site IV and V lands. In the event a parcel consists of a mix of Site I-III and IV-V, the parcel shall be eligible if 50 percent of the area is Site III or better timberland, but at no time shall parcels, which contain less than 40 acres of Site I-III timberland, be eligible. The minimum parcel size for entry into TPZ for parcels created after March 1, 1988 shall be no less than 160 acres, or a quarter of a section. [Source: 17.14A.050, modified]

   b. **Timber Management Plan.** A timber management plan for the property must be prepared, or the content approved, by a registered professional forester. Such plan shall provide for the eventual harvest of timber, as determined by the preparer of the plan; specific information that must be included in the plan is as follows: [Source: 17.14A.050, modified]

      i. A map shall be prepared showing the legal description or the assessor's parcel number of the property desired to be zoned. [Source: 17.14A.050]

      ii. Topographic map(s) (scale four inches — one mile) which includes: [Source: 17.14A.050]

         (1) Existing and proposed roads (public and private) [Source: 17.14A.050]

         (2) Watercourses, lakes, ponds, domestic water systems, etc. [Source: 17.14A.050]

(3) Site classification (minimum area breakout-ten acres). The State of California's Board of Equalization's Instructions For Timberland Site Grading adopted July 26, 1976, shall be utilized for site determinations. [Source: 17.14A.050]

(4) Timber/vegetation classification and age distribution. [Source: 17.14A.050]

(5) Under stocked areas as defined in current forest practice rules. [Source: 17.14A.050]

(6) Location of all existing and proposed permanent structures. [Source: 17.14A.050]

iii. Management and silviculture objectives.

(1) History of management and existing volume, acreage and age. [Source: 17.14A.050]

(2) Future silviculture, inventory, stand improvement, harvesting operations planned (including cutting and thinning cycles, volumes and rotation ages), subdivisions and lot line adjustments. [Source: 17.14A.050]

iv. Stocking.

(1) Average stocking within each sub-area [Source: 17.14A.050]

(2) Under stocked areas may be included in the TPZ district under the provisions of Section 51113 of the Government Code. (See "3" below). [Source: 17.14A.050]

v. Forest insects and disease protection practices. [Source: 17.14A.050]

c. The parcel shall currently meet the timber stocking standards as set forth in Section 4561 by the Public Resources Code and the forest practice rules adopted by the State Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the Board of Supervisors to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. Failure to meet such stocking standards and forest practice rules within this time period provides the board with a ground for rezoning of the parcel pursuant to Section 51121 of the Government Code. [Source: 17.14A.050]

17.15.060 Lands Subject to the Land Conservation Act

A. **General Provisions.** In compliance with California Government Code Sections 51200 through 51207, also known as the California Land Conservation Act of 1965 or the Williamson Act, landowners may enter into a “land conservation contract” with the County to voluntarily restrict development on agricultural and open space lands in exchange for reduced property tax assessments. [Source: Source: 17.13A.100, modified]

B. **Eligibility.** To be eligible for a land conservation contract under this Section, parcels shall:

1. Be zoned as Agricultural Preserve (AP)

2. Comply with all requirements and standards established in this Section and California Government Code Sections 51200 through 51207. [Source: 17.13A.100, modified]

C. **Criteria for Inclusion.** The following criteria must be met for consideration of inclusion in a land conservation contract. Each parcel proposed for inclusion in a contract shall meet these criteria individually rather than collectively. The merging of parcels may be required to meet eligibility criteria before consideration of inclusion in a land conservation contract: [Source: 17.13A.110, modified]

1. **Agricultural Improvements.** There shall be a capital outlay for agricultural capital improvements on the land in the minimum total sum of $20,000, excluding applicant's residence and original cost of land. The value of such capital improvements shall be made on the basis of replacement cost. Not more than 25 percent of such capital outlay may consist of breeding stock. [Source: 17.13A.110.A, modified]

2. **Minimum Parcel Size.** Each parcel considered for contract shall not be less than 40 acres, or a quarter-quarter section. [Source: 17.13A.110.B, modified]

3. **Minimum Commercial Agricultural Production.** The gross income derived from contracted agricultural land must be at least 50 percent of the estimated agricultural (production of agricultural products for commercial purposes) capabilities. Estimated capabilities shall be determined by the Board of Supervisors with assistance from appropriate advisory agencies. This clause refers to the qualifications of the applicant, and does not affect the findings of the County Assessor. [Source: 17.13A.110.C, modified]

4. **Supporting Documentation.** The applicant shall furnish supporting information concerning the land's agricultural capabilities and use, including gross annual income and expenses, inventory of livestock, capital improvements, and any other information as deemed necessary by the County in determining eligibility for a contract and the payments the landowner should receive under the contract. [Source: 17.13A.110.D, modified]

D. **Contract Terms.**

1. **Landowner Authorization.** Each application shall be signed by all landowners and security holders of record. [Source: 17.13A.110.E, modified]

2. **Minimum Contract Term.** All contracts and each renewal thereof shall be for a term of 10 years. Each contract shall be automatically renewed annually on the renewal date, so long as notice of non-renewal in compliance with Subsection E of this Section has not been filed by either party. [Source: 17.13A.110.F, modified]

3. **Effective Date.** All contracts, including contract renewals, shall be effective starting on July 1 of the year following application approval. [Source: 17.13A.110.G, modified]

4. **Submittal.** All applications for contract shall be submitted by 5:00 p.m. on September 30 of the year preceding the year in which the landowner desires to enter into the

contract with the County. If the application is approved and the contract is signed prior to the lien date in any year, the contract shall be effective as of July 1 of that year. If approval is obtained upon or after the lien date, the contract shall be effective as of July of the succeeding year. [Source: 17.13A.110.H, modified]

E. **Notice of Nonrenewal.** If either the landowner or the County desires in any year not to renew the contract, that party shall serve written notice of nonrenewal of the contract upon the other party in advance of the annual renewal date of the contract. Unless such written notice is served by the landowner at least 90 days prior to the renewal date or by the County at least 60 days prior to the renewal date, the contract shall be considered renewed for 10 years. [Source: 17.13A.120, modified]

F. **Cancellation.** Failure to use land under an effective land conservation contract for agricultural purposes consistent with the intent of this Title as determined by the County shall be grounds for cancellation of the contract. Cancellation of the contract by the property owner shall result with the following: [Source: 17.13A.130, modified]

1. A sum equal to the tax savings for each and every year the contract has been in effect, plus a compounded interest component to be determined by an announced rate which has the same yield rate for long term United States Government Bonds as published by the Federal Reserve Board for each year, rounded to the nearest one-quarter percent or an amount equal to 70 percent pursuant to Chapter 7, Article 5, Paragraphs 51283 and 51283.3 of the California Government Code, whichever is greater, shall be provided to the county prior to cancellation of the contract. [Source:17.13A.130]

G. **Recordation.** All contracts, cancellations of contracts, and notices of nonrenewal of contracts shall be recorded with the County Recorder. [Source: 17.13A.140, modified]

Chapter 17.20

Residential Zones

Chapter 17.20 Residential Zones

Sections

17.20.010 Purpose and Intent of Residential Zones
17.20.020 Land Use Regulations for Residential Zones
17.20.030 Additional Land Use Regulations
17.20.040 Development Standards for Residential Zones
17.20.050 Additional Development Standards

17.20.010 Purpose and Intent of Residential Zones

A. **Purpose.** The purpose of this Chapter is to describe each of the County's residential zones and identify allowed land uses and permit requirements, establish development standards, and identify any supplemental land use regulations applicable to residential zones. [Source: NEW]

B. **Intent.** The intent of this Chapter is to provide for areas in the County that can accommodate a variety of housing options to meet the needs of residents. [Source: NEW]

C. **Summary of Residential Zones.** The specific purpose of each of the five residential zones are as follows: [Source: NEW]

1. **10-Acre Rural Residential Zone (RR10).** The RR10 zone is intended for outlying areas of the county on parcels with a minimum size of 10 acres where both single-family residential development and agricultural uses are allowed. The RR10 zone implements the Rural Residential – Low Density (RR-L) General Plan land use designation. [Source: NEW]

2. **Rural Residential Zone (RR).** The RR zone is intended for parcels identified primarily for single-family residential development on larger parcels (minimum of one acre) and limited agricultural uses. The RR zone implements the Rural Residential (RR) General Plan land use designation. [Source: NEW]

3. **Low-Density Residential Zone (R1).** The R1 zone is intended for areas of the county best suited for primarily single-family residential development and low-density multi-family residential development (e.g., duplexes). The R1 zone implements the Low Density Residential (LDR) General Plan land use designation. [Source: NEW]

4. **Medium-Density Residential Zone (R2).** The R2 zone is intended for areas of the county where single-family and multi-family residential development is allowed and public water and sewer infrastructure is available. The R2 zone implements the Medium Density Residential (MDR) General Plan land use designation. [Source: NEW]

5. **Multi-Family Zone (R3).** The purpose of this R3 zone is to provide for multi-family development in areas which have services and facilities available to serve such uses

and can accommodate the highest density of population and housing units. [Source: 17.18.010, modified]

17.20.020 Land Use Regulations for Residential Zones

A. **Allowed Uses and Permit Requirements.** Table 17.20-1(Allowed Uses and Permit Requirements for Residential Zones) identifies the uses allowed within each residential zone and any permits required to establish the use, in compliance with Part 5 (Permit Processing). [Source: NEW]

B. **Additional Regulations.** Where the last column of Table 17.20-1 (Allowed Uses and Permit Requirements for Residential Zones) includes a Chapter or Section number, the regulations in the referenced Chapter or Section shall apply to the use. Provisions in other Sections of this Title or adopted Community Plans may also apply. [Source: NEW]

C. **Definitions.** See Part 7 (Definitions) for detailed definitions of land use types. [Source: NEW]

D. **Uses Not Listed.** Uses not specifically listed in Table 17.20-1 (Allowed Uses and Permit Requirements for Residential Zones) are prohibited, unless otherwise determined by the Planning Director as an appropriate use for the identified zone. It is the discretion of the Planning Director to determine what type of permit shall be required for any use not listed. [Source: NEW]

E. **Zoning Clearance and Building Permit Required.** Each land use specified in Table __ (Allowed Uses and Permit Requirements for Residential Zones) allowed by-right, as indicated with a “P’ permit requirement shall require the issuance of a Zoning Clearance in compliance with Chapter 17.135 (Zoning Clearance) before any use is established. If the establishment of a by-right use includes construction activities (e.g., additions, alternations, new construction, reconstruction, remodeling), the issuance of a Building Permit shall also be required. [Source: NEW]

F. **Timberland Conversion.** Where the cutting or removal of trees is proposed, a harvest document issued by CalFire may be required in addition to the permit requirements established in this Chapter. See Chapter __ (Timberland Conversion) for details about CalFire timberland conversion requirements. [Source: 17.14.110, modified]

G.

Table 17.20-1: Allowed Uses and Permit Requirements for Residential Zones

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	RR10	RR	R1	R2	R3	
Agricultural and Resource Uses						
Agricultural packing and processing plant	D	~~U~~C	-	-	-	
Agritourism	D	C	-	-	-	17.95.030
Chicken, turkey, or hog ranch	D	~~U~~C	-	-	-	17.95.040
Dairy	D	-				17.95.040
Animal husbandry	P	P	P	P	-	17.95.040
Animal sales yard	D	~~U~~C	-	-	-	
Apiary	P	D	-	-	-	17.95.040
Cattle feed yard	D	~~U~~C	-	-	-	
Farm Stand	P	D	-	-	-	
Firewood, storage and processing	P	D	-	-	-	
Forestry	P	D	-	-	-	
Grazing	P	D	-	-	-	
Habitat conservation and improvement	P	-	-	-	-	
Nursery/greenhouse, plant production	P	P	-	-	-	17.95.020
Poultry farm	P	D	-	-	-	17.95.040
Row and field crops, perennial	P	P	-	-	-	17.95.020
Row and field crops, seasonal/rotating	P	P	-	-	-	17.95.020
Stables, public	D	~~U~~ D	C	~~U~~C	-	
Cannabis-Related Uses						
Cultivation, small	D	D	-	-	-	Chapter 17.85
Cultivation, medium	C	-	-	-	-	Chapter 17.85
Distribution	C	-	-	-	-	Chapter 17.85
Manufacturing	-	-	-	-	-	Chapter 17.85
Microbusiness	C	C	-	-	-	Chapter 17.85
Nursery	-	-	-	-	-	Chapter 17.85
Processing facility	-	-	-	-	-	Chapter 17.85
Retail, non-storefront	-	-	-	-	-	Chapter 17.85
Retail, storefront	-	-	-	-	-	Chapter 17.85
Testing facility	-	-	-	-	-	Chapter 17.85

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	RR10	RR	R1	R2	R3	
Residential Uses						
Accessory dwelling unit	Chapter ___					
Accessory dwelling unit, junior	Chapter ___					
Caretaker unit	~~C~~ D	-	-	-	-	17.95.070
Dwelling, single-family	P	P	P	~~U~~ D	~~U~~ D	
Dwelling, 2 units	-	-	~~U~~ D/P*	P	P	
Dwelling, 3 units	-	-	~~U~~ D	~~U~~ D/P*	P	
Dwelling, 4+ units	-	-	~~U~~C	~~U~~ D	P	
Emergency shelter	P	P	P	P	P	17.95.080
Family daycare center	P	P	P	P	P	
Farmworker/employee housing, small	P	P	P	D	D	17.95.090
Farmworker/employee housing, large	P	P	-	-	-	17.95.090
Low-barrier navigation center	-	-	-	P	P	
Mobile home park	-	-	~~U~~C	D	~~U~~P	17.95.160
Mobile home/manufactured home	P	P	P	D	D	17.95.170
Mobile tiny home village	-	-	C	D	P	17.95.200
Mobile tiny home	P	P	P	P	P	17.95.200
Rehab/Drug Recovery Housing	P	P	P	P	P	
Residential care facility (less than 7 persons)	P	P	P	~~U~~ P	P	
Residential care facility (7+ persons)	P	P	P	~~U~~ P	P	17.95.240
Single room occupancy	-	-	C	D	P	17.95.240
Supportive housing	P	P	P	P	P	17.95.070
Temporary worker housing	D	C	-	-	-	
Transitional housing	P	P	P	P	P	
Commercial Uses						
Animal hospital	C	~~U~~C	-	-	-	

Land Use	Key: P = Permitted by-right; D = Director's Use Permit; C = Conditional Use Permit; TUP = Temporary Use Permit; - = Not Permitted					Additional Regulations
	Zone					
	RR10	RR	R1	R2	R3	
Brewery, distillery, or winery	C	-	-	-	-	
Equipment sales and rental facility	C	C	-	-	-	
Cemetery	C	C	-	-	-	
Day care center	P	~~U~~D	-	-	~~U~~C	
Home enterprise	P	P	P	D		Section __
Home occupation	P	P	P	P	P	Section __
Hospital	C	~~U~~C	~~U~~C	~~U~~C	-	
Kennel, breeding or boarding	D	~~U~~D	-	-	-	
Laundromat, connected to community water & sewer system	D	D	D	D	D	
Industrial and Manufacturing Uses						
Industrial, minor	D	-	-	-	-	
Lumber yard	C	-	-	-	-	
Mining	C	-	-	-	-	
Recreation, Entertainment, and Public Assembly Uses						
Bed and breakfast	P	~~U~~D/P	P/D	P/D	P/D	
Campground, tent only	D	~~U~~C	-	-	-	
Campground, improved	D	~~U~~C	-	-	-	
Fitness center/gym	-	-	-	D	D	
Instructional services	P	P	P	P	P	
Commercial recreation and entertainment, indoor	C	C	-	-	-	Section __
Commercial recreation and entertainment, outdoor	C	C	-	-	-	Section __
Country club/golf club	C	-	~~U~~C	~~U~~C	-	
Gallery or museum	C	-	~~U~~C	~~U~~C	-	
Low-intensity recreational uses	P	-	-	-	-	
Park/playground	P	~~U~~P	~~U~~D	~~U~~D	~~U~~D	

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	RR10	RR	R1	R2	R3	
Place of Assembly	D	~~U~~D	~~U~~C*	~~U~~C	~~U~~C	
Recreational vehicle park	D	C	-	-	-	
Special Event Facility	D	C	-	-	-	Section __
Public and Quasi-Public Uses						
Adult day support centers, licensed	C	C	D	D	D	
Airport, heliport, landing strip, public/private	C	-	~~U~~C	~~U~~C	-	
Animal shelter	C	-	-	-	-	
Community Garden	P	P	P	P	P	
Public or governmental facility	P	~~U~~P	~~U~~P	~~U~~P	P	
Public utilities	P	~~U~~P	~~U~~P	~~U~~P	P	
School, private	C	~~U~~C	~~U~~C	~~U~~C	~~U~~C	
School, technical/vocational	-	-	-	-	C	
Telecommunication facilities	C	C	C	C	C	
Temporary Uses						
Temporary Uses	TUP	TUP	TUP	TUP	TUP	Chapter __
Accessory Uses and Structures						
Accessory Uses	P/D	P/D	P/D	P/D	P/D	Chapter __

17.20.030 Additional Land Use Regulations

A. Cemeteries. Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: NEW]

17.20.040 Development Standards for Residential Zones

A. Purpose of Development Standards. The purpose of Table 17.20-2 (Development Standards for Residential Zones) is to clearly establish the basic site and structure regulations that apply to all development in each of the residential zones. The table also identifies when and where additional site and structure standards apply to residential zones, such as off-street parking, landscaping, signs, fences and walls, and performance standards. [Source: NEW]

B. Additional Development Standards. The "Additional Development Standards" row of Table 17.20-__ (Development Standards for Residential Zones) will include a chapter or section number when additional regulations located in another portion of this Title apply to the zone and are required for permit approval. [Source: NEW]

C. Density and Floor Area Ratio. Maximum density and floor area ratio (FAR) standards shall be consistent with the General Plan or applicable Community Plan or Specific Plan. See Table 17.10-1 (Zones Implementing the General Plan) in Chapter 17.10 (Zones and Zoning Map) of this Title. General Plan land use designations and corresponding density and FAR standards for each zone. [Source: NEW]

Table 17.20-2: Development Standards for Residential Zones

Development Standard	Zone				
	RR10	RR	R1	R2	R3
Minimum Parcel Size	10 acres	~~20,000sqft~~ 1 acre	~~7,000sqft/6,000sqft~~ 10,000 sqft (4)	~~7,000sqft/6,000sqft~~ 10,000 sqft	16,000 sqft
Lot area per unit	-	-	-	3,000 sqft	2,000 sqft
Minimum Lot Width	100 ft	100 ft	60 ft (2)	60 ft	75 ft
Maximum lot coverage	35%	35%	35%	40%	40%
Maximum height	35 ft	~~40 ft~~ 35 ft	~~40 ft~~ 35 ft	~~40 ft~~ 35 ft	~~25 ft~~ 35 ft
Minimum Front setback	20 ft	20 ft	20 ft	20 ft	20 ft
Minimum Side setback (interior)	6 ft	6 ft	5 ft (3)	6 ft	10 ft
Minimum Side setback (exterior)	6 ft	6 ft	10 ft	10 ft	15 ft
Minimum Rear setback	20 ft	20 ft	20 ft	20 ft	15 ft
Additional Development Standards	17.20.050.A 17.20.050.B	17.20.050.A 17.20.050.B	17.20.050.A 17.20.050.C	17.20.050.A 17.20.050.D	17.20.050.A 17.20.050.E
Additional Regulations					
Fences and Walls	Chapter 17.45				
Landscaping	Chapter 17.50				
Performance Standards	Section 17.40.050				
Parking and Loading Space Requirements	Chapter 17.55				
Sign Standards	Chapter 17.60				
Solid Waste and Recycling Standards	Chapter 17.65				

17.20.050 Additional Development Standards

A. Additional Height. Additional height may be approved upon obtaining a Director's Use Permit if the site is located within a Fire District that has the appropriate equipment to respond to structure fires for structures over 35 feet. [Source: NEW]

B. **Rural Residential Zones (RR10 and RR)**

a. Minimum Lot Width. The minimum lot width shall be 100 feet except for schools then 200 feet. [Source: 17.15.050, modified]

2. Larger building site may be required. [Source: 17.15.120.B]

3. Optional design and development standards may be permitted if approved under the subdivision ordinance. [Source: 17.15.120.C]

4. Additional Setbacks.

   a. Private Stables. Private stables shall have a minimum setback of 50 feet from all property lines. [Source: 17.15.120.E, modified]

   b. Feed and water troughs and buildings used for the housing or maintenance of domestic livestock shall be located at least 50 feet from all lot lines, and at least 20 feet from dwellings, whether on the same or adjacent properties, provided that such troughs and buildings for the housing or maintenance of chickens, ducks, geese, pigeons, pheasants, peafowl, guinea fowl, rabbits, mink, chinchilla, and similar animals need be only at least 10 feet from side or rear lot lines. [Source: 17.15.120.F, modified]

C. **Low-Density Residential Zone (R1).**

1. Larger building site may be required, see Section 17.30.080. [Source: 17.16.130.B]

2. Optional design and development standards may be permitted if approved under subdivision ordinance. [Source: 17.16.130.G]

3. Lot Width. The minimum lot width shall be 60 feet; except for the following land uses: [Source: 17.16.070, modified]

   a. Places of assembly: 100 feet [Source: 17.16.070, modified]

   b. Schools: 200 feet [Source: 17.16.070, modified]

4. Side Setback. Places of assembly and schools shall have a minimum side setback of 10 feet for both exterior and interior lot lines. [Source: 17.16.110, modified]

5. Rear Setback. The minimum rear setback may be reduced to 10 feet if a minimum of 1,500 square feet is maintained to the rear of the longest wall of the main building. [Source: 17.16.120, modified]

D. **Medium-Density Residential Zone (R2).**

1. Larger building site may be required. [Source: 17.17.130.B]

2. Optional design and development standards may be permitted if approved under subdivision ordinance. [Source: 17.17.130.G]

E. **Mult-Family Zone (R3).**

1. Drainage. A drainage plan shall be submitted to the Department of Transportation for review and approval prior to issuance of Building Permits. [Source: 17.18.110]

2. Encroachment Permit. Encroachment Permits shall be obtained from the Department of Transportation prior to the issuance of a Building Permit(s) when the project(s) create a new entrance onto a public road. [Source: 17.18.120]

3. Court Yard Requirements. Lots proposed to be developed with more than one residential structure shall have a minimum setback of 25 between on-site buildings and where a door opening faces a side setback property line a minimum of 10 feet setback shall be required. [Source: 17.18.140, modified]



Chapter 17.25

Commercial and Mixed-Use Zones

Chapter 17.25 Commercial and Mixed-Use Zones

Sections

17.25.010 Purpose and Intent of Commercial and Mixed-Use Zones
17.25.020 Land Use Regulations for Commercial and Mixed Use Zones
17.25.030 Additional Land Use Regulations
17.25.040 Development Standards for Commercial and Mixed-Use Zones
17.25.050 Additional Development Standards

17.25.010 Purpose and Intent of Commercial and Mixed-Use Zones

A. **Purpose.** The purpose of this Chapter is to describe each of the county's commercial and mixed-use zones and identify allowed land uses and permit requirements, establish development standards, and identify any supplemental land use regulations applicable to residential zones. [Source: NEW]

B. **Intent.** The intent of this Chapter is to provide for areas in the county that can accommodate a variety of retail and commercial land uses that meet the needs of residents and visitors and provide economic opportunities for Trinity County communities. [Source: NEW]

C. **Summary of Commercial and Mixed-Use Zones.** The specific purpose of each of the five commercial or mixed-use zones are as follows: [Source: NEW]

1. **Mixed-Use Zones (MUH and MUL).** The purpose of the Mixed-Use, High Zone (MHH) and the Mixed-Use, Low Zone (MUL) are to provide locations where office or commercial land uses can be sited on the same parcel as residential land uses or independent of each other. This zone is primarily intended for commercial centers of communities where flexibility in land use can help meet community needs. The Mixed-Use, Low Zone (MUL) allows a density range of 1 to 4 dwelling units per acre; whereas, the Mixed-Use, High Zone (MUH) allows a density range of 12 to 24 dwelling units per acre. The MUH and MUL Zones implement the Mixed-Use (MU) General Plan land use designation. [Source: 17.18A.010, modified]

2. **Retail Commercial Zone (C1).** The purpose of the C1 zone is to provide appropriate locations for the distribution, sale, or rental of goods or services of primarily a retail nature. Retail commercial areas are generally found within larger communities on major roads or interspersed within residential areas. Development, uses, and activities in this zone are generally compatible with and serve nearby residential uses. The C1 zone implements the Commercial (C) General Plan land use designation. [Source: 17.20.010, modified]

3. **General Commercial Zone (C2).** The purpose of the C2 zone is to provide appropriate locations for larger, more intensive commercial activities that are generally centralized

within the community and located on major or arterial streets. The C2 zone implements the Commercial (C) General Plan land use designation. [Source: 17.21.010, modified]

4. **Highway Commercial Zone(HC).** The purpose of the HC zone is to provide appropriate sites for the needs of the traveling public to be accommodated at one stop. The HC zone is intended to be applied to sites along State highways or arterial roads that provide access to major recreation destinations. The HC zone is not intended for strip commercial development along highways or arterials. The HC zone implements the Commercial (C) General Plan land use designation. [Source: 17.22.010, modified]

5. **Heavy Commercial Zone (C3).** The purpose of the C3 zone is to provide appropriate sites for commercial uses which do not generally need highly visible locations and for more intensive commercial uses and light industrial uses. The C3 zone implements the Commercial (C) General Plan land use designation. [Source: 17.22A.010, modified]

17.25.020 Land Use Regulations for Commercial and Mixed Use Zones

A. **Allowed Uses and Permit Requirements.** Table 17.25-1 (Commercial and Mixed-Use Zones Allowed Uses and Permit Requirements) identifies the uses allowed within each residential zone and any permits required to establish the use, in compliance with Part 5 (Permit Processing). [Source: NEW]

B. **Additional Regulations.** Where the last column of Table 17.25-1 (Commercial and Mixed-Use Zones Allowed Uses and Permit Requirements) includes a Chapter or Section number, the regulations in the referenced Chapter or Section shall apply to the use. Provisions in other Sections of this Title or adopted Community Plans may also apply. [Source: NEW]

C. **Definitions.** See Part 7 (Definitions) for detailed definitions of land use types. [Source: NEW]

D. **Uses Not Listed.** Uses not specifically listed in Table 17.25-1 (Commercial and Mixed-Use Zones Allowed Uses and Permit Requirements) are prohibited, unless otherwise determined by the Planning Director as an appropriate use for the identified zone. It is the discretion of the Planning Director to determine what type of permit shall be required for any use not listed. [Source: NEW]

E. **Zoning Clearance and Building Permit Required.** Each land use specified in Table 17.25-1 (Commercial and Mixed-Use Zones Allowed Uses and Permit Requirements) allowed by-right, as indicated with a “P’ permit requirement shall require the issuance of a Zoning Clearance in compliance with Chapter 17.135 (Zoning Clearance) before any use is established. If the establishment of a by-right use includes construction activities (e.g., additions, alternations, new construction, reconstruction, remodeling), the issuance of a Building Permit shall also be required. [Source: NEW]

F. **Timberland Conversion.** Where the cutting or removal of trees is proposed, a harvest document issued by CalFire may be required in addition to the permit requirements established in this Chapter. See Chapter __ (Timberland Conversion) for details about CalFire timberland conversion requirements. [Source: 17.14.110, modified]

G.

Table 17.25-1: Allowed Uses and Permit Requirements for Residential Zones

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	C1	C2	HC	C3	MUL / MUH	
Cannabis-Related Uses						
Cultivation, small	D	D	-	-	-	Chapter 17.85
Cultivation, medium	C	C	-	-	-	Chapter 17.85
Distribution	C	-	-	-	-	Chapter 17.85
Manufacturing (Type 6, N, P)	-	C	-	~~C~~	C/D	Chapter 17.85
Manufacturing (Type 7)	-	-	-	~~C~~	-	
Microbusiness	C	C	-	-	-	Chapter 17.85
Nursery	C	-	-	-	-	Chapter 17.85
Processing facility	C	-	-	-	-	Chapter 17.85
Retail, non-storefront	C	C	-	-	C	Chapter 17.85
Retail, storefront	D	D	D	-	C	Chapter 17.85
Testing facility		C	-	C	-	Chapter 17.85
Residential Uses						
Accessory dwelling unit	Chapter ___					
Accessory dwelling unit, junior	Chapter ___					
Caretaker unit	~~C~~ D	~~C~~ D	~~C~~ D	~~C~~ D	D	17.95.070
Dwelling, single-family	D	D	D	D	P	
Dwelling, 2 units	-	-	-	-	P	
Dwelling, 3 units	-	-	-	-	P	
Dwelling, 4+ units	D	D	D	-	P	
Emergency shelter	P	P	P	P	P	17.95.080
Family daycare home	P	P	P	P	P	
Farmworker/employee housing, small	D*	D*	D*	D*	D	17.95.090
Live/work housing	P	P	-	-	P	17.95.150
Low-barrier navigation center	P	P	P	P	P	
Mobile home park	D	D	D	D	P	
Mobile home/manufactured home	D*	D*	D*	D*	D	17.95.160

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	C1	C2	HC	C3	MUL / MUH	
Mobile tiny home village	D*	D*	D*	D*	P	17.95.170
Mobile tiny home	D*	D*	D*	D*	P	17.95.200
Residential care facility (less than 7 persons)	P	P	P	P	P	17.95.200
Residential care facility (7+ persons)	P	P	P	P	P	
Single room occupancy	P	P	P	P	P	17.95.240
Supportive housing	P	P	P	P	P	17.95.240
Transitional housing	P	P	P	P	P	17.95.070
Commercial Uses						
Animal hospital	-	C	C	-	-	C
Auto, fueling station	C*	P	P	P	-	C
Auto, repair/service	C	P	~~C~~ D	P	-	C
Auto, sales	-	C	~~C~~ D	P	-	C
Bar/night club	~~C~~ D	P	P	-	D	C
Brewery, distillery, or winery	~~C~~ D	P	P	-	C	C
Car wash	C	P	~~U~~ P	P	-	C
Convenience store	P	P	P	-	P	C
Day care center	~~U~~ D	D	-	-	D	
Equipment sales and rental facility	C	~~C~~ D	P	P	-	C
Financial institution	P	P	P	-	P	C
Funeral and burial services	D	P	P	-	-	C
Cemetery	C	C	C	C	C	A
Grocery store	P	P	P	P	D	C
Highway commercial complex	-	-	D	-	-	B
Home enterprise	-	-	-	-	P	
Home occupation	-	-	-	-	P	
Hospital	-	P	P	-	-	

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	C1	C2	HC	C3	MUL / MUH	
Laundromat, connected to community water & sewer system	D	P	P	D	P	C
Office, medical	P	P	P	P	P	C
Office, professional	P	P	P	-	P	C
Restaurant, with drive thru	C	D	D	-	-	C
Restaurant, without drive thru	P	P	P	-	P	C
Retail sales, nursery	D	P	P	-	-	C
Retail, general	P	P	P	-	P	C
Retail, restricted	C	D	C		C	C
Retail, personal services	P	P	P	-	P	C
Industrial and Manufacturing Uses						
Contractor yard	-	C	-	D	-	
Industrial, major	-	-	-	C	-	
Industrial, minor	-	C	-	P	-	
Lumber yard	-	C	-	C	-	
Recycling facility, indoor	-	~~P~~D	~~P~~D	P	-	
Recycling facility, indoor/outdoor	-	C	C	C	-	
Salvage/junk yard	-	-	-	C	-	
Storage, hazardous materials	-	-	-	C	-	
Storage, outdoor	-	C	C	P	-	
Storage, personal	C	P*	C	P	-	
Warehousing	-	C	-	P	-	
Wholesale, distributer	-	C	-	P	-	
Wholesale, sales	-	C	-	P	-	
Recreation, Entertainment, and Public Assembly Uses						

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	C1	C2	HC	C3	MUL / MUH	
Bed and breakfast	P	P	-	-	D/P	
Campground, tent only	-	-	C	-	-	
Campground, improved	-	-	C	-	-	
Card room	-	C	-	-	-	
Fitness center/gym	P	P	D	P	P	
Instructional services	P	P	-	P	P	
Commercial recreation and entertainment, indoor	C	D	D	D	D	
Commercial recreation and entertainment, outdoor	-	-	-	C	C	
Country Club/Golf Club	D	-	-	-	-	
Gallery or museum	P	P	-	P	P	
Hotel/motel	~~UD~~	~~UP~~	~~UP~~	-	P	
Park/playground	D	D	-	D	D	
Place of Assembly	~~UP~~	~~UP~~	~~UP~~	-	P	
Recreational vehicle park	-	C	-	-	-	
Special Event Facility	D	P	D	-	C	
Theatre or cinema	D	P	D	-	C	
Public and Quasi-Public Uses						
Adult day support center, licensed	-	P	-	-	-	
Airport, heliport, landing strip, public/private	-	-	-	C	-	
Animal shelter	-	D	C	-	-	
Community garden	D	D	D	D	D	
Public or governmental facility	P	P	P	P	P	
Public utilities	P	P	P	P	P	

Land Use	Key: P = Permitted by-right, D = Director's Use Permit, C = Conditional Use Permit, TUP = Temporary Use Permit, - = Not Permitted					Additional Regulations
	Zone					
	C1	C2	HC	C3	MUL / MUH	
School, private	C	-	-	-	C	
School, technical/vocational	-	C	C	C	C	
School, college/university	-	C	C	C	C	
Telecommunication facilities	C	C	C	C	C	
Temporary Uses						
Temporary Uses	TUP	TUP	TUP	TUP	TUP	Chapter 17.120
Accessory Uses and Structures						
Accessory Uses	P/D	P/D	P/D	P/D	P/D	Chapter 17.90

17.25.030 Additional Land Use Regulations

A. Cemeteries. Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: NEW]

B. Commercial Building Size. A Director's Use Permit shall be required for the construction of any building where such construction would result in over 5,000 square feet of floor area on any parcel zoned C1 or C2. [Source: 17.30.150, modified]

17.25.040 Development Standards for Commercial and Mixed-Use Zones

A. Purpose of Development Standards. The purpose of Table 17.25-2 (Development Standards for Commercial and Mixed-Use Zones) is to clearly establish the basic site and structure regulations that apply to all development in each of the commercial and mixed-use zones. The table also identifies when and where additional site and structure standards apply to commercial and mixed-use zones, such as off-street parking, landscaping, signs, fences and walls, and performance standards. [Source: NEW]

B. Additional Development Standards. The "Additional Development Standards" row of Table 17.25-2 (Development Standards for Commercial and Mixed-Use Zones) will include a chapter or section number when additional regulations located in another portion of this Title apply to the zone and are required for permit approval. [Source: NEW]

C. Density and Floor Area Ratio. Maximum density and floor area ratio (FAR) standards shall be consistent with the General Plan or applicable Community Plan or Specific Plan. See Table __ (Zones Implementing the General Plan) in Chapter 17.10 (Zones and Zoning Map) of this Title.

General Plan land use designations and corresponding density and FAR standards for each zone. [Source: NEW]

Table 17.25-2: Development Standards for Commercial and Mixed-Use Zones

Development Standard	Zone				
	C1	C2	HC	C3	MUL MUH
Minimum Parcel Size	10,000 sqft	10,000 sqft	10,000 sqft	0.5 acre	~~7,000sqft~~ 10,000 sqft
Minimum Lot Width	75 ft	75 ft	100 ft	100 ft	60 ft
Maximum lot coverage	40%	-	40%	40%	35%
Maximum height	25 ft	25 ft	35 ft	25 ft	~~25 ft~~ 35 ft
Minimum Front setback	10 ft	10 ft	10 ft	10 ft	~~25 ft~~ 10 ft
Minimum Side setback (interior)	10 ft	5 ft	6 ft	6 ft	5 ft
Minimum Side setback (exterior)	10 ft	10 ft	10 ft	10 ft	10 ft
Minimum Rear setback	6 ft	5 ft	6 ft	6 ft	~~20 ft~~ 10 ft
Additional Development Standards	17.25.050.A 17.25.050.B 17.25.050 D	17.25.050.A 17.25.050.B 17.25.050.C 17.25.050 D	17.25.050.A 17.25.050.B 17.25.050 D	17.25.050.A 17.25.050.B 17.25.050 D	17.25.050.A 17.25.050.B 17.25.050 D
Additional Regulations					
Fences and Walls	Chapter 17.45				
Landscaping	Chapter 17.50				
Performance Standards	Section 17.40.050				
Parking and Loading Space Requirements	Chapter 17.55				
Sign Standards	Chapter 17.60				
Solid Waste and Recycling Standards	Chapter 17.65				

17.25.050 Additional Development Standards

A. Additional Height. Additional height may be approved upon obtaining a Director's Use Permit if the site is located within a Fire District that has the appropriate equipment to respond to structure fires for structures over 35 feet. [Source: NEW]

B. Interior Side and Rear Setbacks. If the interior side setback and/or rear setback abuts a commercial or industrial zoned parcel, then no minimum setback shall be required. [Source: 17.20.080, modified]

C. Front Setback. The front setback shall have a minimum depth of 10 feet unless the two nearest C-2 zoned parcels on the same street and block have less than a 10-foot average setback, in which case the setback shall be the average of the setback of these two nearest structures. [Source: 17.21.070, modified]

D. The following standards apply to all commercial zones (C1, C2, HC, and C3).

1. Drainage. A Drainage Plan shall be submitted to the Department of Transportation for review and approval prior to issuance of Building Permit(s). [Source: 17.20.120, modified]

2. Encroachment Permit. Encroachment Permits shall be obtained from the Department of Transportation prior to the issuance of Building Permits when projects create a new entrance onto a public road. [Source: 17.20.130, modified]

Chapter 17.30

Industrial Zones

Chapter 17.30 Industrial Zones

Sections

17.30.010 Purpose and Intent of Industrial Zones
17.30.020 Land Use Regulations for Industrial Zones
17.30.030 Additional Land Use Regulations
17.30.040 Development Standards for Industrial Zones
17.30.050 Additional Development Standards

17.30.010 Purpose and Intent of Industrial Zones

A. Purpose. The purpose of this Chapter is to identify allowed land uses and permit requirements, establish development standards, and identify any supplemental land use regulations applicable to the Industrial zone. [Source: NEW]

B. Intent. The intent of this Chapter is to provide locations for manufacturing and industrial uses in a manner which is compatible with neighboring uses, protects the environment of the county, and provides economic opportunities within Trinity County. [Source: 17.23.010, modified]

17.30.020 Land Use Regulations for Industrial Zones

A. Allowed Uses and Permit Requirements. Table 17.30-1 (Allowed Uses and Permit Requirements for Industrial Zones) identifies the uses allowed within each industrial zone and any permits required to establish the use, in compliance with Part 5 (Permit Processing). [Source: NEW]

B. Additional Regulations. Where the last column of Table 17.30-1 (Allowed Uses and Permit Requirements for Industrial Zones) includes a Chapter or Section number, the regulations in the referenced Chapter or Section shall apply to the use. Provisions in other Sections of this Title or adopted Community Plans may also apply. [Source: NEW]

C. Definitions. See Part 7 (Definitions) for detailed definitions of land use types. [Source: NEW]

D. Uses Not Listed. Uses not specifically listed in Table 17.30-1 (Allowed Uses and Permit Requirements for Industrial Zones) are prohibited, unless otherwise determined by the Planning Director as an appropriate use for the identified zone. It is the discretion of the Planning Director to determine what type of permit shall be required for any use not listed. [Source: NEW]

E. Zoning Clearance and Building Permit Required. Each land use specified in Table 17.30-1 (Allowed Uses and Permit Requirements for Industrial Zones) allowed by-right, as indicated with a “P’ permit requirement shall require the issuance of a Zoning Clearance in compliance with Chapter 17.135 (Zoning Clearance) before any use is established. If the establishment of a by-right use includes construction activities (e.g., additions, alternations, new construction, reconstruction, remodeling), the issuance of a Building Permit shall also be required. [Source: NEW]

F. **Timberland Conversion.** Where the cutting or removal of trees is proposed, a harvest document issued by CalFire may be required in addition to the permit requirements established in this Chapter. See Chapter __ (Timberland Conversion) for details about CalFire timberland conversion requirements. [Source: 17.14.110, modified]

G.

Table 17.30-1: Allowed Uses and Permit Requirements for Industrial Zones

Land Use	Key P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted	Additional Regulations
	Zone	
	I	
Agricultural and Resource Uses		
Agricultural packing and processing plant	P	
Chicken, turkey, or hog ranch	D	17.95.040
Dairy	D	17.95.040
Animal husbandry	P	17.30.030.B 17.95.040
Animal sales yard	P	
Apiary	P	17.30.030.B 17.95.040
Cattle feed yard	P	
Farm Stand	P	17.30.030.B
Firewood, storage and processing	P	
Forestry	P	
Grazing	P	
Nursery/greenhouse, plant production	P	17.30.030.B 17.95.020
Poultry farm	P	17.30.030.B 17.95.040
Row and field crops, perennial	P	17.30.030.B 17.95.020
Row and field crops, seasonal/rotating	P	17.30.030.B 17.95.020
Stables, public	P	
Cannabis-Related Uses		
Cultivation, small	D	Chapter 17.85
Cultivation, medium	D	Chapter 17.85
Distribution	C	Chapter 17.85
Manufacturing	D/C	Chapter 17.85
Microbusiness	C	Chapter 17.85
Nursery	C	Chapter 17.85
Processing facility	D	Chapter 17.85
Retail, non-storefront	C	Chapter 17.85

Land Use	Key P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted	Additional Regulations
	Zone	
	I	
Retail, storefront	-	Chapter 17.85
Testing facility	C	Chapter 17.85
Residential Uses		
Caretaker unit	~~C~~ D	17.95.070
Emergency shelter	P	17.95.080
Commercial Uses		
Auto, repair/service	P	17.30.030.B 17.95.210
Brewery, distillery, or winery	C	17.30.030.B
Equipment sales and rental facility	P	17.30.030.B
Office, professional	P	
Retail sales, nursery	P	
Retail, general	C	
Industrial and Manufacturing Uses		
Contractor yard	P	17.30.030.B
Fertilizer plant or yard	D	
Energy generating facilities, commercial	~~U~~C	
Industrial, hazardous	~~U~~C	
Industrial, major	~~U~~D	
Industrial, minor	P	17.30.030.B
Lumber yard	~~U~~ D	
Mining	~~U~~C	Chapter 17.100
Recycling facility, indoor	P	17.30.030.B
Recycling facility, indoor/outdoor	D	
Refuse disposal facility	~~U~~C	
Salvage/junk yard	~~U~~C	
Sawmill, permanent	~~U~~ D	
Septage hauler/disposal	~~U~~C	
Slaughterhouse	~~U~~C	

Land Use	Key P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted	Additional Regulations
	Zone	
	I	
Storage, hazardous materials	~~U~~C	
Storage, outdoor	P	17.30.030.B
Storage, personal	P	17.30.030.B
Warehousing	P	17.30.030.B
Wholesale, distributer	P	17.30.030.B
Wholesale, sales	P	17.30.030.B
Recreation, Entertainment, and Public Assembly Uses		
Fitness center/gym	D	
Instructional services	D	
Public and Quasi-Public Uses		
Airport, heliport, landing strip, public/private	C	
Community Garden	D	
Correctional facility	~~U~~C	
Public or governmental facility	P	
Public utilities	P	
Telecommunication facilities	D	17.95.240
Temporary Uses		
Temporary Use	TUP	Chapter 17.105
Accessory Uses and Structures		
Accessory Use	P/D	Chapter 17.75

17.30.030 Additional Land Use Regulations

A. Performance Exceptions for By-Right Uses. Uses allowed by-right (indicated with a "P") as established in Table 17.30-1 (Allowed Uses and Permit Requirements for Industrial Zones) shall require a Director's Use Permit if the proposed use exceeds any of the following thresholds. [Source: 17.23.020, modified]

1. If a use involves water quantity uses over three gallons/minute in a critical water resources overlay area. [Source: 17.23.020.A, modified]

2. Through new source review, requires an authority to construct permit from the North Coast Unified Air Quality Management Board. [Source: 17.23.020.B]

3. Exceeds 65 dBA at the property line of a use. [Source: 17.23.020.C, modified]

4. Requires a Regional Water Quality Control Board discharge permit. [Source: 17.23.020.D]

5. Any use which generates air emissions, liquid, solid, or hazardous wastes, noise, offensive odors, smoke, dust, or glare in a manner which may be detrimental to the public health, safety, or welfare. [Source: 17.23.020.E, modified]

6. Accessory buildings and uses. Accessory buildings and uses normally incidental to the uses permitted. [Source: 17.23.040, modified]

17.30.040 Development Standards for Industrial Zones

A. Purpose of Development Standards. The purpose of Table 17.30-2 (Development Standards for Industrial Zones) is to clearly establish the basic site and structure regulations that apply to all development in the industrial zone. The table also identifies when and where additional site and structure standards apply to industrial zoned parcels, such as off-street parking, landscaping, signs, fences and walls, and performance standards. [Source: NEW]

B. Additional Development Standards. The "Additional Development Standards" row of Table 17.30-2 (Development Standards for Industrial Zones) will include a chapter or section number when additional regulations located in another portion of this Title apply to the zone and are required for permit approval. [Source: NEW]

C. Density and Floor Area Ratio. Maximum density and floor area ratio (FAR) standards shall be consistent with the General Plan or applicable Community Plan or Specific Plan. See Table 17.10-1 (Zones Implementing the General Plan) in Chapter 17.10 (Zones and Zoning Map) of this Title. General Plan land use designations and corresponding density and FAR standards for each zone. [Source: NEW]

Table 17.30-__: Development Standards for Industrial Zones

Development Standard	Zone I
Minimum Parcel Size	0.5 acre
Minimum Lot Width	100 ft
Maximum lot coverage	60%
Maximum height	45 ft (1)
Minimum Front setback	25 ft
Minimum Side setback	10 ft
Minimum Rear setback	10 ft
Additional Development Standards	17.30.050
Additional Regulations	
Fences and Walls	Chapter 17.45
Landscaping	Chapter 17.50

Performance Standards	Section 17.40.050
Parking and Loading Space Requirements	Chapter 17.55
Sign Standards	Chapter 17.60
Solid Waste and Recycling Standards	Chapter 17.65

17.30.050 Additional Development Standards

A. Additional Height. Additional height may be approved upon obtaining a Director's Use Permit if:

1. The gross floor area ratio to building site does not exceed five to one; and [Source: 17.23.130.C, modified]

2. The site is located within a Fire District that has the appropriate equipment to respond to structure fires for structures over 35 feet. [Source: NEW]

B. Access to Local Streets Prohibited. No vehicular access shall be allowed to a local street from an industrial through lot which also has frontage on a highway or collector County road. [Source: 17.23.160.A.1, modified]

C. Street Setbacks, Street Widening and Extensions. The front and side street setbacks shall be measured from the right-of-way or easement line, or lot line, whichever is more restrictive. Additional setback area to accommodate a 60-foot right-of-way (30 feet each side of centerline) for road improvements shall be required unless it can be shown that all elements of the design cross section, drainage, utility accommodations and border areas can be contained in a lesser width, subject to the review an approval of the director of transportation. [Source: 17.23.160.A.2]

D. Industrial Districts or "I" Districts.

1. Drainage Plan. A drainage plan shall be submitted to and approved by the department of transportation before a Building Permit or Use Permit is issued. [Source: 17.23.140, modified]

2. Encroachment Permit. Encroachment permits shall be obtained from the Trintiy County Department of Transportation before Building Permits are issued when projects create a new entrance onto a County road. [Source: 17.23.150, modified]

Chapter 17.35

Public Facilities Zone

Chapter 17.35 Public Facilities Zone

Sections

17.35.010 Purpose and Intent
17.35.020 Land Use Regulations
17.35.030 Additional Land Use Regulations
17.35.040 Development Standards
17.35.050 Additional Development Standards

17.35.010 Purpose and Intent

A. Purpose. The purpose of this Chapter is to identify allowed land uses and permit requirements, establish development standards, and supplemental land use regulations applicable to the Public Facilities zone. [Source: NEW]

B. Intent. The intent of this Chapter is to provide for areas in the county that can accommodate a variety of public and institutional uses to address the needs of residents. [Source: NEW]

C. General Description. The Public Facilities (PF) zone includes governmental, utility, educational, and other similar uses that have public or social importance and provide essential support services to county residents. The PF zone implements the Public Facilities (PF) General Plan land use designation. [Source: 17.29.010, modified]

17.35.020 Land Use Regulations

A. Allowed Uses and Permit Requirements. Table 17.35-1 (Allowed Uses and Permit Requirements for the Public Facilities Zone) identifies the uses allowed within the Public Facilities (PF and any permits required to establish the use, in compliance with Part 5 (Permit Processing). [Source: NEW]

B. Additional Regulations. Where the last column of Table 17.35-1 (Allowed Uses and Permit Requirements for the Public Facilities Zone) includes a Chapter or Section number, the regulations in the referenced Chapter or Section shall apply to the use. Provisions in other Sections of this Title or adopted Community Plans may also apply. [Source: NEW]

C. Definitions. See Part 7 (Definitions) for detailed definitions of land use types. [Source: NEW]

D. Uses Not Listed. Uses not specifically listed in Table 17.35-1 (Allowed Uses and Permit Requirements for the Public Facilities Zone) are prohibited, unless otherwise determined by the Planning Director as an appropriate use for the identified zone. It is the discretion of the Planning Director to determine what type of permit shall be required for any use not listed. [Source: NEW]

E. Zoning Clearance and Building Permit Required. Each land use specified in Table 17.35-1 (Allowed Uses and Permit Requirements for the Public Facilities Zone) allowed by-right, as indicated with a "P' permit requirement shall require the issuance of a Zoning Clearance in compliance with Chapter 17.135 (Zoning Clearance) before any use is established. If the establishment of a by-right use includes construction activities (e.g., additions, alternations, new construction, reconstruction, remodeling), the issuance of a Building Permit shall also be required. [Source: NEW]

F. **Timberland Conversion.** Where the cutting or removal of trees is proposed, a harvest document issued by CalFire may be required in addition to the permit requirements established in this Chapter. See Chapter __ (Timberland Conversion) for details about CalFire timberland conversion requirements. [Source: 17.14.110, modified]

G.

Table 17.35-1: Allowed Uses and Permit Requirements for the Public Facilities Zone

Land Use	Key P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted	Additional Regulations
	Zone	
	PF	
Residential Uses		
Accessory dwelling unit	Chapter 17.80 (Accessory Dwelling Units)	
Accessory dwelling unit, junior	Chapter 17.80 (Accessory Dwelling Units)	
Caretaker unit	D	17.95.070
Emergency shelter	P	
Low-barrier navigation center	P	
Supportive housing	P	
Transitional housing	P	
Commercial Uses		
Animal hospital	C	
Hospital	~~U~~C	
Office, medical	P	
Office, professional	P	
Industrial and Manufacturing Uses		
Recycling facility, indoor	C	
Recycling facility, indoor/outdoor	C	
Refuse disposal facility	~~U~~C	
Recreation, Entertainment, and Public Assembly Uses		
Bed and breakfast	-	
Campground, tent only	D	17.95.060
Campground, improved	D	17.95.060
Instructional services	P	
Gallery or museum	P	
Low-intensity recreational uses	P	
Park/playground	P/~~U~~D	17.35.030.B
Place of Assembly	P	
Recreational vehicle park	D	
Special Event Facility	C	
Public and Quasi-Public Uses		

Land Use	Key P = Permitted by-right D = Director's Use Permit C = Conditional Use Permit TUP = Temporary Use Permit - = Not Permitted	Additional Regulations
	Zone	
	PF	
Adult day support center, licensed	-	
Airport, heliport, landing strip, public/private	C	
Animal shelter	P	
Community garden	D	
Fairgrounds	-	
Public or governmental	P	
Correctional facility	~~U~~C	
Public utilities	P	
School, private	P/D	
School, technical/vocational	C	
School, college/university	C	
Telecommunication facilities	D	
Temporary Uses		
Temporary Use	TUP	Chapter 17.105
Accessory Uses and Structures		
Accessory Use	P/D	Chapter 17.75

17.35.030 Additional Land Use Regulations

A. Cemeteries. Cemeteries, mausoleums, and other similar structures and/or land uses, shall only be allowed on parcels one acre or greater in size. These land uses are prohibited on parcels less than one acre in size. [Source: NEW]

B. Parks. Parks over one acre shall require the approval of a Director's Use Permit. [Source: 17.29.030, modified]

17.35.040 Development Standards

A. Purpose of Development Standards. The purpose of Table 17.35-2 (Development Standards for the Public Facilities Zone) is to clearly establish the basic site and structure regulations that apply to all development in the public facilities zone. The table also identifies when and where additional site and structure standards apply to the public facility zone, such as off-street parking, landscaping, signs, fences and walls, and performance standards. [Source: NEW]

B. Additional Development Standards. The "Additional Development Standards" row of Table 17.35-2 (Development Standards for the Public Facilities Zone) will include a chapter or section number when additional regulations located in another portion of this Title apply to the zone and are required for permit approval. [Source: NEW]

C. Density and Floor Area Ratio. Maximum density and floor area ratio (FAR) standards shall be consistent with the General Plan or applicable Community Plan or Specific Plan. See Table 17.10-1 (Zones Implementing the General Plan) in Chapter 17.10 (Zones and Zoning Map) of this Title. General Plan land use designations and corresponding density and FAR standards for each zone. [Source: NEW]

Table 17.35-__: Development Standards for Industrial Zones

Development Standard	Zone
	PF
Minimum Parcel Size	2,000 sqft
Minimum Lot Width	25 ft
Minimum Lot Depth	80 ft
Maximum lot coverage	-
Maximum height	40 ft
Minimum Front setback	17.35.050.A
Minimum Side setback	17.35.050.B
Minimum Rear setback	20 ft
Additional Development Standards	17.30.050.C
Additional Regulations	
Fences and Walls	Chapter 17.45
Landscaping	Chapter 17.50
Performance Standards	Section 17.40.050
Parking and Loading Space Requirements	Chapter 17.55
Sign Standards	Chapter 17.60
Solid Waste and Recycling Standards	Chapter 17.65

17.35.050 Additional Development Standards

A. Front Setback. No minimum front setback is required except when :the front lot line of the parcel is within 200 feet of a residential use or zone on the same side of the street shall have a minimum front setback of 20 feet. The entire front setback, exclusive of driveways and necessary sidewalks shall be landscaped. [Source: 17.29.060.A, modified]

B. Side Setbacks. No minimum side yard setbacks are required except when side lot line(s) of the parcel is within 200 feet of a residential use or zone on the same side of the street shall have a minimum side setback of 10 feet. Side setbacks, exclusive of driveways and necessary walkways, shall be landscaped. [Source: 17.29.070.A, modified]

C. Rear Setback. Parcels where the rear setback is abutting an alley shall have a minimum setback of 10 feet. [Source: 17.29.080, modified]



Chapter 17.40

Specific Unit Development Zone

Chapter 17.40 Specific Unit Development Zone

Sections

17.40.010 Purpose and Intent of the Specific Unit Development Zone
17.40.020 Land Use Regulations for the Specific Unit Development Zone
17.40.030 Development Standards for the Specific Unit Development Zone

17.40.010 Purpose and Intent of the Specific Unit Development Zone

A. Purpose. The purpose of this Chapter is to describe character and intent of the county's Specific Unit Development (SUD) zone, describe allowed land uses and permit requirements, establish development standards, and identify any supplemental land use regulations applicable to the SUD zone. [Source: NEW]

B. Purpose of the Specific Unit Development (SUD) Zone. To provide for developments that do not fit within the parameters of standard zoning regulations as established in this Title due to a mixture of building types, land uses, or parcel sizes,. Specific Unit Developments are subject to a special set of site-specific guidelines and land use design which allow a mixture of uses that might otherwise create land use conflicts. [Source: 17.24.010, modified]

17.40.020 Land Use Regulations for the Specific Unit Development Zone

A. Allowed Uses. Any use or combination of uses consistent with the applicable General Plan land use designation and arranged and designed in such a manner as to result in development which is internally compatible and does not conflict with the public health, safety, and welfare may be allowed in an the SUD, subject to a Conditional Use Permit. [Source: 17.24.030, modified]

B. Cannabis-Related Land Uses. The following cannabis-related land uses are allowed with a Conditional Use Permit if the SUD guidelines specifically identify parcels for industrial development. [Source: 17.43, modified)

1. Cannabis nursery
2. Distribution
3. Manufacturing
4. Processing
5. Cultivation
6. Retail
7. Non-storefront Retail
8. Testing
9. Microbusiness

17.40.030 Development Standards for the Specific Unit Development Zone

A. Minimum Acreage Required. The minimum acreage necessary to qualify for SUD zoning is 20 acres. After such zoning is in effect, the minimum parcel size can vary, dependent upon the schematic plan and guidelines submitted as part of the Conditional Use Permit. [Source: 17.24.040, modified]

B. Requirements for Establishing a Specific Unit Development

1. Permit Required. The establishment of a SUD requires the approval of a Conditional Use Permit in compliance with Chapter __ (Conditional Use Permits) and Subparagraph B.2 below.

2. Additional Documentation. The following shall be submitted with the Conditional Use Permit application for consideration by the Planning Commission: [Source: 17.24.020, modified]

a. Schematic Plan. A schematic plan of the project site which indicates the approximate location of buildings, building elevation, roads, walkways, parking, landscaping, the proposed uses of the buildings and grounds, and phasing of development. [Source: 17.24.020.A]

b. Guidelines. A written set of guidelines, which address architectural design, signage, utility information, and other such information as deemed necessary by the Planning Director. [Source: 17.24.020.B, modified]

Chapter 17.45
Overlay Zones

Chapter 17.45 Overlay Zones

Sections

17.45.010 Purpose and Intent
17.45.020 General Provisions
17.45.030 Airport Compatibility Overlay Zone (-ACO)
17.45.040 Cannabis Opt-Out Overlay Zone (-COO)
17.45.050 Historic Design Review Overlay Zone (-HDO)
17.45.060 Critical Water Resource Overlay Zone (-CWR)
17.45.070 Flood Hazard Overlay Zone (-FHO)
17.45.080 Scenic Conservation Overlay Zone (-SCO)
17.45.090 Recreation Development Overlay Zone (-RDO)

17.45.010 Purpose and Intent

A. **Purpose.** The purpose of this Chapter is to describe the character and intent of the County's overlay zones, identify allowed uses and permitting requirements, establish development standards, and identify supplemental land use regulations applicable to overlay zones. [Source: NEW]

B. **Intent.** The intent of this Chapter is to establish areas in the County where certain land use or development standards shall apply in addition to the underlying base zone to achieve a specific purpose such as resource and historic preservation or compatibility with unique land uses. [Source: NEW]

17.45.020 General Provisions

A. **Allowed Uses and Development Standards.** All development standards, allowable uses, and permit requirements of the base zone with which the overlay zone is combined shall be enforced, except as modified by an Overlay Zone. [Source: NEW]

B. **Conflicting Standards.** Where standards of an overlay zone conflict with the underlying base zone, the standards of the overlay zone shall prevail. [Source: NEW]

C. **Definitions.** See Part 7 (Definitions) for land use definitions and explanations. [Source: NEW]

17.45.030 Airport Compatibility Overlay Zone (-ACO)

A. **Purpose and Intent**

1. **Purpose.** The purpose of the Airport Compatibility Overlay Zone (-ACO) is to protect the public health, safety, and welfare by minimizing land use conflicts between airports and surrounding development, consistent with State law governing airport land use compatibility. [Source: NEW]

2. **Intent.** The Airport Compatibility Overlay Zone (-ACO) is intended to promote the orderly development of land uses within airport influence areas to protect airport operations, preserve navigable airspace, reduce exposure of people and property to airport-related safety hazards and noise impacts, and ensure the long-term viability of airports serving Trinity County. [Source: NEW]

   The Airport Compatibility Overlay Zone (-ACO) is further intended to establish consistency between this Zoning Code and adopted airport land use regulations and plans, including the Trinity County Airport Land Use Compatibility Plan, applicable Airport Master Plans, and Airport Layout Plans. This overlay functions as a regulatory reference and referral mechanism and is not intended to restate, duplicate, or supersede airport-specific land use or development standards adopted through those plans. [Source: NEW]

B. **Authority.** The Airport Compatibility Overlay Zone (-ACO) is established in compliance with the authority and intent of California Public Utilities Code Sections 21670 through 21679, which require coordination between local land use agencies and Airport Land Use Commissions to prevent the creation of new airport-related hazards and incompatible land uses. [Source: NEW]

C. **Applicability**

1. **Applicability to Airports and Affected Lands.** The Airport Compatibility Overlay Zone (-ACO) and regulations established in this Section apply to all airports located within Trinity County and to all lands subject to review or regulation under an adopted Airport Land Use Compatibility Plan, Airport Master Plan, and/or Airport Layout Plan. [Source: NEW]

2. **Airport Influence and Referral Areas.** The Airport Compatibility Overlay Zone (-ACO) applies to all parcels located within airport influence areas, safety zones, noise contours, height restriction areas, or referral areas as identified in an adopted Airport Land Use Compatibility Plan or other airport planning document adopted by the Trinity County Airport Land Use Commission. [Source: NEW]

3. **Future Amendments.** The applicability of this overlay shall automatically extend to lands included within the boundaries of any Airport Land Use Compatibility Plan, Airport Master Plans, or Airport Layout Plans adopted or amended after the adoption of this Code. [Source: NEW]

D. **Allowed Land Uses and Development Standards**

1. **Relationship to Underlying Zoning.** Except as otherwise established in the Trinity County Airport Land Use Compatibility Plan, and applicable Airport Master Plans, and Airport Layout Plans, all allowed land uses, conditionally allowed land uses, development standards, and other applicable regulations of the underlying base zone shall remain in full effect. [Source: NEW]

2. **Default to Adopted Airport Regulations.** Where airport-related land use or development standards are addressed in an adopted Airport Land Use Compatibility Plan, Airport Master Plan, or Airport Layout Plan, those standards shall govern. This

section does not establish independent land use or development standards. [Source: NEW]

3. **Consistency With Airport Plans.** Pursuant to California Public Utilities Code Section 21676, all land use decisions within the Airport Compatibility Overlay Zone shall be consistent with the applicable Airport Land Use Compatibility Plan unless overridden in accordance with State law. [Source: NEW]

E. **Airport Land Use Commission Review.** Proposed land uses, development, or subdivision within the Airport Compatibility Overlay Zone that are subject to review by the Trinity County Airport Land Use Commission shall be referred and processed in compliance with adopted Airport Land Use Commission procedures and applicable State law. [Source: NEW]

F. **No Expansion of Development Rights.** The application of the Airport Compatibility Overlay Zone shall not be construed to authorize any land use or development that is inconsistent with adopted airport plans, nor to limit the authority of the Trinity County Airport Land Use Commission or other applicable agency to impose conditions, deny projects, or require modifications to achieve airport compatibility. [Source: NEW]

G. **Zoning Map Notation**

1. **Zoning Map Designation.** Areas subject to the Airport Compatibility Overlay Zone (-ACO) shall be identified on the Zoning Map with the suffix “-ACO.” [Source: NEW]

2. **Reference to Adopted Plans.** The Zoning Map may include a general reference to airport influence areas; however, the precise boundaries of the Airport Compatibility Overlay Zone shall be determined by the applicable Airport Land Use Compatibility Plan, Airport Master Plan, or Airport Layout Plan, as adopted and amended. [Source: NEW]

3. **Informational Nature of Mapping.** The depiction of the Airport Compatibility Overlay Zone (-ACO) on the Zoning Map is intended for informational and implementation purposes. In the event of a discrepancy between the Zoning Map and an adopted airport planning document, the adopted airport planning document shall control. [Source: NEW]

H. **Interpretation.** This overlay zone is intended to direct applicants, property owners, and decision-makers to airport-related land use regulations adopted outside of this Code. The absence of specific land use or development standards within this section shall not be interpreted as an exemption from airport compatibility, safety, or referral requirements. [Source: NEW]

17.45.040 Cannabis Opt-Out Overlay Zone (-COO)

****Placeholder section for a potential new overlay zone that recognizes the established opt-out areas on the Zoning Map. County staff is still working through concepts with the consultant team and will have updates to this Section in pending drafts****

17.45.050 Historic Design Review Overlay Zone (-HDO)

A. **Purpose.** The purpose of the Historic Design Review Overlay Zone (-HDO) is to identify, protect, and enhance buildings, structures, signs, and sites in the county with architectural, artistic, cultural, or historical significance. The Historic Design Review Overlay Zone (-HDO) intends to: [Source: 17.29C.010]

1. Safeguard the county's heritage as embodied and reflected in such resources; [Source: 17.29C.010.A, modified]
2. Encourage public knowledge, understanding, and appreciation of the county's past; [Source: 17.29C.010.B, modified]
3. Foster civic and neighborhood identity and a sense of place based on the recognition and use of cultural and historic resources; [Source: 17.29C.010.C, modified]
4. Promote the enjoyment and use of cultural resources for education and recreation; [Source: 17.29C.010.D, modified]
5. Preserve diverse and harmonious architectural styles and design preferences reflecting the county's history and to encourage complementary contemporary design and construction; [Source: 17.29C.010.E, modified]
6. Enhance property values and increase economic and financial benefits to the county and its residents; [Source: 17.29C.010.F, modified]
7. Stimulate local business and industry by enhancing the county's attraction to tourists and visitors; [Source: 17.29C.010.G, modified]
8. Promptly identify and resolve conflicts between the preservation of cultural resources and alternative land uses; [Source: 17.29C.010.H, modified]
9. Integrate the preservation of cultural resources into public and private land management and development processes; [Source: 17.29C.010.I, modified]
10. Conserve valuable material and energy resources by ongoing use and maintenance of the existing historic environment. [Source: 17.29C.010.J]

B. **Areas of Application.**

1. The standards established in this Section shall apply to the following areas:
   a. All districts or sites listed in the National Register of Historic Places;
   b. Other sites of historic significance upon application of the property owner.
2. Parcels approved for inclusion in the Historic Design Review Overlay Zone shall be zoned as HDR in the Zoning Map, which shall be applied in addition to the underlying base zone. [Source: 17.29C.020, modified]

C. **District boundaries.**

1. **District I:** Siskiyou/Trinity County line, Shasta/Trinity County line, divide between Grass Valley Creek and Indian Creek, divide between Vitzhum Gulch and Tom Lang Gulch, unnamed ridge, Lime Kiln Gulch, Browns Mountain, Rush Creek Road,

Highway 3, Rush Creek, divide between Canyon Creek and Stuart Fork, to the point of beginning. [Source: 17.29C.030.A]

2. **District II:** Humboldt/Trinity County line, Siskiyou/Trinity County line, divide between Canyon Creek and Stuart Fork, Rush Creek, Highway 3, Rush Creek Road, Browns Mountain, Lime Kiln Gulch, unnamed ridge, divide between Vitzhum Gulch and Tom Lang Gulch, divide between Grass Valley Creek and Indian Creek, Shasta/Trinity County line, Hayfork divide, Hells Half Acre Creek, to the point of beginning. [Source: 17.29C.030.B]

3. **District III:** Hells Half Acre Creek, Hayfork divide, Shasta/Trinity County line, Tehama/Trinity County line, Mendocino/Trinity County line, Humboldt/Trinity County line, to the point of beginning. [Source: 17.29C.030.C]

D. **Allowed Land Uses.** All uses allowed in the underlying base zone shall be allowed in the Historic Design Review Overlay zone with the same permitting requirements as established for the intended use in the underlying zone. [Source: 17.29C.040, modified]

E. **Architectural Review Committee Review and Approval.** Review and approval shall be obtained from the appropriate Architectural Review Committee before any of the following take place on a parcel in the Historic Design Review Overlay Zone: [Source: 17.29C.040, modified]

1. The demolition, construction, alteration, or removal of any structure, building, or other improvement;[Source: 17.29C.040, modified]

2. The alteration, in any manner, of an exterior architectural element of any structure or improvement; [Source: 17.29C.040, modified]

3. The placement, alteration, removal, or relocation of any sign; [Source: 17.29C.040, modified]

4. The removal of any tree(s) larger than 10 inches in diameter at breast height; or [Source: 17.29C.040, modified]

5. The placement, alteration, or removal of any item affecting the general appearance of a historical district or site. [Source: 17.29C.040, modified]

F. **Establishment**

1. There are established in the county three architectural review and preservation committees, each consisting of five members appointed by the bboard of Supervisors. The members of each committee shall be residents of the county. [Source: 17.29C.050]

2. Each committee shall consist of a planning commission member from the affected district, an architect or contractor or builder, a historical society member, a member of the business community (who owns a business within a special treatment area under the committee's jurisdiction), and a representative of the artistic community. A planning department staff member shall serve as secretary. Said planning staff member shall be a non-voting member of the committee. [Source: 17.29C.050]

3. Each committee shall have the power and authority to perform all the duties as described and provided in Section 17.29C.060. The original appointment of the

members of the committee shall be made for four-year staggered terms. If a member is unable to fulfill his/her term, the Board of Supervisors shall make an interim appointment to fill the unexpired term of that member and, where the member is required to have special qualifications, such vacancy shall be filled by interim appointment, in the manner described in this chapter, with a person having those qualifications. Members may continue to serve upon reappointment by the board of supervisors. [Source: 17.29C.050]

4. In the event that the position has been posted and a qualified person has not applied within sixty days of the position being posted then the clerk of the board shall re-post the vacancy. The public notice shall state that a qualified person has not applied for the position; therefore, the Board of Supervisors will accept applications from any individual having interest or experience in a similar field to the position being posted. [Source: 17.29C.050]

G. **Committee authority.** The committees shall have the following authority:

1. To conduct any survey of local properties within the boundaries of the county, complying with all applicable standards and criteria of the statewide survey undertaken by the State Historic Preservation Office; [Source: 17.29C.060.A.1]

2. To serve in an advisory capacity to the Board of Supervisors when conducting studies and/or retaining consultants for projects within the historic districts or special treatment areas; [Source: 17.29C.060.A.2]

3. To adopt specific guidelines for landmarks, special treatment sites, improvements within the historical districts or special treatment areas; [Source: 17.29C.060.A.3]

4. To cooperate with Federal and State governments in the pursuit of the objectives of historic preservation; [Source: 17.29C.060.A.4]

5. To participate in the review and approval of land use, renewal, community or county improvements and other planning undertaken or approved by any agency or official of the County, State or Federal governments. (Applies only to areas or sites affected by this chapter); [Source: 17.29C.060.A.5]

6. To establish and maintain a detailed inventory or improvements, structures and buildings within the historical districts and special treatment areas and of landmarks, landmark sites and special treatment sites within the county; [Source: 17.29C.060.A.6]

7. To establish rules and regulations which are necessary for the effective conduct of the business of the committee; [Source: 17.29C.060.A.7]

8. To adopt guidelines for trees greater than three inches in diameter; [Source: 17.29C.060.A.8]

9. To perform all other duties, responsibilities and functions outlined in this chapter, and all other duties which are proper or necessary to the purpose of this chapter. The committee shall obtain approval from the board of supervisors prior to entering into any contractual relationship or incurring any expenses. [Source: 17.29C.060.A.9]

H. **Review Criteria.** The Architectural Review Committee may approve a project or proposal for work as described in Subsection E above if it determines that: [Source: 17.29C.070, modified]

1. The proposed construction, removal, rehabilitation, alteration, remodeling, excavation, placement or exterior alteration conforms with the purposes of this Section and emphasizes the preservation of architectural styles existing in the county circa 1900 (i.e., 1890—1910), or emphasizes other distinct or noteworthy architectural styles of the area or site. [Source: 17.29C.070, modified]

2. **Design Guidelines.** The proposed project, alteration, or remodel complies with all applicable design guidelines as adopted by the Board of Supervisors by resolution. [Source: 17.29C.080, modified]

I. **Architectural Review Application.** The following materials, in addition to other information that the Committee may deem appropriate in making its decision, shall be submitted with the Architectural Review Application: [Source: 17.29C.090, modified]

1. An elevation of each exposed side of the existing or proposed building or buildings, drawn at a scale of one-eighth of an inch equals one foot, or larger, identifying all materials, textures and colors to be used; [Source: 17.29C.090.A]

2. Samples of all materials, including paint chips of the proposed exterior colors; [Source: 17.29C.090.B]

3. A site plan indicating existing topography, vegetation, structures and adjacent development, drawn at a scale of one-eighth of an inch equals one foot or larger; [Source: 17.29C.090.C]

4. Drawings of exterior details on buildings, including light standards and fixtures; screens for mechanical equipment or trash, meters and meter boxes; existing and proposed signs; and such other details as may exist on any building or property; [Source: 17.29C.090.D, modified]

5. Drawings of the exterior of structures, displays (including window coverings, treatments or screening) or furniture or merchandise (located outside of a structure) to be located upon sites within the special treatment area or site, including fences, signs and lighting; [Source: 17.29C.090.E]

6. Site photographs indicating topography, vegetation, existing structures and adjacent development; [Source: 17.29C.090.F

7. True, correct and complete copies of old photographs or historical records, if available, pertaining to the existing building site or area; [Source: 17.29C.090.G]

8. Where the application involves grading or drainage work, a plan indicating existing (solid line) and proposed (dashed line) contours, at two foot or five-foot intervals, and all existing features of the grade; [Source: 17.29C.090.H]

9. Conceptual landscape plans, including lighting, general type of vegetation, size and location of ground covers, trees and other vegetation, where changes of landscaping are proposed; [Source: 17.29C.090.I]

10. Development which will alter or interrupt in a significant manner views or vistas from a public street or way shall be visually apparent on the site plan. Documentation shall be submitted indicating that alternative ways of preserving sightlines have been considered; [Source: 17.29C.090.J]

11. **Sign Applications.** Applications for signs shall include all of the following:

    a. A site plan showing the location of the building upon which the sign will be attached; [Source: 17.29C.090.K, modified]

    b. An elevational drawing showing the location on the building where the sign will be placed (drawn to scale); [Source: 17.29C.090.K, modified]

    c. A rendition (drawn to scale) of the proposed sign, including size (length, width, depth), design height from ground, distance from other nearby signs; [Source: 17.29C.090.K, modified]

    d. Lighting, colors (paint chips); and [Source: 17.29C.090.K, modified]

    e. Identification of lettering styles to be used from the approved list of lettering styles. [Source: 17.29C.090.K, modified]

12. Any or all of the application requirements as written in this Subsection may be waived at the discretion of the Committee. [Source: 17.29C.090.L, modified]

J. **Demolition or Removal.** No improvement, structure, or building located within a the Historic Design Review Overlay shall be torn down, demolished, or removed unless such improvement, structure, or building is or has become so damaged or dilapidated that it is unusable and cannot reasonably be repaired or restored. Approval to demolish, tear down, or remove shall be obtained from the Committee and is subject to the issuance of a Demolition Permit required by the County Building Division. [Source: 17.29C.100, modified]

K. **Non-Architectural Decorations.**

1. **Holiday/Special Event Specific.** Holiday or special event specific decorations shall be removed within seven days following the holiday or special event. [Source: 17.29C.120.A]

2. **Non-Holiday or Non-Special Event Specific.** Non-holiday or non-special event specific decorations (e.g.: pin wheels, pennants, windsocks, and other decorations placed outdoors) are prohibited unless otherwise approved by the Committee. [Source: 17.29C.120.B, modified]

L. **Variation from Building Code Requirement and Encroachments.** The Building Inspector is authorized and directed, where applicable, to administer and enforce as alternative building regulations, those rules and regulations adopted in agreement with the Park and State Historical Building Code of Title 24 and building standards of California Code of Regulations as authorized in Sections 18950 through 18960 of the Health and Safety Code. Said direction shall apply to any area or site subject to the provisions of this Section. [Source: 17.29C.130, modified]

M. **Ordinary Maintenance and Repair.** The standards established in this Section are not intended to:

1. Prevent the ordinary maintenance and repair of any improvement, sign, or exterior architectural feature, which was constructed, placed, erected, or located in conformance with this Section that does not involve a change in design, materials, or exterior appearance.

2. Prevent the construction, reconstruction, alteration, restoration, demolition, or removal of any improvement, sign, or exterior architectural feature, including trees greater than three inches in diameter, when the appropriate authority (e.g. Building Inspector, certified arborist) certifies to the Committee that such action is required for the public safety due to unsafe or dangerous conditions and cannot reasonably be restored or repaired. [Source: 17.29C.140, modified]

N. **Landlord Disclosure.** For properties being rented to tenants, it shall be the landlord's duty to disclose to his/her tenants the information regarding the standards and guidelines applied to the Historic Design Review Overlay Zone and ensure the property is maintained in compliance with this Section. [Source: 17.29C.150, modified]

17.45.060 Critical Water Resource Overlay Zone (-CWR)

A. **Purpose.** The purpose of the Critical Water Resource Overlay (-CWR) Zone is to preserve and protect important water resources in Trinity County and minimize the impact of development on those resources from extraction or contamination. [Source: NEW]

B. **Applicability.**

1. Zoning Map. The initials "-CWR" appearing after a zone abbreviation on the Zoning Map indicates that the property is within the Critical Water Resource Overlay Zone and is subject to provisions of this Section in addition to those of the underlying zone. [Source: 17.29A.010.A, modified]

2. The "-CWR" overlay zone may be applied to any land within the county for which the Board of Supervisors, after public hearing, determines that development may have a detrimental impact on water resources such as those resulting from extractions of ground and/or surface waters which would be beyond the capability of the resource or by contamination of ground or surface waters. [Source: 17.29A.010.B, modiifed]

C. **Allowed Uses.** All uses allowed in the underlying zone as established in this Title, provided the said use is also in compliance with the standards and requirements of this Section. [Source: 17.29A.020, modified]

D. **Development Standards.** Any proposed development, improvement, or activity on a parcel within the -CWR overlay shall comply with the following development standards:

1. **Water Quantity.** Where the "-CWR" overlay zone pertains to the amount of water available, proof of such water availability shall be demonstrated prior to the division of any parcel of land through at least one of the following methods: [Source: 17.29A.030.A, modiifed]

a. An on-site well located a minimum of 100 feet from any stream, and drilled to a minimum depth 50 fifty feet, for each proposed parcel producing year-round flows of not less than one and one-half gallons per minute (gpm); [Source: 17.29A.030.A.1, modified]

b. A spring on each proposed parcel producing year round flows of not less than one and one-half gpm; or [Source: 17.29A.030.A.2]

c. Provide water to each proposed parcel from a public (community) water system defined and regulated under the California Health and Safety Code, Division 5, Pure Water Law. [Source: 17.29A.030.A.3]

2. **Water Quality.** Where the "-CWR" overlay zone pertains to the quality of water, proof of safe drinking water shall be demonstrated prior to the division of any parcel of land. The following conditions may be required at the discretion of the County Environmental Health Division: [Source: 17.29A.030.B, modified]

a. Chemical analysis of the subject water source to be performed by a State certified laboratory for chemical analysis. [Source: 17.29A.030.B.1, modified]

b. Bacteriological analysis of the subject water source to be performed by a State certified laboratory for bacteriological analysis. The nature and scope of said analyses shall be at the discretion of the County Environmental Health Division. [Source: 17.29A.030.B.2, modified]

E. **Exceptions.** The provisions of this Section shall not apply to divisions whereby it is found by the Board of Supervisors that said division would not in any manner necessitate the use of water, either for human or animal consumption or irrigation. Upon such finding, all documents pertaining to said division shall be clearly marked by the zone abbreviation followed by the initials "CWRN." No building, septic tank or other like permits may be issued by any agency for land so designated "CWRN." [Source: 17.29A.040]

17.45.070 Flood Hazard Overlay Zone (-FHO)

A. **Authority.** Under the authority of Government Code Section 65302, 65560, and 65800, to the Board of Supervisors adopted regulations for the county's flood hazard areas based on the following findings: [Source: 17.29B.010, modified]

1. The flood hazard areas of Trinity County are subject to periodic inundation, which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. [Source: 17.29B.020.A]

2. Damage and loss due to flooding is caused by the cumulative effect of obstructions in flood hazard areas, which can increase flood heights and velocities, and inadequately anchored objects or structures, which can cause damage in surrounding areas. Uses that are inadequately flood-proofed, elevated, or otherwise protected from damage also contribute to the flood loss. [Source: 17.29B.020.B, modified]

B. **Purpose** The purpose of this Section to promote the public health, safety, and general welfare, to protect fish and wildlife resources, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to: [Source: 17.29B.030, modified]

1. Protect human life and health; [Source: 17.29B.030.A]
2. Minimize expenditure of public money for costly flood control projects; [Source: 17.29B.030.B]
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; [Source: 17.29B.030.C]
4. Minimize prolonged business interruptions; [Source: 17.29B.030.D]
5. Minimize damage to public facilities and utilities, such as water and gas mains, electricity, telephone, sewer lines, streets and bridges located in areas of special flood hazards; [Source: 17.29B.030.E]
6. Help maintain a stable tax base by providing for sound use and development of areas of special flood hazard so as to minimize future flood blight areas; [Source: 17.29B.030.F]
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; [Source: 17.29B.030.G]
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and [Source: 17.29B.030.H]
9. Minimize impacts to fish and wildlife resources that are associated with floodplains where such resources do not conflict with public health and safety. [Source: 17.29B.030.I]

C. **Intent.** It is the intent of this Section to establish standards, methods, and provisions that: [Source: 17.29B.040, modified]

1. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion, flood heights or velocities; [Source: 17.29B.040.A, modified]
2. Require uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction; [Source: 17.29B.040.B, modified]
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help to accommodate flood waters and maintain fish and wildlife resources; [Source: 17.29B.040.C, modified]
4. Control filling, grading, dredging, and other development which may increase flood damage; and [Source: 17.29B.040.D, modified]
5. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or which may increase flood hazards in other areas. [Source: 17.29B.040.E, modified]

D. **Establishing Special Flood Hazard Areas.** [Source: 17.29B.160, modified]

1. Special flood hazard areas are identified by the Federal Emergency Management Agency (FEMA) through risk mapping studies, resulting in Flood Insurance Rate Maps (FIRMs). These flood insurance studies are the minimum area of applicability of this Section and may be supplemented by other studies, as approved by the Board of Supervisors upon a recommendation from the Planning Director. [Source: 17.29B.160.A]

2. Flood hazard studies are on file at the Trinity County Planning Department. [Source: 17.29B.160, modified]

E. **Applicability**. All of the following areas shall be zoned Flood Hazard Overlay Zone (-FHO): [Source: 17.29B.050, modified]

1. Areas designated as a regulatory floodway or zone AE on the Federal Emergency Management Agency's (FEMA) flood insurance rate maps (FIRM); [Source: 17.29B.050.A]

2. Areas designated on the FIRM as Zone A along the Trinity River, Coffee Creek, or along streams in communities with an adopted community plan; [Source: 17.29B.050.B]

3. All lands designated as Zone A, AO, or AH on the Federal Emergency Management Agency's (FEMA) flood insurance rate (FIRM) maps. [Source: 17.29B.110, modified]

4. Areas identified as 100-year floodplain on parcel maps and final maps filed for record in accordance with the Trinity County Subdivision Ordinance; [Source: 17.29B.050.C, modified]

5. Areas identified as 100-year floodplain with an approved Use Permit (Director's or Conditional) or other County entitlement; and [Source: 17.29B.050.D, modified]

6. Areas identified as 100-year floodplain by a flood study approved by the Board of Supervisors. [Source: 17.29B.050.E]

7. Areas along the Trinity River identified as inundated by the maximum fishery flow by a flood study approved by the Board of Supervisors. [Source: 17.29B.050.F, modified]

F. **Land Use Regulations.** The following land use regulations and permitting requirements apply to the -FHO overlay zone in addition to the land use regulations of the underlying zone. [Source: NEW]

1. Allowed Uses. The following uses are allowed within the -FHO overlay zone: [Source: 17.29B.060, modified]

   a. Agricultural uses not involving the construction of structures or other uses which would limit the flow of flood waters. [Source: 17.29B.060.A]

   b. Placement and repair of wire or wood fencing, which will allow for the passage of water. No solid fencing or walls are allowed without first obtaining a floodplain development permit. [Source: 17.29B.060.B]

c. Maintenance and repair of existing bridges, culverts and roadways. [Source: 17.29B.060.C]

d. Recreational mining or dredging, not subject to the Surface Mining and Reclamation Act (SMARA). [Source: 17.29B.060.D]

2. Floodplain Development Permit (per Chapter __). The following uses are allowed subject to first securing a Floodplain Development Permit approved by the Planning Director, and comply with applicable development standards established in this Section: [Source: 17.29B.070, modified]

a. All uses allowed in the underlying zone. [Source: 17.29B.120, modified]

b. Construction or replacement of bridges, culverts, roadways, bank slope protection devices and levees, and fisheries or wildlife habitat improvement projects shall be allowed, provided a certification by a registered professional engineer is provided demonstrating that the net effect of the project, in conjunction with all other projects developed on the affected stream reach since the effective date of the FIRM for said stream, will not cumulatively increase flood waters of the stream by more than one foot in the project area. Such certification shall be provided to the Planning Director. [Source: 17.29B.070.A]

c. Substantial improvements to existing structures. [Source: 17.29B.070.B, modified]

d. Construction of new structures, provided that there are no building sites lying outside of the FHO zone. [Source: 17.29B.070.C, modified]

3. **Conditional Use Permit.** The following uses may be allowed with the approval of a Conditional Use Permit in compliance with Chapter __ (Conditional Use Permits), and, where applicable, complying with regulatory floodway provisions of Section 17.29B.090, below. [Source: 17.29B.080, modified]

a. Mining activities, provided all of the requirements of Surface Mining and Reclamation Act (SMARA) are met. Structures, equipment and material stockpiles shall not be in the floodplain between November 1 and April 30 of any year. [Source: 17.29B.080.A]

b. As part of a resort development or special occupancy park, seasonal uses, such as RV or tent camping may be allowed, provided they meet the standards for recreational vehicles in Section 17.29B.130(G). The Conditional Use Permit shall include all materials required for a Floodplain Development Permit as established in Section __for Planning Commission's consideration. and shall be conditioned to require the following: [Source: 17.29B.080.B, modified]

i. Removal of all facilities (including, but not limited to, picnic tables, trash containers, portable toilets) from areas subject to flooding, during the period between November 1 and April 30. [Source: 17.29B.080.B]

ii. Permanently placed facilities, such as propane tanks or sewage disposal systems shall not be allowed for any length of time. [Source: 17.29B.080.B, modified]

4. **Regulatory Floodways.** A "regulatory floodway," lying within an area of special flood hazard as shown on a FIRM map, is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential. The following provisions apply to regulatory floodways: [Source: 17.29B.090, modified]

a. **Encroachments.** Encroachments, including fill, new construction, substantial improvement, and other new development are prohibited within floodways unless certification by a Registered Professional Engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge. [Source: 17.29B.090.A, modified]

b. If Subparagraph 5.a above is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Subsection E.3 of this Section. [Source: 17.29B.090.B, modified]

c. If Subparagraph 5.a above cannot be satisfied, and the Planning Director determines that no practicable alternative exists to revising the boundaries of the previously adopted floodway, then the Planning Director may request an amendment to the floodway map, in compliance with 44 CFR Section 65.7, "Floodway Revisions." [Source: 17.29B.090.C, modified]

G. **Development Standards.** The following standards shall apply to any development proposed within -FHO zone or within a special flood hazard area where development is permitted by this Chapter. [Source: 17.29B.130, modified]

1. **Anchoring.** All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, and be certified a registered professional architect or engineer. [Source: 17.29B.130.A.1; 17.29B.130.A.3, modified]

2. **Construction Materials and Methods.**

a. All new construction and substantial improvements shall be constructed with flood resistant materials as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage. [Source: 17.29B.130.B.1]

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. [Source: 17.29B.130.B.2]

c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water

from entering or accumulating within the components during conditions of flooding. [Source: 17.29B.130.B.3]

d. All new construction and substantial improvements within FIRM map Zones AH or AO shall be constructed so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. [Source: 17.29B.130.B.4, modified]

3. **Elevation and Floodproofing.**

a. **Residential Structures.** New construction and substantial improvement of residential structures shall have the lowest floor, including basement, shall comply with the following standards: [Source: 17.29B.130.C.1, modified]

i. In A, AE, AH, and A1-30 FIRM map zones, structures shall be elevated at least two feet above the base flood elevation. [Source: 17.29B.130.C.1.a, modified]

ii. In the AO FIRM map zone, structures shall be elevated above the highest adjacent grade to a height equal to or exceeding two feet above the depth number specified in feet on the FIRM, or elevated at least four feet above the highest adjacent grade if no depth number is specified. [Source: 17.29B.130.C.1.b, modified]

iii. Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the County Building Inspector, to be properly elevated. Such certification, or verification, shall be provided to the Planning Director. [Source: 17.29B.130.C.1, modified]

b. **Nonresidential Structures.** Nonresidential construction shall be elevated in conformance with subsection (C)(1), or together with attendant utility and sanitary facilities: [Source: 17.29B.130.C.2]

i. Be flood proofed so that below the elevation recommended under subsection (C)(1), the structure is watertight with walls substantially impermeable to the passage of water; [Source: 17.29B.130.C.2.a]

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and [Source: 17.29B.130.C.2.b]

iii. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the Planning Director. [Source: 17.29B.130.C.2.c]

c. **Parking and Storage Structures.** All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are used solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for

the entry and exit of floodwaters. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletin TB 1-93 and TB 7-93 and must meet the following minimum criteria: [Source: 17.29B.130.C.3, modified]

i. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. [Source: 17.29B.130.C.3.a]

ii. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings, or devices, provided that they permit the automatic entry and exit of floodwaters. [Source: 17.29B.130.C.3.a]

iii. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; and [Source: 17.29B.130.C.3.a]

iv. Be certified by a registered civil engineer or architect. [Source: 17.29B.130.C.3.b]

d. **Crawl Spaces.** This subsection applies to buildings with crawl spaces up to two feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements. [Source: 17.29B.130.C.5, modified]

i. The building must be designed and adequately anchored to resist flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer; [Source: 17.29B.130.C.5.a]

ii. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exist of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93; [Source: 17.29B.130.C.5.b]

iii. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building but also any joists, insulation, or other materials that extend below the BFE; [Source: 17.29B.130.C.5.c]

iv. Any building utility systems with the crawl space must be elevated above the BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions; and [Source: 17.29B.130.C.5.d]

v. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following: [Source: 17.29B.130.C.5.e]

(1) The interior grade of a crawl space below the BFE must not be more than two feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01; [Source: 17.29B.130.C.5.e]

(2) The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed four feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point; [Source: 17.29B.130.C.5.e]

(3) There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed seventy-two hours; and [Source: 17.29B.130.C.5.e]

(4) The velocity of floodwaters at the site should not exceed five feet per second for any crawl space. For velocities in excess of five feet per second, other foundation types should be used. [Source: 17.29B.130.C.5.e]

4. **Standards for Utilities.** All new and replacement utility systems, such as water, sewer, and disposal fields shall comply with the following standards [Source: 17.29B.130.D, modified]

a. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters. [Source: 17.29B.130.D.1]

b. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. [Source: 17.29B.130.D.2]

c. All disposal fields for on-site waste disposal systems shall be located outside of the 100-year flood zone. [Source: 17.29B.130.D.3]

5. **Standards for Manufactured Homes.** All new and replacement manufactured homes, including manufactured homes located in new and existing mobile home parks and any substantial improvements and additions to manufactured homes shall comply with the following standards: [Source: 17.29B.130.E, modified]

a. Be elevated on a permanent foundation system such that the lowest floor is not less than two feet above the base flood elevation; [Source: 17.29B.130.E.1]

b. Be securely anchored to a permanent foundation system designed to resist flotation, collapse or lateral movement, and installed in accordance to FEMA

Publication 85 entitled "Manufactured Home Installation in Flood Hazard Areas"; and [Source: 17.29B.130.E.2]

c. Upon completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the County Building Inspector to be properly elevated. Such certification and verification shall be provided to the Planning Director. [Source: 17.29B.130.E.3, modified]

6. **Standards for Recreational Vehicles.** All recreational vehicles placed on sites within zones A1-30, AH, AE and A on the FIRM map shall either: [Source: 17.29B.130.F, modified]

a. Be on site for fewer than 180 consecutive days and be fully licensed and ready for highway use—a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or [Source: 17.29B.130.F.1]

b. Meet the permit requirements of Subsection G of this Section and the elevation and anchoring requirements for manufactured homes in Subparagraph 3.e of this Section. [Source: 17.29B.130.F.2, modified]

7. **Floodplain Encroachments.** Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply: [Source: 17.29B.130.G]

a. **Areas without a Regulatory Floodway (Includes all flood zones):** All fill and other encroachments shall be certified by a registered professional engineer or architect to not increase the base flood elevation more than 12 inches. Such certification shall be provided to the Planning Director. [Source: 17.29B.130.G.1, modified]

b. **Areas with a Regulatory Floodway:** Within an adopted regulatory floodway, the County of Trinity shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge. [Source: 17.29B.130.G.2]

c. If the above standards are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this Section. [Source: 17.29B.130.G.3, modified]

H. Standards for Subdivisions

1. **Standards for Subdivisions.** All new tentative subdivision proposals and other proposed large developments including proposals for manufactured home parks (no matter the acreage or number of lots) shall: [Source: 17.29B.140]

a. Identify the special flood hazard areas (SFHA) and base flood elevations (BFE). [Source: 17.29B.140.A]

b. If the site is filled above the base flood elevation, the lowest floor and final pad elevation shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the Planning Director. [Source: 17.29B.140.B]

c. All subdivision proposals shall be consistent with the need to minimize flood damage. [Source: 17.29B.140.C]

d. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize flood damage. [Source: 17.29B.140.D]

e. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. [Source: 17.29B.140.E]

f. The creation of new parcels, which have no building sites outside of the one hundred-year floodplain is prohibited, except for the creation of open space parcels. [Source: 17.29B.140.F]

I. Administration

1. **Floodplain Development Permit.** A Floodplain Development Permit shall be obtained before construction or development begins within the FHO zone, as established in this Section. Application for a Floodplain Development Permit shall be made on forms provided by the Planning Director that include the following: [Source: 17.29B.220, modified]

a. A site plan, including but not limited to: [Source: 17.29B.220.A]

i. For all proposed structures, spot ground elevations at building corners and twenty-foot or smaller intervals along the foundation footprint, or one foot contour elevations throughout the building site; [Source: 17.29B.220.A.1]

ii. Proposed locations of water supply, sanitary sewer, and utilities; [Source: 17.29B.220.A.2]

iii. The base flood elevation from the flood insurance study and/or flood insurance rate map; and [Source: 17.29B.220.A.3]

iv. If applicable, the location of the regulatory floodway. [Source: 17.29B.220.A.4]

b. Foundation design detail, including but not limited to: [Source: 17.29B.220.B]

i. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; [Source: 17.29B.220.B.1]

ii. For a crawl-space foundation, location and total net area of foundation openings as required in Section 17.29B.130(C)(3) of this chapter and

FEMA Technical Bulletins TB 1-93 and TB 7-93; and [Source: 17.29B.220.B.2]

iii. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to ninety-five percent using the Standard Proctor Test method). [Source: 17.29B.220.B.3]

c. The proposed elevation in relation to mean sea level to which any nonresidential structure will be flood proofed, as required in Section 17.29B.130(C)(2) of this chapter and FEMA Technical Bulletin TB 3-93. [Source: 17.29B.220.C]

d. All appropriate certifications listed in Section 17.29B.240(D) of this chapter. [Source: 17.29B.220.D]

e. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. [Source: 17.29B.220.E]

f. Any additional information or documentation as deemed necessary by the Planning Director. [Source: NEW]

2. Review of Projects in the -FHO Zone. The Planning Director shall consider the following in the review of proposed projects in the -FHO zone: [Source: 17.29B.240, modified]

a. Permit Application Review [Source: 17.29B.240.A, modified]

i. The permit requirements of this Section have been satisfied. [Source: 17.29B.240.A.1, modified]

ii. All other required State and Federal permits have been obtained. [Source: 17.29B.240.A.2, modified]

iii. The site is reasonably safe from flooding. [Source: 17.29B.240.A.3]

iv. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point within the County of Trinity. [Source: 17.29B.240.A.4]

v. All letters of map revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition. [Source: 17.29B.240.A.5]

vi. The proposed development does not limit the ability to flush sediment through the Trinity River by the use of controlled water releases from Lewiston Dam. [Source: 17.29B.240.A.6]

vii. The proposed development does not adversely impact fish or wildlife resources associated with riparian vegetation within an area of special flood hazards. [Source: 17.29B.240.A.7]

b. Review and use of base flood data: [Source: 17.29B.240.B, modified]

i. When base flood elevation data has not been provided in accordance with Section 17.29B.160, the Planning Director shall obtain, review, and reasonably use any base flood elevation and floodway data available from a Federal or State agency, or other source, in order to issue a decision on the permit application. Any such information shall be submitted to the Board of Supervisors for adoption; or [Source: 17.29B.240.B.1, modified]

ii. If no base flood elevation data is available from a Federal or State agency or other source, then a base flood elevation shall be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas — A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995. [Source: 17.29B.240.B.2, modified]

c. Whenever a watercourse is to be altered or relocated: [Source: 17.29B.240.C]

i. Notify adjacent communities, the California Department of Fish and Game, the Army Corps of Engineers, the North Coast Regional Water Quality Control Board, and the California Department of Water Resources prior to such alteration or relocation of a watercourse; [Source: 17.29B.240.C.1]

ii. Submit evidence of such notification to the Federal Insurance Administration, and Federal Emergency Management Agency; and [Source: 17.29B.240.C.2]

iii. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. [Source: 17.29B.240.C.3]

d. Whenever the base flood elevation changes due to physical alterations: [Source: 17.29B.240.D]

i. Within six months of information becoming available or project completion, whichever comes first, the Planning Director shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR). [Source: 17.29B.240.D.1]

ii. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued

based on conditional letters of map revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition. [Source: 17.29B.240.D.2]

e. Obtain and maintain for public inspection and make available as needed: [Source: 17.29B.240.E]

i. The certification required in Section 17.29B.130(C)(1), 17.29B.130(E)(3) (lowest floor). [Source: 17.29B.240.E.1]

ii. The certification required in Section 17.29B.130(C)(2)(c) (elevation, or flood proofing of nonresidential structures). [Source: 17.29B.240.E.2]

iii. The certification required in Section 17.29B.130(C)(3) (wet flood proofing standard). [Source: 17.29B.240.E.3]

iv. The certification required in Section 17.29B.090(A) and 17.29B.130(D) (floodplain/floodway encroachments) [Source: 17.29B.240.E.4]

v. The certification required in Section 17.29B.140(B) (subdivision standards). [Source: 17.29B.240.E.5]

vi. The certification required in Section 17.29B.070(A), (construction or replacement of bridges, culverts, roadways, bank slope protection devices and levees, and fisheries or wildlife habitat improvement projects). [Source: 17.29B.240.E.6]

f. Make interpretations, where needed, as to the location of the boundaries of the area of special flood hazards. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation in compliance with Chapter __ (Appeals). [Source: 17.29B.240.F, modified]

g. Take action to remedy violations of this Section as specified in Section 17.29B.170 herein. [Source: 17.29B.240.G, modified]

h. To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the Planning Director shall: [Source: 17.29B.240.H]

i. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are five feet or higher; [Source: 17.29B.240.H.1]

ii. Enter into a "Non-Conversion Agreement for Construction within Flood Hazard Areas" with Trinity County. The agreement shall be recorded with the Trinity County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Planning Director and county counsel; and [Source: 17.29B.240.H.2]

iii. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours. [Source: 17.29B.240.H.3, modified]

3. **Environmental Review.** Floodplain Development Permits issued pursuant to the provision of this Section shall comply with the provisions of the California Environmental Quality Act as set forth in Title 18 of the Trinity County Municipal Code. [Source: 17.29B.250, modified]

4. **Findings and Considerations.** In approving Floodplain Development Permit applications, the Planning Director, or decision-making authority shall consider all of the following factors: [Source: 17.29B.260.C, modified]

a. The danger that materials may be swept onto other lands to the injury of others. [Source: 17.29B.260.C.1]

b. The danger of life and property due to flooding or erosion damage. [Source: 17.29B.260.C.2]

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner and future owners of that property. [Source: 17.29B.260.C.3]

d. The importance of the services provided by the proposed facility to the community. [Source: 17.29B.260.C.4]

e. The necessity to the facility of a waterfront location where applicable. [Source: 17.29B.260.C.5]

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage. [Source: 17.29B.260.C.6]

g. The compatibility of the proposed use with existing and anticipated development. [Source: 17.29B.260.C.7]

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area. [Source: 17.29B.260.C.8]

i. The safety of access to the property in time of flood for ordinary and emergency vehicles. [Source: 17.29B.260.C.9]

j. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site. [Source: 17.29B.260.C.10]

k. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer,

gas, electrical, and water systems, and streets and bridges. [Source: 17.29B.260.C.11]

l. The impacts on fish and wildlife resources associated with floodplains. [Source: 17.29B.260.C.12]

17.45.080 Scenic Conservation Overlay Zone (-SCO)

A. **Purpose.** The purpose of the Scenic Conservation Overlay (-SCO) Zone is to identify and preserve areas of unusual scenic qualities which are unique to Trinity County and to provide the necessary degree of control on the placement of structures, development of roads, and vegetative management within those areas. [Source: 17.25.010, modified]

B. **Applicability**.

1. Application of the -SCO overlay zone shall be based upon, but not limited to, the following: [Source: 17.25.020.B, modified]

   a. The areas lying within the 100-year flood plain of the streams and reservoirs designated as public waterways in the County Subdivision Ordinance. [Source: 17.25.020.B.1, modified]

   b. The areas lying adjacent to and within 50 feet of public roads and highways designated as scenic highways in the General Plan or otherwise approved by the Board of Supervisors. [Source: 17.25.020.B.2, modified]

   c. Streams designated in the General Plan as scenic waterways. [Source: 17.25.020.B.3, modified]

   d. Any other areas deemed by the Board of Supervisors as having unique scenic character. [Source: NEW]

2. Zoning Map. Parcels approved for inclusion in the Scenic Conservation Overlay Zone shall be zoned as -SCO in the Zoning Map, which shall be applied in addition to the underlying base zone. [Source: 17.25.020.A, modified]

C. **Allowed Uses.** All uses allowed in the underlying zone shall be allowed within the -SCO overlay zone with the same permit requirements, provided a Director Use Permit is obtained for any uses or structures identified in Subsection D. A Director's Use Permit is only required for the portion of the parcel that is within the -SCO overlay zone. [Source: 17.25.030, modified]

D. **Scope of Review.** The scope of the Planning Director's review required by this Section shall be limited to: [Source: 17.25.040, modified]

1. The location of buildings; [Source: 17.25.040.A]

2. The development of private and public roads or driveways; [Source: 17.25.040.B]

3. The construction of decks, boat landings, wells, or similar improvements accessory to the structures; [Source: 17.25.040.C, modified]

4. The removal of vegetation, except as allowed under Subsection. [Source: 17.25.040.D, modified]

E. **Exceptions.** A Director's Use Permit is not required in the following cases:

1. Where such a review was provided as part of a Timber Harvest Plan or environmental document prepared pursuant to the California Environmental Quality Act or National Environmental Protection Act. [Source: 17.25.050, modified]

2. The removal of bushes and trees under 20 feet tall, provided such vegetative management does not involve the use of machinery, except for chain saws and other similar hand tools. [Source: 17.25.040.D, modified]

17.45.090 Recreation Development Overlay Zone (-RDO)

A. **Purpose.** The purpose of the Recreation Development Overlay Zone (-RDO) is to establish development standards and allowable uses in the Trinity Unit of the Whiskeytown-Shasta-Trinity National Recreation Area that: [Source: 17.26.008, modified]

1. Are compatible with public and private recreation and enjoyment and the conservation of natural resources and scientific, historic, scenic and other values; [Source: 17.26.008]

2. Provide immunity from acquisition by the Department of Agriculture of all "improved property" as defined by Title 36, Code of Federal Regulations, Chapter II, Part 251; and [Source: 17.26.008]

3. Allow property owners within the recreation area to take advantage of the certification procedures established by Section 251.40, 251.41, and 251.42 of the above code. [Source: 17.26.008]

B. **Applicability.** The -RDO1 overlay zone applies to all parcels within the Trinity Unit of the Whiskeytown-Shasta-Trinity National Recreation Area and surrounding areas as identified by the Board of Supervisors. The standards established in this Section shall apply to all parcels in the -RDO zone in addition to the underlying base zone. Where standards established in this Section conflict with the standards of the underlying base zone, the standards of this Section shall prevail. [Source: NEW]

C. **Land Use Regulations.** The following land use regulations and permit requirements shall apply to any parcel within the -RDO overlay zone in addition to the land use regulations of the underlying base zone. Uses not listed in this subsection are prohibited in the -RDO zone, regardless of the allowed uses in the underlying base zone.

1. **Allowed Uses.** The following uses shall be allowed in the -RDO zone without a use permit, provided they are allowed in the underlying base zone:

a. Single-family dwellings in compliance with other requirements of this Title. [Source: 17.26.010.A, modified]

b. Accessory buildings and uses such as garages, carports, woodsheds, boat houses and buildings of a similar nature but not including tent or trailer or rooming and boarding of not over two persons. [Source: 17.26.010.B]

c. Utilities as necessary to make possible the exercise of any use otherwise permitted. [Source: 17.26.010.C]

d. Timber management and tree harvesting by individual selection and the use of other renewable resources. [Source: 17.26.010.D]

2. **Use Permit Required.** The following uses are allowed with the approval of a Director's Use Permit, provided the use is allowed in the underlying base zone: [Source: 17.26.020, modified]

a. **Recreational Uses.** The following recreational uses are allowed, regardless of the underlying base zone:

i. Hotels/motels

ii. Special event facilities

iii. Mobile home court: and

iv. Campgrounds (tent-only and improved. [Source: 17.26.020.A, modified]

b. **Commercial Uses.** The following commercial uses are allowed, provided the underlying base zone is a commercial or mixed-use zone as established in Chapter 17.25 (Commercial and Mixed-Use Zones):

i. Grocery stores

ii. Restaurants (with or without drive thru),

iii. Auto or marine fueling and repair/service stations

iv. Other similar commercial uses, at the discretion of the Planning Director, provided that they are part of or serving a resort, hotel/motel, or other recreational use. [Source: 17.26.020.B, modified]

c. **Industrial Uses.** Any industrial use as defined in Chapter __ (Industrial and Manufacturing Land Use Definitions) are allowed, provided the underlying base zone is an industrial zone as established in Chapter 17.30 (Industrial Zones) and the uses comply with the following:

i. is the proposed use does not produce any waste by-products that have any values. [Source: 17.26.020.C, modified]

ii. The proposed use will not have any adverse impact of the recreation and aesthetic value of the surrounding area, including, but are not limited to cement production, gravel extraction operations involving more than one-fourth acre of surface, smelters, sand, gravel, and aggregate processing plants, fabricating plants, pulp mills, and commercial livestock feeder yards. [Source: 17.26.020.C, modified]

iii. Exceptions. Development of valid, existing mining claims and mineral interests shall be allowed, subject to conditions necessary to lessen the adverse effects of the mining operations on recreation and aesthetic values of the area. [Source: 17.26.020.C, modified]

d. Public utility uses and structures not covered above. [Source: 17.26.020.D]

e. Animal husbandry, stables, and grazing associated with a recreational use. [Source: 17.26.020.F, modified]

D. **Development Standards.** The following development standards shall apply to parcels within the -RDO zone in addition to the development standards of the underlying base zone.

1. Minimum **Parcel Size.**

a. Residential uses: one-half acre [Source: 17.26.030, modified]

b. Commercial uses: one acre [Source: 17.26.030, modified]

c. Industrial uses: three acres. [Source: 17.26.030, modified]

2. **Minimum Lot Width**: 150 feet [Source: 17.26.040, modified]

3. **Lot Coverage:** None [Source: 17.26.050, modified]

4. **Maximum Height:** 40 feet. [Source: 17.26.060, modified]

5. **Setbacks.**

a. **Minimum Front Setback.** The front setback shall be a minimum of 150 feet from the center line of any public road including overhead public utility lines, except within a subdivision or commercial area, then the minimum front setback shall be 20 feet. [Source: 17.26.070, modified]

b. **Minimum Side Setback.** 10 feet. [Source: 17.26.080, modified]

c. **Minimum Rear Setback.** 20 feet. [Source: 17.26.090, modified]

d. **High-Water Line Setbacks.** No structures, including utility lines, shall be located closer than 300 feet from the high-water line of any reservoir other than structures to service boating or swimming, provided that for allowable commercial uses the front setback shall be a minimum of 50 feet from the center line of any public road. [Source: 17.26.100, modified]

E. **Application and Permit Requirements.** In addition to any other requirements set out in Chapter 17.30, the review authority shall require the following as part of permit application: [Source: 17.26.100.A, modified]

1. Posting of adequate security to ensure compliance with conditions of approval. [Source: 17.26.100.A.1, modified]

2. Landscaping, screening from roads. [Source: 17.26.100.A.2]

3. Architectural and landscaping approval. [Source: 17.26.100.A.3]

4. Approval of building materials. [Source: 17.26.100.A.4]

5. Approval of site plans, color of exterior (all colors to be neutral, all roofing non-glare). [Source: 17.26.100.A.5]

6. Restriction on earth work, or disturbance of streams, vegetation, trees, or other natural material, removal or disposal of slash. [Source: 17.26.100.A.6]

7. Any other condition necessary to protect the beauty of the area. [Source: 17.26.100.A.7]

8. Location of single-family development to be buffered by distance, topography or forest cover from existing or planned public use areas. [Source: 17.26.100.A.8]

F. **Variances and Amendments.** Any proposed Variance or Amendment to the land use or development standards within the -RDO zone, in compliance with Chapters __ (Amendments) and __ (Variances) shall be submitted to and approved by the Secretary of Agriculture to assure that such amendment conforms to the applicable standards Part 251.42. [Source: 17.26.100.C, modified]

17 – Zoning Code

Part 7 –Definitions

ADMINISTRATIVE DRAFT

JANUARY 2026

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17.082.010 Purpose and ~~Intent~~ Applicability

This chapter explains the meaning of technical or specialized terms used in this Zoning Code. These definitions are provided to give clarity where words may need extra explanation or where their meaning may differ from everyday use. If a definition in this chapter differs from a definition found elsewhere in

the Code of Ordinances, the definition in this chapter applies for purposes of this Zoning Code. [Source: NEW]

~~17.082.010~~17.082.020 "A" Definitions

Abandon or ~~a~~Abandonment ~~means~~ (of mining operations). ~~c~~Cessation of surface mining operations ~~prior to~~before completion of required reclamation, or to cease surface mining whether or not actual reclamation has commenced, or both. ~~Unless review of an interim management plan is pending before the planning department, or an appeal is pending, a~~A surface mining operation which remains idle for over ~~one year~~12 months after becoming idle as defined in PRC Section 2727.1, without obtaining approval of an interim management plan shall be considered abandoned. [Source: 17.30A.020, modified]

~~"Summary a~~**Abatement**~~" means.~~ ~~t~~The removal of a~~n~~ public nuisance or~~immediate~~ threat to ~~the~~ public health or safety. [Source: 17.43.010, modified]

Accessory Dwelling Unit. An attached or detached residential dwelling unit, on the same parcel as a primary dwelling unit, which provides complete independent living facility for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation. See Chapter __ (Accessory Dwelling Units). [Source: NEW]

> **Accessory Dwelling Unit, Junior.** An accessory dwelling unit which is located within the existing living space of a primary dwelling, as defined in Government Code Sections 66310 through 66342. See Chapter __ (Accessory Dwelling Units). [Source: NEW]

Accessory Structure. A structure (e.g., carports, garages, storage sheds, workshops) detached from a principal structure located on the same parcel and customarily incidental and subordinate to the principal structure or use. [Source: NEW]

> **Accessory Structure, Agriculture**. An accessory structure incidental and subordinate to an agricultural use. [Source: NEW]
>
> **Accessory Structure, Non-Residential.** An accessory structure that is physically detached from, secondary and incidental to a non-residential use or structure. Illustrative examples of non-residential accessory structures include storage sheds and open-air structures. [Source: NEW]
>
> **Accessory Structure, Residential**. An accessory structure incidental and subordinate to a residential use. [Source: NEW]

Accessory Use. A use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use. [Source: NEW]~~means a use accessory to any permitted use and customarily a part thereof, which use is clearly incidental and secondary to the permitted use and which does not change the character thereof. [Source: 17.10.010]~~

~~"Accessory dwelling unit" means an "attached" or "detached" or "repurposed existing space" residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:~~

1. An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health and Safety Code. [Source: 17.30.040]

"Accessory use" means use that is incidental and subordinate to the principal use of the parcel of land on which it is located. [Source: 17.29B.280]

"Active building permit" means holding a valid Trinity County Building Permit and is compliant with all Trinity County Building Department requirements for building. [Source: 17.43.010]

"Agricultural Commissioner" or "Agricultural Commissioner's Office" means the Trinity County Agricultural Commissioner's Office or the authorized representatives thereof. [Source: 17.43.010]

"Agricultural commodity" means any and all plant and animal products produced for commercial purposes. [Source: 17.10.010]

Adult Day Support Center. See "Residential Care Facility" means a community-based group program designed to meet the needs of functionally impaired adults through an individual plan of care in a structured comprehensive program that provides a variety of social and related support services in a protective setting on less than a twenty-four-hour basis. [Source: 17.10.010, modified]

Agricultural ~~commodity~~Product. means any and all p Plant and animal products produced for commercial purposes. [Source: 17.10, modified]

Agricultural Product Sales. The commercial exchange of items from farming, including raw goods (crops, livestock, dairy, fibers, fuels) and processed versions (canned goods, packaged meats), often encompassing related services and supplies like equipment, feed, and fertilizer, focusing on sales from on-site production or related farm activities for both retail and wholesale markets. This does not include the sale of products for on-site consumption (e.g., restaurants, tasting rooms). [Source: NEW]

"Agricultural preserve" means an area devoted to agricultural and compatible uses. Such preserves, when established, shall be for the purpose of subsequently placing restrictions upon the use of land within them, or supplementing existing restrictions, pursuant to the purposes of this title. Such preserve may contain land other than prime agricultural land, but the use of any land not under contract within the preserve shall subsequently be restricted in such a way as to not be incompatible with the agricultural use of the prime agricultural land, the use of which is limited by contract in accordance with this title. Such preserve may also be established even if it contains no prime agricultural land, provided that the land within the preserve is subsequently restricted to agricultural and compatible uses by agreement as provided in this title, or by any other suitable means. [Source: 17.10.010]

Agricultural Preserve. means a An area devoted to agricultural and compatible uses. Such preserves, when established, shall be for the purpose of subsequently placeing restrictions upon the allowed land uses of land within them, or supplementing existing restrictions, pursuant to the purposes of this title to preserve agricultural uses on site. Such preserve may contain land other than prime agricultural land, but the use of any land not under contract within the preserve shall subsequently be restricted in such a way as to not be incompatible with the agricultural use of the prime agricultural land, the use of which is limited by contract in accordance with this title. Such preserve may also be established even if it contains no prime agricultural land, provided that the land within the preserve is subsequently restricted to agricultural and compatible uses by agreement as provided in this title, or by any other suitable means. [Source: 17.10, modified]

~~"Agricultural structures" means any structure designed and constructed for the sole purpose of sheltering livestock, poultry, agricultural equipment, livestock and poultry feed, and similar uses in which there is no human habitation and which is not used by the public. [Source: 17.10]~~

~~"Agricultural structures" means any structure designed and constructed for the sole purpose of sheltering livestock, poultry, agricultural equipment, livestock and poultry feed, and similar uses in which there is no human habitation and which is not used by the public. [Source: 17.10.010]~~

~~"Agricultural use" means the use of land for the purpose of producing an agricultural commodity for commercial purposes. [Source: 17.10]~~

~~"Agricultural use" means the use of land for the purpose of producing an agricultural commodity for commercial purposes. [Source: 17.10.010]~~

~~"Agriculture" means art or science of cultivating the ground, including harvesting of crops and rearing and management of livestock, tillage, husbandry, farming, horticulture, forestry, and the science and the art of the production of plants and animals useful to man. [Source: 17.10.010]~~

Agricultural Packing and Processing Plant. Facilities where agricultural products, such as crops or ~~livestock~~animal products, are prepared for market. Activities of an agricultural packing and processing plant include, but are not limited to, cleaning, sorting, milling, shelling/hulling, grading, sizing, labeling, boxing, canning, freezing, drying, juicing, or packaging of agricultural products. Agricultural packing and processing plant does not include "Slaughterhouses" which is separately defined, but may include any secondary packing or processing of meat products. [Source: NEW]

Agriculture. ~~means art or science of~~ The science or practice of~~cultivating the ground, including farming, including cultivation of the soil for the growing~~harvesting of crops and the rearing ~~and management~~ of animals to provide food, wool, and other products.~~livestock, tillage, husbandry, farming, horticulture, forestry, and the science and the art of the production of plants and animals useful to man~~. [Source: 17.10, modified]

Agritourism. A commercial enterprise located at a working farm (as defined by Section 52262 of the California Food and Agricultural Code), ranch, or other agricultural operation or agricultural plant/facility, which is conducted for the enjoyment and education of visitors, guests or clients, and that generates income for the owner/operator. Agritourism is the act of visiting a working farm/ranch or any agricultural, horticultural or agricultural operation for the purpose of enjoyment, education or active involvement in the activities of the farm/ranch or agricultural operation that also adds to the economic viability of the agricultural operation. Does not include "Farmstand" as defined in this Part. [Source: NEW]

Airports, Heliport~~s~~, Landing Strips, ~~(~~Public/Private~~)~~. A place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers, make repairs, or take in fuel, or store aircrafts. [Source: 17.10, modified]

~~"Airport" means a place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers, make repairs, or take in fuel. [Source: 17.10.010]~~

Alley ~~means~~. ~~a~~A private ~~passage or way open to public travel,~~street provid~~afford~~ing ~~a~~ secondary ~~means of vehicular~~ access to ~~abutting~~ adjacent ~~lots~~parcels and not intended for general traffic circulation. [Source: 17.10.010, modified]

Allowed Use. A use of land identified in Part 2 (Zones, Land Uses, and Standards) as an allowed or conditional use (including Minor Use Permit) that may be established with a land use permit and, where applicable, Site Plan and Design Review, and/or Building Permit approval, subject to compliance with all applicable provisions of this Zoning Code. [Source: NEW] ~~"Animal hospital, large" means any premises used for the treatment, care, boarding, grooming of large or small animals. [Source: 17.10.010]~~

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting. [Source: NEW]

Animal Hospital~~, large~~. ~~means any premises~~A facility used for the treatment, care, boarding, and/or grooming of ~~large or small~~ animals. [Source: 17.10, modified]

Animal Husbandry Project. The raising of farm or game animals such as cattle, horses, goats, sheep, hogs, chickens, rabbits, birds, and similar animals in association with a school, 4-H, or Future Farmers of America (FFA) project. Animal husbandry projects typically have a specific end date related to an event, such as the Trinity County Fair. [Source: NEW]

Animal Husbandry. The raising, breeding, and caring of farm animals (e.g., cattle, horses, goats, sheep, rabbits) as a commercial agricultural venture ~~or minor occupation~~. Animal husbandry is further defined in Section XX.XX (Animal Husbandry). Does not include "Apiaries," "Cattle Feed Yards," "Chicken, Turkey, or Hog Ranches", or "Dairies" which are separately defined. [Source: NEW]~~. the keeping of a maximum of twenty-four animals, including a maximum of twelve birds (including chicken hens, pigeons, and similar fowl) and a maximum of twelve small mammals (including rabbits and similar small animals). The term "small livestock farming" shall not include the keeping of roosters, quacking ducks, geese, guinea fowl, pea fowl, goats, sheep, hogs, horses, mules, cattle, or similar livestock. [Source: 17.10]~~

Animal Shelter. A facility that offers temporary housing, care, and safe haven for stray, lost, abandoned, or surrendered animals. [Source: NEW]

Animal Ssales Yard. An indoor or outdoor facility devoted to the sale of animals (e.g., cattle, horses) to bidders under the supervision of an agent or entity. [Source: NEW]

~~"Animal hospital, small" means any premises used for the treatment, care, boarding, grooming of dogs, cats and similar size animals, with all operations being conducted solely within a building unless otherwise specified in the use permit. [Source: 17.10.010]~~

Apartment ~~means~~. aSee "Dwelling, Multi-Unit" ~~room, or suite of two or more rooms, which is designated for, intended for, or occupied by one family doing its cooking therein~~. [Source: ~~17.10.010~~NEW]

~~"Appeal" means a request for review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance. [Source: 17.29B.280]~~

Apiary. The keeping of bees and associated operations for processing honey, wax, pollen, and other products for commercial sale. For the purposes of this Title, "apiary" does not include hobbyist

beekeeping (less than 10 hives) or the keeping of bees as an accessory use to row and field crops for pollination purposes. [Source: NEW]

~~Exterior~~ Architectural Features. ~~means the architectural style, design, and arrangement of components of all of the exterior surfaces of an improvement as opposed to the interior surfaces enclosed by the e~~Exterior ~~surfaces~~structure features~~. These~~ includ~~e~~ing, but ~~are~~ not limited to, ~~the type, color, and texture of the building materials; the type and style of all~~ windows, doors, roofs, ~~signs, and lights~~porches, and any other similar exterior architectural elements ~~pertaining to an improvement or attached, or having the appearance of being attached thereto~~. [Source: 17.10.010, modified]

Area.

Area, Parcel. The gross area included within the parcel lines of a parcel, exclusive of adjacent dedicated street right-of-way. The total of the parcel area is measured in a horizontal plane, within the parcel lines bounding the parcel, exclusive of: [Source: NEW]

1. Easements for streets or driveways which are not for the exclusive use of the parcel on which any such easement is located; and

~~1.~~2. The access strip required to serve a flag parcel.

Area, Cannabis Canopy. ~~is t~~The measurement of cannabis ~~plant growth~~canopy area in square feet, as defined by the California Department of Food and Agriculture. ~~As of December 21, 2016, the area is defined as canopy area, but it is subject to change. All changes by California Department of Food and Agriculture are automatically incorporated herein.~~ [Source: 17.43.010, modified]

Area of Regional Significance (of mining operations). ~~means a~~An area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the state within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance. [Source: 17.30A.020]

~~"Area of Shallow Flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. [Source: 17.29B.280]~~

Area of Statewide Significance (of mineral deposits). ~~means an~~A designated area ~~designated by the board~~ which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance. [Source: 17.30A.020]

~~"Attorney General's Guidelines" means Guidelines for the Security and Non-Diversion of Cannabis Grown for Medical Use issued by the Attorney General in August 2008. [Source: 17.43.010]~~

Authorized School Bus Stop. ~~means~~ ~~a~~Any location established by a school district for pick-up and/or delivery of school children. [Source: 17.43A.010]

~~"Auxiliary nursery sales" means ancillary goods sold within a cannabis nursery that are directly related, supplementary and subordinate to the cannabis products sold within the nursery and that are specifically for planting and promulgation of cannabis. [Source: 17.43A.010]~~

~~Area of Special Flood Hazard. See definition for "special flood hazard area." [Source: 17.29B.280]~~

Auto, gasFueling Station. A commercial establishment selling gasoline, diesel, alternative fuel, or electricity for the on-site fueling or charging or vehicles. May include a convenience store and provide secondary services incidental to fuel or charging services. [Source: NEW]

Auto, Repair/Service. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, water vessels, golf carts, and other motor vehicles as a primary use. [Source: NEW]

Auto, Sales. The retail sales of more than one, new or used, automobile, including vans, trucks, and sports utility vehicles. This definition may also include as ancillary uses: repair and service to vehicles for sale on the subject site when conducted entirely within an enclosed structure, and automotive detailing. [Source: NEW]

Automobile Wrecking Yards. See "Salvage/Junk Yard." [Source: 17.10.010]

~~17.082.020~~17.082.030 "B" Definitions

~~"Base flood" means the flooding having a one percent chance of being equaled or exceeded in any given year (also called the "one hundred-year flood"). Base flood is the term used throughout this document. [Source: 17.29B.280]~~

~~"Bed and breakfast inn" means a dwelling including on-site accessory structures, containing a single dwelling unit in which the inn owner or manager resides, and containing not more than four guest rooms, in which, for compensation, temporary night to night lodging with or without meals is provided. [Source: 17.10.010]~~

Basement ~~means.~~ ~~any area~~A portion of ~~the building~~a structure ~~having its floor subgrade (below ground level) on all sides~~that is completely below grade. A basement does not count as a story when calculating the total number of stories for development regulation purposes. However, sub-level floors, including basements, are included in floor area ratio (FAR) calculations. [Source: 17.29B.280, modified]

Bar/Night Club. Commercial establishment or part of an establishment that sells alcoholic beverages to be consumed on the premises. Bars are also known as "night clubs" [Source: NEW]

Bed and Breakfast ~~in".~~ ~~means a dwelling including on-site accessory structures,~~A residential structure containing a single dwelling unit in which the ~~inn owner or~~ on-site manager resides~~,~~ and ~~containing not more than~~up to four guest rooms~~, in which, for compensation, temporary night to night lodging with or without meals is provided~~. A Bed and Breakfast Inn with more than four guest rooms is considered a hotel or motel and is included under the definition of "~~H~~hotel or ~~M~~motel." [Source: 17.10, modified]

~~"Block" means that property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets or nearest intersecting or intercepting streets and railroad right-of-way, unsubdivided acreage, water course or body of water. [Source: 17.10.010]~~

~~"~~**Borrow Pits (of mining operations)**~~".~~ ~~means e~~Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere. [Source: 17.30A.020]

Brewery, Distillery, Winery.

Winery. Bonded agricultural processing facility primarily used for the commercial processing of grapes or other fruit products into wine or similar spirits or the refermenting of still wine into sparkling wine. Processing consists of controlled fermentation combined with any of the following: crushing, blending, barrel aging, and bottling. Storage of case goods shall only occur in conjunction with processing. Retail sale of related promotional items may be allowed as part of the winery operation. [Source: NEW]

Distillery. Establishment where distilled spirits are manufactured, stored, and/or packaged. Storage of case goods shall only occur in conjunction with processing. Retail sale of related promotional items may be allowed as part of the distillery operation. [Source: NEW]

Brewery. Establishment where malt beverages are manufactured, stored, and/or packaged on the premises. Storage of case goods shall only occur in conjunction with processing. Retail sale of related promotional items may be allowed as part of the brewery operation. [Source: NEW]

Building sSite. ~~means a~~A portion of a parcel ~~of land~~ occupied or intended to be occupied by one ~~main building, and buildings and uses customarily accessory or incidental thereto~~or more structures, including ~~such~~ any improved open spaces associated with the use of the structure~~as are provided or are intended to be used in connection therewith or are required by the regulations for the district wherein such parcel is located~~. [Source: 17.10.010, modified]

~~"Building site" means all or a portion of a parcel of land which is less than thirty percent slope, with adequate area to be suitable as a location for structures and the necessary infrastructure to support the proposed development allowed by the zoning district and other applicable standards and requirements wherein such parcel is located, including adequate area for sewage disposal, according to existing health department standards and guidelines. [Source: 17.29B.280]~~

~~"Building" means any structure built entirely of frame or a more lasting type of construction, having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of any person, animal or chattel, but not including any tent or trailer. [Source: 17.10.010]~~

Building. ~~means any structure built entirely of frame or a more lasting type of construction, having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of any person(s), animal or chattel, but not including any tent or trailer; s~~See ~~definition for~~ "Sstructure." [Source: 17.29B.280, modified]

~~"Building, accessory" means a subordinate building the use of which is incidental to that of a main building on the same building site. [Source: 17.10.010]~~

~~"Building, main" means a building in which is conducted the principal use of the building site on which it is situated. In any residential district, any dwelling shall be deemed to be a main building on the building site on which the same is situated. [Source: 17.10.010]~~

~~"Business, retail" means the retail sale of any article, substance or commodity for profit or livelihood, conducted within a building but not including the sale of lumber or the sale of used or second-hand goods or materials of any kind. [Source: 17.10.010]~~

~~"Business, wholesale" means the wholesale handling of any article, substance or commodity for the profit or livelihood, but not including the handling of lumber or other building materials or the open~~

~~storage or sale of any material or commodity and not including the processing or manufacturing of any product or substance. [Source: 17.10.010]~~

~~17.082.030~~17.082.040 “C” Definitions

Campground~~s~~, General. Commercial establishment providing spaces and facilities for the temporary placement of tents, travel trailers, motor homes, and other recreational vehicles for recreational use and overnight lodging. May also include an onsite accessory retail establishment that directly serves the needs of guests. [Source: NEW]

Campground~~s~~, Improved. Land or premises which is used for camping facilities with improvements, including but not limited to cabins, yurts, and other similar improved overnight lodging facilities. Improved camping is also referred to as “glamping.” [Source: NEW]

Camp-ground~~s~~, Tent Only. ~~means l~~Land or premises which is ~~used or intended to be~~ used, let, or rented for ~~occupancy by campers traveling by automobile or otherwise, or for occupancy be~~the temporary, exclusive placement of tents or similar quarters. [Source: 17.10, Modified]

Camp~~, (~~or ~~c~~Camping)~~,~~. ~~shall mean t~~The occupancy of a ~~lot or~~ parcel, for a 24-hour period or longer, for living, sleeping, and/or sanitation, within temporary structures such as tents, canopies, tarps, or other shelters. [Source: 17.30.080]

Cannabis ~~and "marijuana" are used interchangeably and mean.~~ ~~a~~Any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code. [Source: 17.43A.010, 17.43B.010, 17.43C.010, 17.43D.010, 17.43E.010, 17.43F.010]

~~Medical~~ Cannabis, Medical. ~~means c~~Cannabis ~~or cannabis plant~~ used for medicinal purposes in ~~accordance~~ compliance with California Health and Safety Code Section 11362.7 et seq. [Source: 17.43.010]

Cannabis, Immature. ~~which is~~ A cannabis plant that is not flowering, as defined under California Code of Regulations Section 8000, and, at the time of enactment~~, means cannabis plant that is not flowering~~. [Source: 17.43.010, modified]

Cannabis, Mature. ~~which is~~A cannabis plant that is flowering, as defined under California Code of Regulations Section 8000~~, and, at the time of enactment, means a cannabis plant that is flowering~~; [Source: 17.43.010, modified]

Cannabis Commercial. ~~means any c~~Commercial cannabis activity allowed under Medical Marijuana Regulation and Safety Act (MMRSA), Adult Use of Marijuana Act (AUMA), and/or Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) ~~(SB 94), as limited by the allowable licenses below, as may be amended from time to time, and all uses permitted under any subsequent enacted state law pertaining to the same or similar use for recreational cannabis. Prior to January 1, 2018, the cannabis shall be for medicinal cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215) found at Section 11362.5 of the Health and Safety Code~~. [Source: 17.43.010, modified]

Cannabis Cultivation. The outdoor planting, growing, harvesting, drying or processing of cannabis plants or any part ~~thereof~~of a cannabis plant. [Source: 17.43.010, modified]

Cannabis Cultivation, Small. A cultivation site between ~~five thousand~~ 5,001 ~~one~~ and ~~ten thousand~~ 10,000 square feet of total canopy. [Source: 17.43.020, modified]

Cannabis Cultivation, Medium. A cultivation site between ~~ten thousand one~~ 10,001 square feet and one acre of total canopy. [Source: 17.43.020, modified]

Cannabis Cultivation, Outdoor~~s or "outdoor cultivation"~~. ~~means t~~The cultivation of mature cannabis without the use of artificial lighting in the canopy area at any point in time~~.~~, excluding ~~A~~artificial lighting ~~is permissible only~~used to maintain immature plants. ~~Light deprivation is permitted.~~ [Source: 17.43.010, modified]

Cannabis Distribution. A ~~building~~ structure or premises used exclusively for storage, packaging, labeling, and/or as a transportation terminus for cannabis products between entities that are properly licensed. [Source: 17.43B.010]

Cannabis Mixed Light. ~~means the~~the use of one of the following types of artificial lighting models in the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure ~~using one of the artificial lighting models described below~~:

1. "Mixed-light Tier I" ~~which is~~ as defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 Section 8000~~, and, at the time of enactment, means the use of artificial light at a rate of six watts per square foot or less~~;

2. "Mixed-light Tier 2" ~~which is~~ as defined under California Code of Regulations Section 8000~~, and, at the time of enactment, means the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot~~. [Source: 17.43.010, modified]

Cannabis Manufacturing. ~~Means to~~to the ~~c~~Compounding, blending, extracting, infusinge~~,~~ or ~~otherwise~~ similar action to make or prepare a cannabis product. In addition, "manufacturer" means a licensee that conducts the production, preparation or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination or extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container. [Source: 17.43F.010, modified]

Cannabis Microbusiness. The cultivation of cannabis on an area of less than ~~ten thousand~~ 10,000 square feet and to act as a licensed cannabis distributor, and/or manufacturer, and/or retailer, provided such ~~permitted~~ uses comply with all requirements imposed on cultivators, distributors, manufactures and retailers by the county and state to extend the permittee engages in such actives. [Source: 17.43E.010, modified]

Cannabis Nursery. A wholesale sales facility operated by a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for planting and promulgation of cannabis and sold only to licensed commercial cannabis cultivation growers. Nurseries do not include r~~R~~etail sales ~~are not permitted~~of cannabis plants, materials, or products. [Source: 17.43A.010, modified]

Cannabis Premises. ~~means the d~~Designated ~~structure or~~ structure(s) and land specified in ~~the~~ an application that is owned, leased, or otherwise held under the control of ~~the~~ one applicant or licensee where the commercial cannabis activity will be or is conducted. ~~The premises shall be a contiguous area and shall only be occupied by one licensee.~~ [Source: 17.43E.010, 17.43.010, modified]

~~"Premises" means the designated structure(s) and land specified in the application that is owned leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis~~

~~activity will be or is conducted. The premises may only be occupied by one county commercial cannabis cultivation license type. Multiple additional commercial cannabis activities (i.e. nursery, distribution, manufacturing, etc.) may exist on the same legal parcel. [Source: 17.43.010]~~

Cannabis Processing Facility. A facility where cannabis and cannabis products are ~~To~~ trimmed, cured, driedy, graded, packaged, and/or labeled ~~cannabis~~. [Source: 17.43I.010, modified]

Cannabis Retail, Non-Storefront. The selling and delivering of cannabis and cannabis goods to customers from a licensed premise that is not open to the public. [Source: 17.43D.010]

Cannabis Retail, Storefront. ~~means~~ Aa licensed retailer selling adult-use and medical cannabis or cannabis products to the end user or customer. A cannabis storefront retailer does not include the following uses: [Source: 17.43H.010, modified]

- A clinic ~~pursuant~~ in compliance with ~~to~~ Chapter 1 of Division 2 of the Health and Safety Code; [Source: 17.43H.010]
- A residential care facility for the elderly licensed ~~pursuant~~ in compliance with~~to~~ Chapter 3.2 of Division 2 of the Health and Safety Code; and [Source: 17.43H.010]
- A residential hospice or a home health agency licensed ~~pursuant to~~in compliance with Chapter 8 of Division 2 of the Health and Safety Code. [Source: 17.43H.010]

Cannabis Self-Transport. ~~means t~~The transportation within the ~~S~~state ~~of California~~ by a licensed cultivator of their own cannabis grown from their own licensed cultivation site. [Source: 17.43.010]

Cannabis Shared-Use Facility. ~~means a~~A manufacturing premise~~s~~ operated by a Type 6, Type N, or Type 7 licensee, in which Type S licensees are authorized to conduct manufacturing operations. Shared-use facilities shall be operated in ~~accordance~~ compliance with California Code of Regulations, Title 17 Division 1 Chapter 13, Manufactured Cannabis Safety Subchapter 1, General Provisions and Definitions, Article 6, Shared-Use Facilities~~, or as those provisions are amended~~. [Source: 17.43F.010]

Cannabis Testing facility. A facility that conducts laboratory analysis of cannabis and cannabis products, including but not limited to potency testing, contaminant screening, quality assurance, and compliance verification, in compliance with State law and industry standards. Cannabis testing facilities do not include the cultivation, manufacturing, distribution, or retail sale of cannabis or cannabis products. [Source: NEW]

Canopy, Cannabis. ~~means the designated area(s) at a licensed premise that will contain~~The total surface area within a licensed cultivation facility that is dedicated to growing mature, flowering cannabis plants ~~at any point in time. This definition is intended to mirror the definition of "canopy" as defined by the State of California, or as may be amended.~~ [Source: 17.43.010, modified]

Cardroom. A gaming club as defined in Business and Professions Code Section 19802. [Source: NEW]

Caretaker Unit. A dwelling unit that is accessory to and located on the same parcel as a principal nonresidential use, occupied solely by a caretaker or similar employee responsible for the on-site care, operation, security, or maintenance of the property. [Source: NEW]

Car Wash. A facility having any of the following definitions:

- **Automated Drive-Through**. A facility that provides for washing of vehicles through a fully automated car wash facility where the customer drives the vehicle into the facility and remains in the car during the wash process.
- **Mechanical**. A facility that provides for the washing of vehicles using mechanical equipment such as conveyor chains, blowers, steam guns, roller brushes, and high-pressure vacuum units or similar equipment. The customer exits the vehicle and waits for the attendant to complete the washing, cleaning, and driving of the vehicle. This car wash has a waiting area for the customer and a designated finishing and/or detailing area to complete the car care service.
- **Self-Service**. A facility that provides vehicle washing to be done by the customer. There are no employees other than service people who check and maintain the equipment, open and close the facility, and provide general supervision of the use of the facility. Equipment shall be limited to a water softener, water heater, soap mixing tank, low pressure vacuum units, and a one horsepower electric motor and pump for each stall or similar equipment which shall produce only a volume of sound in compliance with the General Plan.

Cattle Feed Yard. ~~"Cattle feed yard" means shall mean any~~A ~~premises~~facility where ~~on which~~ cattle are held or maintained for the purpose of feeding and fattening for market and where ~~sixty~~ 60 percent or more of the feed for such cattle is imported or purchased. [Source: 17.10, modified]

~~"Camp grounds" means land or premises which is used or intended to be used, let, or rented for occupancy by campers traveling by automobile or otherwise, or for occupancy be tents or similar quarters. [Source: 17.10.010]~~

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery. [Source: NEW]

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of their discretionary actions. CEQA is intended to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to mitigate significant environmental damage to the extent feasible. [Source: NEW]

Chicken, Turkey, or Hog Ranch. Agricultural facility that raises chickens, turkeys, or hogs. These facilities typically operate in a manner that have increased odors, air emissions, or other environmental impacts. [Source: NEW]

Church. See "Place of Assembly."~~means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.~~ [Source: 17.43.010, 17.43A.010, modified]

~~"Clubs" means all clubs except those, the chief activity of which is a service customarily carried on as a business. [Source: 17.10.010]~~

~~"Clubs".means all clubs except those, the chief activity of which is a service customarily carried on as a business. [Source: 17.10.]~~

Co-Location. The use of a single support structure, including but not limited to, a monopole, lattice tower, or water tank, by more than one licensed personal wireless communication service provider. [Source: NEW]

~~"Compatible land uses" means land uses inherently compatible with mining and/or that require a minimum public or private investment in structures, land improvements, and which may allow mining because of the relative economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, very low density residential, geographically extensive but low impact industrial, recreational, agricultural, silvicultural, grazing, and open space. [Source: 17.30A.020]~~

Commercial Recreation and Entertainment. Indoor or outdoor establishment where entertainment (participant or spectator) is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Illustrative examples of commercial recreation and entertainment use include arcades, axe throwing, sports fields and courts, and other similar uses. Does not include "Adult Entertainment Businesses," "Bars," "Golf Courses," or "Theater or Cinema," which are separately defined. [Source: NEW]

Community Garden. A public or quasi-public use consisting of a parcel or area of land on public or private property that is managed for the cultivation of fruits, vegetables, herbs, flowers, or ornamental plants by individuals or groups primarily for personal use, education, or community benefit. May include individual or shared planting plots, raised beds, greenhouses, sheds, composting areas, rainwater collection systems, and similar accessory structures and improvements customarily incidental to gardening activities. May include limited on-site distribution or donation of produce and educational, but does not include commercial farming or retail sales as a primary use. [Source: NEW]

Contractor Yard. Storage yards for contractor equipment and supplies, which may include small structures that are ancillary to the primary use. [Source: NEW]

Convenience Store. A commercial establishment which carries a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a vehicle fueling station. The sales floor area devoted to alcohol sales shall not exceed 25 percent of the total floor area dedicated to merchandise sales. [Source: NEW]

Correctional Facility. A jail, prison, or other detention facility used to house people who have been arrested, detained, held, or convicted by a criminal justice agency or a court. [Source: NEW]

Cottage Food Operation. As defined in Health and Safety Code Section 113758, a home-based business run by a cottage food operator, allowing for specific gross annual sales (around $75,000 for Class A, $150,000 for Class B, adjusted for inflation), limited employees (one non-family), and sales directly or indirectly to consumers, regulating small-scale food production from private homes. See "Home Occupation." [Source: NEW]

Country Club/GGolf Course ~~means a golf course with minimum of nine holes none of which is less than a three-par hole~~. A tract of land, either public or private, dedicated to playing the game of golf, and improved with trees, greens, fairways, and hazards. Golf course may include related facilities such as ~~country clubs,~~ golf schools and driving ranges and accessory uses such as restaurants, pro shops, and related facilities. [Source: 17.10, NEW]

County. The County of Trinity, State of California [Source: NEW]

Court~~s~~ Yyard~~s~~. ~~means a~~An ~~open, unoccupied space, other than a yard,~~area of flat ground outside and partly or completely surrounded by one or more~~on the same lot with a~~ ~~building~~ structures~~or group of buildings and which is bounded on two or more sides by such building or buildings~~. [Source: 17.10.010, modified]

~~17.082.040~~17.082.050 "D" Definitions

Dairy. Agricultural facility that focuses on agricultural operations including dairy animals, dairy products, and other uses associated with the operation of dairy farms. These facilities typically operate in a manner that have increased odors, air emissions, or other environmental impacts and are primarily used for mass commercial production. [Source: NEW]

Day Care Center. A day care facility not operated as a small or large family day care home. Includes infant centers, preschools, and extended child day care facilities. These may be operated in conjunction with a business, school, or religious facility. [Source: NEW]

Demolition. Any act or process that destroys entirely or in part, a structure, an individual cultural resource, or other designated historic resource. [Source: NEW]

Density. ~~means t~~The ~~ration~~number of permanent residential ~~single-family living~~dwelling units ~~to per~~ gross acre~~age~~ of land. [Source: 17.10.010, modified]

Density Bonus. As defined by Government Code Section 65915 et seq., an increased density over the maximum authorized density which is granted to an owner/developer of an affordable housing project meeting the qualifying requirements of Government Code Section 65915. When determining the number of dwelling units that are to be affordable, the number of dwelling units authorized by the density bonus shall not be included. See Chapter XX.XX (Density Bonus). [Source: NEW]

Density Bonus Housing Agreement. A legally binding agreement between an owner/developer and the County to ensure that the requirements of this Code and State law are satisfied. The agreement shall establish the number of bonus units, their size, location, terms, and conditions of affordability, and production schedule. The agreement shall also require proper management and maintenance of the units. See Chapter XX.XX (Density Bonus). [Source: NEW]

Density Bonus Unit. A housing development that qualifies for a density bonus under State law or this Zoning Code is entitled to construct more dwelling units than would otherwise be allowed under the density requirements of this Code and the General Plan. Dwelling units allowed in excess of what is otherwise allowed in compliance with a density bonus are "bonus units." See Chapter XX.XX (Density Bonus). [Source: NEW]

Dependent Unit Villages. Dependent unit villages allow for multiple dependent sleeping units which are not fully equipped with a kitchen area. Separate on-site common facilities including, but not limited to, a shared kitchen area, dining area, laundry facility and open space. Dependent unit villages are subject to limitations of the site and shall comply with California Residential Building Code. Sanitation must be accessible within each unit or meet performance standards within the land use section. [Source: NEW]

Designated Area (of cannabis cultivation). ~~means the hoop-house, greenhouse, and/or outdoor A~~area(s)~~,~~ identified for the planting, growing and harvesting of cannabis, excluding drying, processing and other post-harvest cultivation activities. ~~Designated area shall not exceed two hundred percent of the area for the license type unless otherwise approved by the planning director; canopy (mature plants) will not exceed the square footage allowed per license type and the additional square footage shall include immature plants (in a vegetative state prior to flowering) and access areas. Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a nursery license.~~ [Source: 17.43.010, modified]

Detached. Any structure that does not have a wall or roof in common with another structure. [Source: NEW]

Developer. A person, firm, corporation, partnership, or agency who proposes to divide, subdivide, or construct improvements on real property for oneself or others. [Source: NEW]

Development. ~~means a~~Any ~~man-made change to improved or unimproved real estate~~construction activity or alteration of the landscape, its terrain contour or vegetation, including the construction or alteration of structures~~, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials~~. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Zoning Code. [Source: 17.29B.280, modified]

Duplex. See "Dwelling, Two-Unit." [Source: NEW]~~"Duplex" means a detached building, under one roof, designed or occupied exclusively by two families living independently of each other. [Source: 17.10.010]~~

Dwelling.

Dwelling, Single-Unit A single-unit ~~family~~ dwelling unit, including manufactured housing and mobile homes when placed on a permanent foundation system, ~~is one that provides~~ing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating, and sanitation designed for occupancy by a single household. See also "Legal Dwelling or Residence." [Source: 17.10, modified]

Dwelling, Two-Unit. ~~"Duplex" means a~~A ~~detached building~~residential structure containing two residential dwelling units ~~, under one roof,~~ designed ~~or~~ for the ~~occupied~~ occupancy ~~exclusively~~ by two ~~families~~ households living independently of each other, including duplexes and townhouses. See also "Legal Dwelling or Residence." [Source: 17.10, modified]

Dwelling, Three-Unit. A residential structure containing three residential dwelling units designed for the occupancy by three households living independently of each other, including triplexes, rowhouses, and townhouses. See also "Legal Dwelling or Residence." [Source: NEW]

~~"Dwelling, multiple" means a building or portion thereof, used or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartment houses, apartment hotels, and flats, but not including automobile courts. [Source: 17.10.010]~~

Dwelling, Multi-Unit. ~~"Dwelling, multiple" means a building or portion thereof, used or designed as a~~A residential structure ~~residence~~ containing ~~for three~~ four or more dwelling units design for the occupancy by four or more families living independently of each other, ~~and doing their own cooking in said building,~~ including apartment ~~s~~houses, ~~apartment hotels~~fourplexes, cottage courts, and ~~flats, but not including automobile courts~~townhouses. See also "Legal Dwelling or Residence." [Source: 17.10, modified]

~~17.082.050~~17.082.060 "E" Definitions

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity. [Source: NEW]

~~"Emergency~~ **Emergency Shelter.** Housing with minimal supportive services for homeless persons limited to ~~A shelter or home run by a recognized public or non-profit entity for the purpose of emergency housing, i.e., less than~~ occupancy of six months ~~maximum occupancy~~or less or~~,~~ under a declared public emergency. ~~Such units may be established within any residential zoning district and may provide housing for up to twelve occupants~~In compliance with Government Code Section 65583(a)(4), emergency shelters shall also include other interim intervention facilities, including but not limited to bridge housing, navigation centers, and respite or recuperative care. ~~Under the terms of the operations program, n~~No individual or household may be denied emergency shelter because of an inability to pay. [Source: 17.10, modified] (HSC 50801 (e))

Employee Housing. See "Farmworker and Employee Housing." [Source: NEW]

Encroachment (for purposes of the National Flood Insurance Program). ~~means t~~The advance or infringement of uses, plant growth, fill, excavation, ~~buildings,~~ permanent structures, or other development into a floodplain~~, which~~ that may impede or alter the flow capacity of a floodplain. [Source: 17.29B.280, modified]

Energy Generating Facility, Commercial. Any electrical generating facility using thermal, wind, or water energy including, but not limited to, solar farms, biomass plants, wind farms, coal-fired plants, or thermal power plants with a generating capacity of less than 50 megawatts. [Source: NEW]

Environmental Impact Report (EIR). An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA). [Source: NEW]

Equipment Sales and Rental Facility. Service establishment with or without outdoor storage/rental yards, which offer a wide variety of equipment types, including construction equipment, for rent. [Source: NEW]

~~17.082.060~~17.082.070 "F" Definitions

Fairgrounds. A permanent, outdoor space that hosts fairs or other similar large-scale events. [Source: NEW]

Family Day Care Home.

A facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, as defined in Health and Safety Code section 1596.78. A family day care home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a multi-family dwelling in which the underlying zone allows for residential uses. A family day care home is where the day care provider resides and includes a dwelling that is rented, leased, or owned. [Source: NEW]

~~"Family" means one or more persons occupying a premises and living as a single non-profit housekeeping unit as distinguished from a group occupying a hotel, club, fraternity or sorority house. A family shall be deemed to include necessary servants. [Source: 17.10.010]~~

~~"Farm labor quarters" means rooming and boarding houses and mess halls for any number of farm help customarily employed principally on land owned by the owner of the building site occupied by said~~

houses or halls. Farm labor quarters shall also mean farm labor family housing where two or less families are provided living quarters or housing accommodations. [Source: 17.10.010]

Farm Stand. A retail use accessory and subordinate to an on-site agricultural operation, where agricultural products grown or produced on the same parcel are offered for sale directly to the public. May include the sale of unprocessed or minimally processed agricultural products, such as fruits, vegetables, eggs, honey, and similar items, and may occur within a temporary or permanent structure customarily incidental to farming activities. [Source: NEW]

Farmworker and Employee Housing.

Employee Housing. Privately owned housing for employees provided in connection with any work, whether or not rent is involved. Employee housing is subject to the provisions of the Employee Housing Act. [Source: NEW] (HSC 17021.5)

Farmworker Housing. "Farm labor quarters" means rRooming and boarding houses Housing accommodations and mess halls for any number of farm help customarilyfor individuals employed earning their primary income from agricultural labor, ranging from dorms and barracks to family units, often provided by employers or developed as affordable housing, and meeting specific health, safety, and livability standards, serving both seasonal and permanent agricultural workers.principally on land owned by the owner of the building site occupied by said houses or halls. Farm labor quartersshall also mean farm labor family housing where two or less familiesare provided living quarters or housing accommodations. [Source: 17.10, modified] (HSC 17021.6)

Fence. A barrier used for the purpose of marking a boundary, enclosing an area, screening, and/or preventing escape or intrusion, including walls, screens, trellises, and other similar linear features. [Source: NEW]

Fertilizer Plant or Yard. Manufacturing facility that produces finished fertilizer products. [Source: NEW]

Financial Institution. Commercial establishments including a federally chartered banks, savings and loan associations, industrial loan companyies, and credit unions providing retail banking services to individuals and businesses. This includes financial institutions that may include drive-thru service. [Source: NEW]

Firewood, Storage and Processing. The processing and storage of firewood in any place except a location completely enclosed within a structure, garage, shed, or other similar enclosure. “Firewood” refers to any part of a tree that has been severed from the ground and cut into pieces for use in any indoor or outdoor wood burning device. [Source: NEW]

Fitness Center/Gym. An establishment providing multiple types of exercise and physical conditioning equipment and services. [Source: NEW]

Flood Insurance Rate Map (FIRM). means tThe official map on which the Federal Emergency Management Agency or Federal Insurance Administration’s official map thathas delineateds both the areas of special flood hazards and risk premium zones applicable to in the county. [Source: 17.29B.280, modified]

Flood Insurance Study. ~~means t~~The official report provided by the Federal Insurance Administration that includes flood profiles, ~~the~~ flood insurance rate maps, and ~~the~~ water surface elevation of ~~the~~ base floods. [Source: 17.29B.280]

~~"Flood proofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents (refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet flood proofing). [Source: 17.29B.280]~~

~~"Flood," "flooding" or "flood water" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters; the unusual and rapid accumulation or runoff of surface waters from any source. [Source: 17.29B.280]~~

Floodplain ~~or flood-prone area~~. ~~means a~~Any land area susceptible to being inundated by flood water from any source ~~(see definition of "flooding")~~. [Source: 17.29B.280, modified]

Floodplain Administrator. ~~is t~~The individual appointed to administer and enforce ~~the~~ floodplain management regulations. [Source: 17.29B.280]

~~"Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading ordinance and erosion control ordinance) and other applications of police power which control development in flood-prone areas. This term describes federal, state or local regulations, in any combination thereof, which provide standards for the preventing and reducing flood loss and damage. [Source: 17.29B.280]~~

~~"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans. [Source: 17.29B.280]~~

Floodway. ~~means the~~A channel of a river or other watercourse and the adjacent land areas that ~~must~~ shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. ~~(~~Also referred to as "regulatory floodway."~~)~~ [Source: 17.29B.280]

Floodway Encroachment Lines. ~~means t~~The lines marking the limits of floodways on ~~F~~federal, ~~S~~state and local floodplain maps. [Source: 17.29B.280]

Floodway Fringe. ~~is that A~~areas of the floodplain on either side of the regulatory floodway where encroachment may be ~~permitted~~allowed. [Source: 17.29B.280]

Floor Area Ratio (FAR). The square footage of developed space divided by the square footage of the entire parcel or site. It provides an indication of how intensely a site is or will be developed. [Source: NEW]

~~"Fraud and victimization" as related to Article VII, (Variance Procedures) of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the County will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed. Below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood~~

~~damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates. [Source: 17.29B.280]~~

~~"Fully enclosed and secure structure" means a space within a building or other structure, excluding greenhouses, which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors. [Source: 17.43.010]~~

~~"Functionally dependent use" means a use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities. [Source: 17.29B.280]~~

Forestry. Activities associated with the maintaining and harvesting of timber, tree farms, forest nurseries, and forest products (e.g., moss, bark, sap) as well as other forest related activities such as reforestation, logging, and forest management. [Source: NEW]

Funeral and Burial Services. Facility where deceased persons are prepared for burial or cremation, and funeral services may be conducted. [Source: NEW]

~~17.082.070~~17.082.080 "G" Definitions

~~"Carport" means an accessible and usable covered space of not less than ten feet by twenty feet for the storage of vehicles. [Source: 17.10.010]~~

Garage or Carport. ~~means an accessible and usable covered and completely enclosed space of not less than ten by twenty feet per vehicle for storage of automobiles. Such garage to be so located on the lot so as to meet the requirements of this title for accessory building, or if attached to the main building, to meet all the requirements applicable to the main building. A turning radius of at least twenty-five feet shall be required for any garage where the access does not directly face the street.~~A parking space and shelter for vehicles, where the size of the parking space complies with the provisions of Chapter XX.XX (Parking and Loading Spaces) for covered parking spaces. A carport shall be enclosed on no more than two sides. [Source: 17.10.010]

~~"Garage, private" means an accessory building for only the storage of private motor vehicles, a subordinate use incidental to the main building. [Source: 17.10.010]~~

~~"Garage, public" means any premises, except those herein defined as a private or storage garage, used for the storage and/or repair of motor vehicles or where any such vehicles are equipped for operation or repair, or kept for re-numeration, hire, or sale. [Source: 17.10.010]~~

~~"Golf course" means a golf course with minimum of nine holes none of which is less than a three-par hole. [Source: 17.10.010]~~

~~"Governing body" means the local governing unit, i.e. county or municipality that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry. [Source: 17.29B.280]~~

Galleryies or Museums. A commercial, public, or quasi-public facility that provides space for preserving and exhibiting artistic, historical, scientific, natural, or other objects of interest. Activities may include the sale of collected objects and memorabilia, the sale of crafts work and artwork, boutiques, and the holding of meetings and social events. [Source: NEW]

Gas Station. See "Auto, Fueling Station." [Source: NEW]

General Plan. The Trinity County General Plan, including all elements and amendments to the General Plan, as adopted by the Board of Supervisors under the provisions of Government Code Sections 65300 et seq., and referred to in this Zoning Code as the "General Plan." [Source: NEW]

Grade. The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure. [Source: NEW]

Grazing. The raising or feeding of horses, cattle, sheep, goats, and similar animals on a parcel, or continuous group of parcels 10 acres or more, in which the animals occupy and receive most of their food.

Grocery Store. A commercial establishment where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. [Source: NEW]

Guest House. See "Accessory Dwelling Unit."~~means detached living quarters of a permanent type of construction, without kitchens or cooking facilities, clearly subordinate and incidental to the main building the same building site, and not to be rented, let, or leased, whether compensation be direct or indirect.~~ [Source: 17.10.010, modified]

Gym. See "Fitness Center/Gym." [Source: NEW]

~~17.082.080~~17.082.090 "H" Definitions

Habitat Cconservation and Improvement. The practice of preserving, protecting, and restoring natural habitats with the intention of maintaining or improving species' population and/or preventing fragmentation or reduction of habitat.

Haul Road (for mining operations). ~~means a~~A roadway along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation. [Source: 17.30A.020]

Height ~~of building.~~ ~~means the vertical distance from the average level of the highest and lowest point of that portion of the building site covered by the building, to the average plateline of the topmost habitable floor of a building, but excluding certain features, as specified in Chapter 17.30 of this title.~~ The vertical distance from the existing grade of the parcel to an imaginary plane at the highest point of the structure being measured. See Section XX.XX.XX (Height Measurements and Exceptions) [Source: 17.10.010, modified]

High Voltage Transmission Facilities. ~~shall mean e~~Electrical transmission lines, poles, and accessory structures operated at the electrical potential of ~~thirteen thousand~~13,000 volts or greater, ~~and~~ or substations where at least one of the transmission lines connecting with the facility is operated at the electrical potential of ~~thirteen thousand~~13,000 volts or greater. [Source: 17.30.030.A.2]

Historic Structure. ~~means any~~A historic resource or structure that is~~:~~ listed individually in the State Register of Historical Resources or National Register of Historic Places ~~(a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~, certified ~~or preliminarily determined by the Secretary of the Interior~~ as contributing to the historical significance of a registered historic district ~~or a district preliminarily determined by the secretary to qualify as a registered historic district~~; or listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program or directly by the Secretary of Interior. [Source: 17.29B.280, modified]

~~3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or~~

~~4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of Interior in states without approved programs. [Source: 17.29B.280]~~

Home Enterprise. A limited commercial or light manufacturing activity conducted in conjunction with and accessory to a legal residential dwelling unit. Home enterprises typically include uses which involve regular visits by clients or customers and/or frequent delivery or shipment of goods. Such enterprises could include, but are not necessarily limited to, the following: [Source: 17.30B.030.A, modified]

- Beauty and barber shops
- Commercial firewood operation
- Organized classes with up to six students at one time
- Photography studio
- Small medical, dental, or counseling clinic
- Small engine or appliance repairs
- Upholstering
- Vehicle repair and painting
- Welding and metal fabrication
- Woodworking or cabinet making.

Home Occupation. A limited commercial or light manufacturing activity conducted in conjunction with and accessory to a legal residential dwelling unit, that does not alter the character of the property or neighborhood nor adversely impact surrounding land uses. Such occupations could include, but are not necessarily limited to, the following: [Source: 17.30B.030.A, modified]

- Artists and sculptors
- Dressmaking, sewing, tailoring
- Home crafts for sale off-site
- Home office uses including financial services, architectural/drafting/engineering services, data/word processing, billing services, tele-marketing and telephone solicitation.
- Individual tutoring and instrument instruction
- Preserving and home cooking for sale off-site, including catering
- Cottage Food Operation

~~"Hardship" as related to Article VII, (Variance Procedures) of this chapter, means the exceptional hardship that would result from a failure to grant a requested variance. The county requires that the~~

~~variance is exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended. [Source: 17.29B.280]~~

~~"Hog ranch, commercial" means shall mean any premises on which hogs are raised or maintained and said hogs are fed by the purchase or import of swill, garbage, vegetables, or fruit. [Source: 17.10]~~

~~"Hog ranch, commercial" means shall mean any premises on which hogs are raised or maintained and said hogs are fed by the purchase or import of swill, garbage, vegetables, or fruit. [Source: 17.10.010]~~

~~"Hotel" means any building or portion thereof containing six or more guest rooms used, designed, or intended to be used, let, or hired out to be occupied, or which are occupied by six or more guests, whether the compensation for hire be paid directly or indirectly. [Source: 17.10.010]~~

~~"Hotel, resort" means a hotel and accessory recreational components as well as service uses designed primarily for the convenience of guests and containing guest rooms with a maximum density of ten guest rooms per acre and with a minimum of ten percent of the total area maintained for landscaping. [Source: 17.10.010]~~

~~"Poultry farms" means the raising and/or keeping of more than fifty chickens, ducks, geese, pigeons, pheasants, peafowl, or guinea fowl. [Source: 17.10]~~

Hospital. Facility providing medical, physical, psychiatric, or surgical services on a 24-hour basis for sick or injured persons primarily on an in-patient basis and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and ancillary services to patients, employees, or visitors (e.g., cafeteria, gift/flower shop, waiting rooms). [Source: NEW]

Hotel or Motel. Facility with guest rooms or suites, provided with or without kitchen facilities, rented to the public for transient lodging for up to 30 days. A hotel typically provides access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging, including meeting facilities, personal services, and restaurants. A motel typically provides access to guest rooms from an exterior walkway and may include accessory guest facilities such as accessory retail uses, indoor athletic facilities, and swimming pools. [Source: 17.10, NEW]

~~17.082.090~~17.082.100 "I" Definitions

Idle (for mining operations). ~~means surface mining operations~~The curtail~~ment~~ed of surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production for a period of ~~one year~~12 months or more~~, by more than ninety percent of the operation's previous maximum annual mineral production~~, with the intent to resume those surface mining operations at a future date. [Source: 17.30A.020, modified]

Improvement. Any permanent addition or significant alteration to land or a building that increases its value, utility, or extends its useful life, going beyond simple repairs or maintenance.~~means the building, structure, place, parking facility, fence, gate, wall, work of art) or other objects making up a physical betterment of real property or any part of such a betterment.~~ [Source: 17.10.010, modified]

Industrial. Establishment engaged in the manufacturing of finished parts or products either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, storage/warehousing, incidental office space, sales, and distribution of the parts or products; and laundry and dry-cleaning plants. Excludes vehicle/equipment rentals, vehicle repair and service, vehicle sales. [Source: NEW]

Industrial, Minor. Establishment engaged in the manufactureing and/or processing of consumer-oriented goods in a manner that does not produce noticeable odors, air emissions, or other environmental effects, and that has limited associated trucking activity. Minor industries generally require limited amounts of raw materials to produce goods. Examples of minor industrial uses include artisan/craft product manufacturing, bottling plant, clothing and fabric product manufacturing, electronics, equipment and appliance manufacturing, handcraft industries, small-scale manufacturing, paper product manufacturing, wholesale photo/film processing, and printing and publishing (books, magazines, etc.). [Source; NEW]

Industrial, Major. Establishment engaged in the manufactureing and/or processing of materials and goods using large quantities of raw materials and generally requiring high capitalization and production of large quantities of output. Major industrial uses often sells output to other business users rather than consumers. Characteristics of major industryial uses include, but are not limited to, heavy trucking activity, noise, emissions requiring Federal or State environmental permits, use of hazardous materials as defined the U.S. Environmental Protection Agency, and requirements for specialized permits from Federal and State occupational health and safety agencies. Examples of major industrial uses include glass product manufacturing, paving and roofing materials manufacturing, pulp and pulp paper product manufacturing, and textile and leather product manufacturing. [Source; NEW]

Industrial, Hazardous. Establishment engaged in the manufacturing and/or processing of materials and goods using large quantities of raw materials, and generally requiring high capitalization and production of large quantities of output. Characteristics of hazardous industry include, but are not limited to, heavy trucking activity, noise, emissions requiring Federal or State environmental permits, use and manufacture of large quantities of hazardous materials as defined the U.S. Environmental Protection Agency, and requirements for specialized permits from Federal and State occupational health and safety agencies. Examples of hazardous industry uses include chemical manufacturing, petroleum refining and related industries, plastics, other synthetics and rubber product manufacturing, and primary metals industries. [Source; NEW]

Instructional Services. Establishment that provides specialized instruction or training in a variety of subjects not primarily academic or degree-granting. Such establishments may include, but are not limited to, martial arts, art classes, language learning centers, music classes, or tutoring. [Source: NEW]

~~"Incompatible land uses" means land uses inherently incompatible with mining and/or that require public or private investment in structures, land improvements, and landscaping and that may prevent mining because of the greater economic value of the land and its improvements. Examples of such uses may include, but shall not be limited to, high density residential, low density residential with high unit value, public facilities, geographically limited but impact intensive industrial, and commercial. [Source: 17.30A.020]~~

~~"Indigenous plants" means plants occurring naturally in an area, not introduced. [Source: 17.30A.020]~~

~~"Indoor" means within a "fully enclosed and secure structure" as defined herein, using artificial lights at a rate greater than twenty-five watts per square foot. [Source: 17.43.010]~~

~~17.082.100~~17.082.110 "J" Definitions

Junior Accessory Dwelling Unit. See "Accessory Dwelling Unit, Junior." [Source: NEW]

Junk yard. ~~means the use of more than two hundred square feet of the area of any parcel, lot, or contiguous lots, for the storage of junk, including scrap metals or other scrap materials and/or for the dismantling or "wrecking" of automobiles or other vehicles or machinery~~See "Salvage/Junk Yard." [Source: 17.10.010, modified]

~~17.082.110~~17.082.120 "K" Definitions

Kennel~~s., boarding" means a~~ Any premises where four or more dogs, cats, or other animal or fowl are maintained, boarded or cared for~~, or;~~ are kept ~~there~~ for the purposes of sale; or are maintained for breeding purposes. Does not include pet brokering as defined and regulated by Health andSafety Code Section 122365.1[Source: 17.10]

~~"Kennels, breeding" means any premises where four or more dogs, cats, or other animal or fowl are maintained for breeding purposes. [Source: 17.10]~~

~~17.082.120~~17.082.130 "L" Definitions

Laundromat. Commercial establishments offering coin-operated washing machines and dryers for public use (excluding commercial laundries, dry cleaning plants, and other similar heavy commercial/industrial uses). Laundromats m~~a~~yust be connected ~~or not connected~~ to a community water and sewer system. [Source: NEW]

Legal Dwelling or Residence. A dwelling or residence that was lawfully constructed, established, or converted pursuant to a valid building permit, certificate of occupancy, or other approval issued by the County or other authority having jurisdiction, or a dwelling or residence constructed prior to 1972. The burden of demonstrating legal establishment shall rest with the applicant, who shall provide satisfactory evidence, including permits, approvals, assessor records, historical records, or other official documentation, sufficient to establish legality. [Source: NEW]

Levee ~~s~~System. ~~means a~~A flood protection system~~, which~~ consist~~s~~ing of one or more~~a~~ levee~~s, or levees,~~ and associated structures, such as closure~~,~~ and drainage devices~~, which are constructed and operated in accordance with sound engineering practices~~. [Source: 17.29B.280, modified]

Living Area. ~~means t~~The interior ~~'~~habitable~~'~~ area of a dwelling unit including basements and attics but ~~does~~ not includ~~e~~ing any garage or ~~any~~ accessory structure ~~(~~, as defined in Government Code Section 65852.2~~)~~. [Source: 17.30.040, modified]

Live/Work Housing. A residential unit located within, or is attached to, a commercial structure that is occupied by the owner or employee of the attached business. [Source: NEW]

Lot. See "Parcel." [Source: NEW]

Low-Barrier Navigation Center. A housing or shelter in which a resident who is homeless or at risk of homelessness may live temporarily while waiting to move into permanent housing. [Source: NEW] (CA Gov. Code 65660)

Low-Intensity Recreational Uses. Land, either public or private, including limited developed recreational amenities that allow for access to natural spaces with minimal improvements. Illustrative

examples include, but are not limited to trails, kayak dock launches, and other similar facilities. [Source: NEW]

Lumber Yard. Indoor and/or outdoor retail establishment selling lumber and other building materials. May also include the rental of tools and equipment used in the building trades. [Source: NEW]

~~"Levee" means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding. [Source: 17.29B.280]~~

~~"Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resident enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter. [Source: 17.29B.280]~~

~~17.082.130~~17.082.140 "M" Definitions

Marijuana ~~shall refer to any plant of the genus~~. See "~~c~~Cannabis". [Source: 17.42.020, NEW]

~~"Marijuana dispensary" means any of the following:~~

1. ~~Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where any person(s) (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") makes available, sells, gives, distributes, or otherwise provides marijuana to any two or more other persons (including, but not limited to, any "primary caregiver(s)," "qualified patient(s)," or "person(s) with an identification card") pursuant to Health and Safety Code Sections 11362.8 and/or 11362.7 et seq. or otherwise; or~~
2. ~~Any for profit or not-for-profit facility, building, structure, premises, or location, whether fixed, mobile, permanent or temporary, where qualified patients and/or persons with identification cards and/or primary caregivers meet or congregate to make available, sell, give away, distribute, or otherwise provide marijuana for medicinal marijuana "cooperatives" and "collectives." [Source: 17.41.020]~~

Maximum Fishery Flow. ~~means t~~The flow in the Trinity River during an ~~eleven thousand~~11,000 cubic feet per second release from Lewiston Dam, plus ~~one hundred~~100 ten-year spring tributary flow inputs. [Source: 17.29B.280]

Mean Sea Level ~~"means~~ **(for purposes of the National Flood Insurance Program)**~~,~~. ~~t~~The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on community's flood insurance rate map are referenced. [Source: 17.29B.280]

Mined Lands. ~~means t~~The surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private ~~ways~~ and public roadways ~~appurtenant to any such area,~~ and areas where land excavations, workings, mining waste, ~~and areas in which~~ structures, facilities, equipment, machines, ~~tools,~~ or other materials used for such mining operations are located~~or property which result from, or are used in, surface mining operations are located~~. [Source: 17.30A.020, modified]

Mining. ~~Prospecting for, or t~~The extraction of minerals for commercial purposes and the removal of mineral, ores and overburden when conducted in compliance with all applicable regulations and permits. [Source: NEW]

Mobile or Manufactured Home. ~~"Manufactured home" includes a~~ A ~~mobile home~~ structure intended for human habitation manufactured or constructed under authority of ~~subject to the National~~ Federal Manufactured ~~Housing~~ Home Construction and Safety ~~Act of 1974~~ Standards (42 U.S.C., Sec~~.~~ 5403~~1, et seq.~~), or California Health and Safety Code Sections 18007 and 18008. For purposes of this Code, mobile homes and manufactured homes shall be treated and regulated in the same manner as other single-family dwellings, provided they comply with applicable California state housing laws, housing element requirements, and objective development standards. ~~"Mobile home": [Source: 17.10]~~

1. ~~A~~The structure is typically manufactured in whole or in substantial part off-site, ~~transportable~~ transported under permit in one or more sections, and placed on a permanent foundation. ~~designed and equipped to contain not more than two dwelling units to be used with or without a foundations system; or [Source: 17.10]~~
2. ~~A structure transportable under permit in one or more sections, designed to be used with a foundation system for any of the following purposes: [Source: 17.10]~~
    a. ~~Three or more dwelling units, as defined by Section 18003.3 of the California Health and Safety Code. [Source: 17.10]~~
    b. ~~As a dormitory. A "dormitory" shall mean a room or rooms inhabited for the purposes of temporary residence by two or more persons. [Source: 17.10]~~
    c. ~~A residential hotel, as defined by paragraph (1) of subdivision (b) of Section 50519 of the California Health and Safety Code. [Source: 17.10]~~
    d. ~~Efficiency units, as defined by Section 17958.1 of the California Health and Safety Code. [Source: 17.10]~~

Mobile home does not include a recreation vehicle or~~,~~ commercial coach~~, or factory-built housing, as defined in Section 19971 of the CA Health and Safety Code. The handicap accessibility and adaptability requirements of Title 24 of the California Code of Regulations applicable to dormitories, hotels, and apartment houses shall be applicable to mobile homes constructed for those purposes~~. [Source: 17.10, modified]

Mobile Home Park~~, trailer park, mobile home courts, court, trailer court means:~~. An improved area that provides spaces and utilities for ~~[Source: 17.10]~~

~~The renting or holding out for rent by a person of spaces anywhere within Trinity County to owners or users of~~ two or more ~~trailers~~mobile or manufactured homes.~~;~~ [Source: 17.10, modified]

Multi-Family Dwelling. See "Dwelling, Multi-Family." [Source: NEW]

1. ~~The allowance by a person of free use of spaces anywhere within Trinity County to owners or users of two or more trailers for the purpose of securing their trade; [Source: 17.10]~~
2. ~~The renting or holding out for rent of space to the owner or user of one trailer, if the trailer is not or will not be the only dwelling unit on the parcel; or [Source: 17.10]~~

3. The allowance of free use of space to the owner or user of a trailer for the purpose of securing his trade, if the trailer is not or will not be the only dwelling unit on the parcel. [Source: 17.10]

"Manufactured home" includes a mobile home subject to the National Manufactured Housing Construction and Safety Act of 1974 (42 U.S.C., Sec. 5401, et seq.). [Source: 17.10.010]

"Manufactured home" means a structure, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width, or forty body feet or more in length, or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein; except that such term shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with standards established under this part. [Source: 17.10.010]

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles, but excludes recreational vehicles on site for less than one hundred eighty days per year, and licensed and ready for highway use. [Source: 17.29B.280]

"Manufactured home park and subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale or rent. [Source: 17.29B.280]

"Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation that has accrued since the structure was constructed.

1. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.

2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences. [Source: 17.29B.280]

"Minerals" means any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including, but not limited to, coal, peat, and bituminous rock, but excluding geothermal resources, natural gas, and petroleum. [Source: 17.30A.020]

"Mobile home":

1. A structure transportable under permit in one or more sections, designed and equipped to contain not more than two dwelling units to be used with or without a foundations system; or

2. A structure transportable under permit in one or more sections, designed to be used with a foundation system for any of the following purposes:

a. Three or more dwelling units, as defined by Section 18003.3 of the California Health and Safety Code.

b. As a dormitory. A "dormitory" shall mean a room or rooms inhabited for the purposes of temporary residence by two or more persons.

c. A residential hotel, as defined by paragraph (1) of subdivision (b) of Section 50519 of the California Health and Safety Code.

d. Efficiency units, as defined by Section 17958.1 of the California Health and Safety Code.

Mobile home does not include a recreation vehicle, commercial coach, or factory-built housing, as defined in Section 19971 of the CA Health and Safety Code. The handicap accessibility and adaptability requirements of Title 24 of the California Code of Regulations applicable to dormitories, hotels, and apartment houses shall be applicable to mobile homes constructed for those purposes. [Source: 17.10.010]

"Mobile home park, trailer park, mobile home courts, court, trailer court" means:

1. The renting or holding out for rent by a person of spaces anywhere within Trinity County to owners or users of two or more trailers;

2. The allowance by a person of free use of spaces anywhere within Trinity County to owners or users of two or more trailers for the purpose of securing their trade;

3. The renting or holding out for rent of space to the owner or user of one trailer, if the trailer is not or will not be the only dwelling unit on the parcel; or

4. The allowance of free use of space to the owner or user of a trailer for the purpose of securing his trade, if the trailer is not or will not be the only dwelling unit on the parcel. [Source: 17.10.010]

"Motel" means a group of two or more buildings containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith, which group is designed and used primarily for the accommodation of transient automobile travelers. [Source: 17.10.010]

17.082.14017.082.150 "N" Definitions

Negative Declaration. A statement describing the reasoning that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA). [Source: NEW]

"Non-conforming" means a nonconformity is a building, structure, or use which, when erected or established, complied with all the applicable provisions of this title or prior planning and zoning regulation, but which presently fails to conform to one or more of the provisions of this title. [Source: 17.10.010]

Nonconforming means a nonconformity is . aA building, parcel, structure, sign, or use which, when erected or established, complied with all the applicable provisions of this title or legally existed or was legally created prior planning and zoning regulationbefore the adoption of this Zoning Code, but and which presently fails to does not conform to one or more applicable Code of the provisions/standards

~~of this title~~. [Source: 17.33.010, modified]

Nursery/Greenhouse, Plant Production. Agricultural premise or facility that produces plants, seedlings, seeds, and other agricultural products used specifically for planting of agricultural crops. Retail sales are not allowed. Does not include “Cannabis Nursery” or “Retail Sales, Nursery” which are separately defined. [Source: NEW]

~~"New construction" means, for floodplain management purposes, structures for which the "start of construction" commenced on or after August 16, 1988, and includes any subsequent improvements to such structures. [Source: 17.29B.280]~~

~~"Non-storefront retail" is defined as the selling and delivering of cannabis and cannabis goods to customers from a licensed premise that is not open to the public. [Source: 17.43D.010]~~

~~"Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent, including carbon dioxide and ethanol. This requires a Type 6 license which allows for extraction using mechanical methods or nonvolatile solvents. [Source: 17.43F.010]~~

~~"Nurseries other than wholesale nurseries" means the retail handling of any article, substance or commodity related to the occupation of gardening, including the sale of plants, shrubs, trees packaged fertilizers, soils, chemicals and other nursery goods and related products. The bulk sale or bulk storage of fertilizers, soils, chemicals and other garden supplies shall be within a building. [Source: 17.10.010]~~

~~"Nurseries, wholesale" means all nurseries other than those defined in the paragraph immediately preceding. [Source: 17.10.010]~~

~~17.082.150~~17.082.160 “O” Definitions

Occupancy. The state of residing in, possessing, or using a property, whether as an owner or tenant. [Source: NEW]

Office. Facility or business that predominantly offers medical, professional, or business services. [Source: NEW]

Offices, Medical. Facility~~ies~~ that primarily provides outpatient medical, mental health, minor surgical, and other similar personal health services, but which is separate from a hospital, including: medical, dental, and psychiatric offices, outpatient care facilities, acupuncture, and other similar health services. [Source: NEW]

Office, P~~P~~rofessional ~~office. means a~~An establishment of professional, executive, and/or administrative offices that provide business services, including, but not limited to, ~~those of~~ accountants, lawyers, ~~doctors, dentists,~~ architects, engineers, ~~drafting offices,~~ insurance agents, real estate agents, and other similar occupations ~~which are of similar character to those enumerated,~~, ~~but not including barbers, beauty parlors, cosmetologists, or other service establishments and building trades contractors.~~ [Source: 17.10, modified]

One Hundred-Year Flood or 100-Year Flood. A flood that statistically has a one percent chance of occurring in any given year. ~~See~~Also known as a "base flood." [Source: 17.29B.280, modified]

~~"One ownership" means ownership of property (or possession thereof), under a contract to purchase or under a lease, the term of which is not less than ten years, by a person or persons, firm, corporation, or partnership, individually, jointly, in common, or in any other manner whereby such property is under~~

~~single or unified control. The term "owner" shall be deemed to mean the person, firm, corporation, or partnership exercising one ownership as herein defined. [Source: 17.10.010]~~

~~"Open space parcel" means a parcel of land created pursuant to the requirements of the California Subdivision Map Act and the Trinity County Subdivision Ordinance which is created for the principal purpose(s) of open space for public or private use, or fish, wildlife, wetland or floodplain protection and/or restoration. Construction of permanent buildings shall not be allowable on open space parcels, but agricultural uses without permanent buildings shall be allowable. [Source: 17.29B.280]~~

Operator (of surface mining operations). ~~means a~~Any person who is engaged in surface mining operations, or who contracts with others to conduct such operations on their~~his/her~~ behalf, ~~except a~~not including ~~person who is~~those engaged in surface mining operations as an employee ~~with wages as his/her sole compensation~~. [Source: 17.30A.020, modified]

~~"Combining district"~~**Overlay Zone**. ~~means a~~ Overlay Zone means a zoning designation applied in addition to an underlying base zoning district that establishes supplemental standards, requirements, or incentives to address specific geographic conditions, resources, hazards, policy objectives, or land use considerations within a defined area~~A zoneny district in which the general base zone district regulations are combined with "-B" an overlay zone for the purpose of adding additional special regulations, i.e., "R-1" combined with "-B" (R-1-B) increases the lot size, setbacks and lot width~~. [Source: 17.10.010, modified]

~~17.082.160~~17.082.170 "P" Definitions

~~Legal p~~**Parcel.** ~~means a~~A specific, legally defined ~~parcel~~ piece or tract of real estate, distinguished by boundaries and recorded in public records, that can be identified, owned, bought, or sold as a single entity, and assigned a unique assessor's number for taxation and identification~~with a distinct and separate assessor's parcel number~~. ~~Where contiguous legal parcels are under identical ownership by an individual or an entity, such legal parcels shall be counted as a single parcel for purposes of this chapter. "Marijuana" and "cannabis" are used interchangeably and means any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code.~~Types of parcels include the following: [Source: 17.43.010, modified]

Corner Parcel. A parcel located at the intersection of two or more streets intersecting at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the parcel is considered an interior parcel. [Source: NEW]

Flag parcel. A parcel shaped like a flag on a pole, featuring a narrow strip (the "pole") connecting a public road to a larger, buildable area (the "flag") set back from the street. [Source: NEW]

Interior Parcel. A parcel abutting only one street. [Source: NEW]

~~"~~**Reverse Frontage ~~Lot~~Parcel~~, reverse frontage"~~.** ~~means the first lot to the rear of a lot,~~An interior parcel, the front ~~line~~ of which ~~is a continuation of~~adjoins the side property line of ~~the~~ a corner parcel~~lot exclusive of the width of any alley, and fronting on the street which intersects or intercepts the street upon which the corner lot fronts~~. Also known as "Key Parcels." [Source: 17.10.010, modified]

~~Lot, Key. See "Lot, Reverse Frontage." [Source: 17.10.010]~~

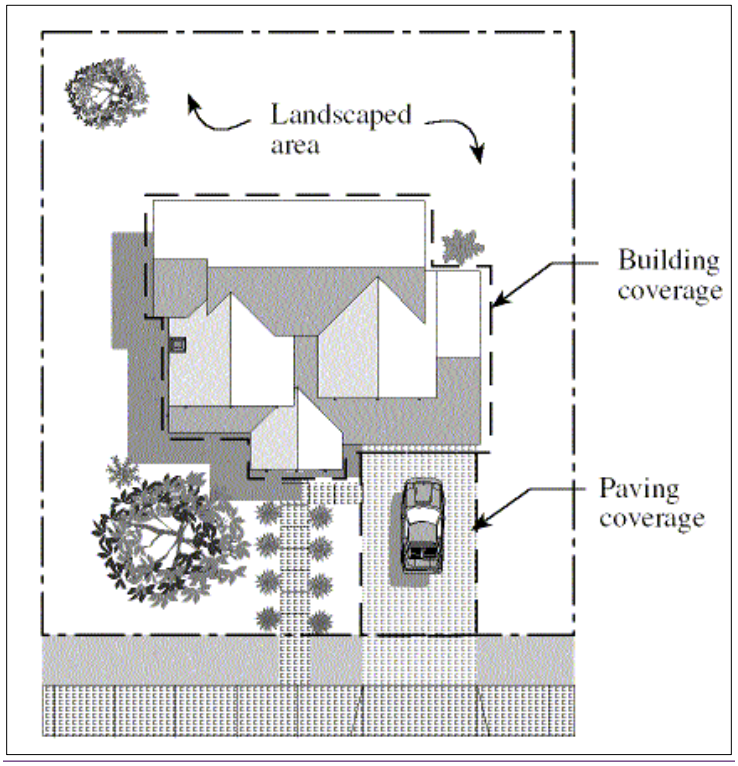
Reverse Corner Parcel. A corner parcel, the rear of which abuts a key parcel. [Source: NEW]

Through Parcel. A parcel with frontage on two generally parallel streets. [Source: NEW]

Parcel Area. See "Area." [Source: NEW]

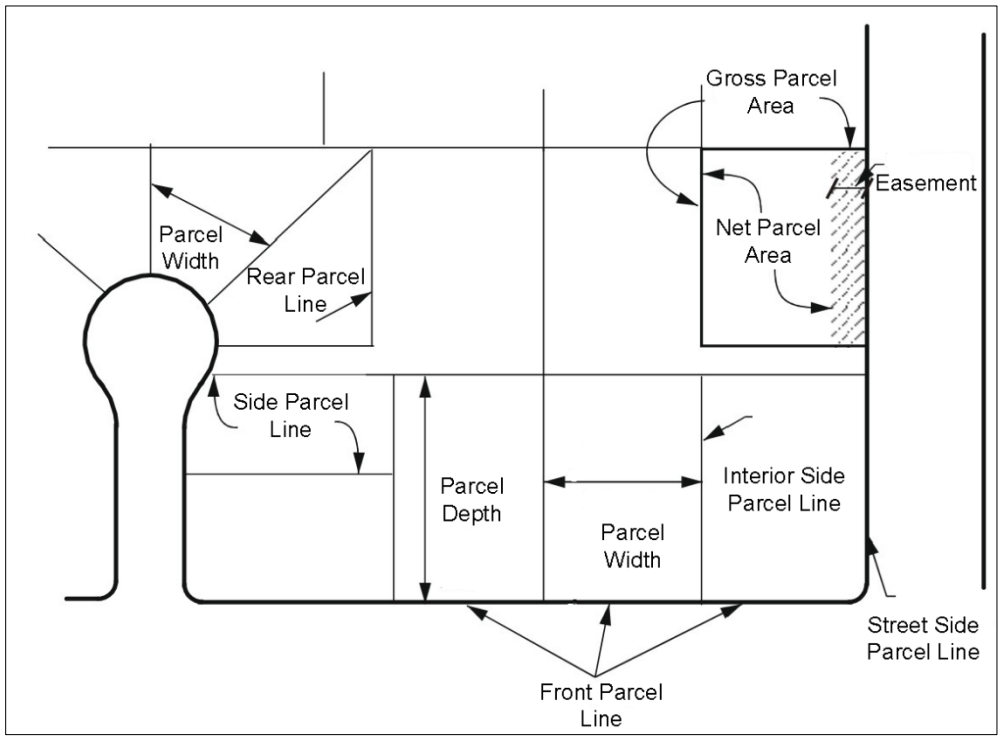
Parcel "~~Gross~~ Ccoverage". ~~means~~ Tthe percentage of a total ~~area~~parcel ~~of the building site covered~~ occupied by structures~~, not including any portion of covered malls in shopping centers which are not used for sale of service~~. Structure coverage includes the primary structure, all accessory structures (e.g., garages, patio covers, storage sheds, trash dumpster enclosures) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs). Parcel coverage is measured from exterior wall to exterior wall. [Source: 17.10.010, modified]

Figure 7-1
Parcel Coverage



Parcel Depth. The average linear distance between the front and the rear parcel lines or the intersection of the two side parcel lines if there is no rear line. See Figure 7-2 (Parcel Features). [Source: NEW]

Figure 7-2
Parcel Features



Parcel Frontage. The boundary of a parcel adjacent to a public street right-of-way. [Source: NEW]

Parcel Line. Any recorded boundary of a parcel. Types of parcel lines are as follows (see Figure 7-2 (Parcel Features)): [Source: NEW]

1. **Front Parcel Line.** On an interior parcel, the property line separating the parcel from the street. The front parcel line on a corner parcel is the line with the shortest frontage. On a through parcel, both parcel lines are front parcel lines, and the parcel is considered to have no rear parcel line.
2. **Interior Parcel Line.** Any parcel line not abutting a street.
3. **Rear Parcel Line.** A property line that does not intersect the front parcel line, which is most distant from and most closely parallel to the front parcel line.
4. **Side Parcel Line.** Any parcel line that is not a front or rear parcel line.
5. **Street Side Parcel Line.** The longer street fronting parcel line of a corner parcel.

Parcel Width. The horizontal distance between the side parcel lines, measured at right angles to the parcel depth at a point midway between the front and rear parcel lines. See Figure 7-2 (Parcel Features). The Director shall determine parcel width for parcels of irregular shape. [Source: NEW]

Park/Playground. Outdoor recreation facility that provides a variety of recreational opportunities, including playground equipment, open space areas for active and passive recreation and picnicking,

and sport and active recreation facilities. May also include enclosed structures providing for recreational opportunities. [Source: NEW]

Parking ~~space~~**Facility**. ~~means an accessible and usable space on the building site at least nine feet by twenty feet located off the street with access for parking purposes, not including the use of established front yard areas unless permitted in Section 17.30.090(C)~~ A publicly or privately owned and operated establishment which provides temporary, off-street storage for operational vehicles (e.g., cars, trucks, buses, recreational vehicles, and other motor vehicles). Includes day use, overnight, and long-term parking garages, parking structures, and parking lots. Does not include the storage or parking of non-operational vehicles. [Source: 17.10.010, modified]

Permitted Use. See "Allowed Use." [Source: NEW]

Person. ~~means a~~An individual or his/her agent, firm, partnership, association or corporation, trustee, or agent of the aforementioned groups, or other legal entity in which title to real property may vest~~this state or its agencies or political subdivisions~~. [Source: 17.29B.280, modified]

~~"Person" means shall include a person, corporation, or partnership. [Source: 17.10.010]~~

Place of Assembly. Facility intended for public or private assembly and meetings, including civic and private auditoriums, banquet halls, community centers, conference and convention facilities, meeting halls for clubs and other membership organizations, and places of worship. [Source: NEW]

Poultry Farm. An agricultural use involving the raising, breeding, housing, feeding, and management of domesticated birds, including but not limited to chickens, turkeys, ducks, geese, quail, and similar poultry, for the commercial production of meat, eggs, or other poultry products. The use may include coops, barns, ranges, aviaries, pens, manure handling areas, feed storage, and other accessory structures or facilities customarily incidental and subordinate to poultry production. Does not include poultry kept solely for personal consumption, hobby purposes, or noncommercial backyard use. [Source: NEW]

Primary Caregiver. ~~means a~~A "primary caregiver" as defined in Health and Safety Code Section 11362.7(d). [Source: 17.43.010]

~~"Primary caregiver," "qualified patient," "person with an identification card," "cooperative," and "collective" shall be as defined in Proposition 215 (Health and Safety Code Section 11362.5) and Senate Bill 420 (Health and Safety Code Sections 11362.7 et seq.) [Source: 17.41.020]~~

Proof of Enrollment (for cannabis cultivation application). ~~shall mean p~~Proof of order number in good standing from the California Northcoast Regional Water Quality Control Board (NCRWQCB) or the State Water Resource Quality Control Board (SWRCB). [Source: 17.43.010, modified]

Public or Governmental Facility. Facilities, structures, and lands owned, leased, operated, or maintained by a public agency for the provision of governmental, civic, public safety, transportation, maintenance, recreational, or community services. This use includes, but is not limited to, County, State, and Federal administrative offices and buildings; fire stations and fire prevention facilities; police and sheriff offices; public parks; open space; recreational facilities; libraries; and post offices. [Source: NEW]

Public Utility. Services or facilities associated with development and use of an individual parcel or a number of parcels, including but not limited to, water, gas, electric power, telephone, and cable television conveyances, switching stations and substations. [Source: NEW]

~~"Planning department" means the Trinity County Planning Department, or department or agency that is designated by the Trinity County Planning Director. [Source: 17.43.010]~~

~~"Poultry farms" means the raising and/or keeping of more than fifty chickens, ducks, geese, pigeons, pheasants, peafowl, or guinea fowl. [Source: 17.10.010]~~

~~"Primary caregiver," as described in People v. Mentch (2008) 45 Cal.4th 274, is a person who:~~

~~1. Consistently provided caregiving to a qualified patient,~~

~~2. Independent of any assistance in taking medical cannabis,~~

~~3. At or before the time he or she assumed responsibility for assisting with medical cannabis. [Source: 17.42.020]~~

~~"Public safety and nuisance" as related to Article VII, (Variance Procedure) of this chapter means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner of any navigable lake, or river, bay, stream, canal, or basin. [Source: 17.29B.280]~~

~~17.082.170~~17.082.180 "Q" Definitions

~~"Qualified patient" means a person who is entitled to the protections of Health and Safety Code Section 11362.5 (Proposition 215). [Source: 17.42.020]~~

Qualified Ppatient. ~~means a~~See definition for "qualified patient" as defined in Health and Safety Code Section 11362.7(t). [Source: 17.43.010]

~~17.082.180~~17.082.190 "R" Definitions

Reclamation. ~~means t~~The ~~combined~~ process of land treatment that minimizes water degradation, restores land to a natural or useable state, and removed dangers to public health and safety, particularly as a result of adverse effects from air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and ~~other adverse effects from surface~~ mining operations~~, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and create no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures~~. [Source: 17.30A.020, modified]

Reclamation Plan (for mining operations). ~~means t~~The plan of operations for a ~~surface~~ mine that describes the conduct and operating procedures for the mine during all phases of operation until reclamation has been deemed complete by the lead agency. [Source: 17.30A.020, modified]

~~"Recreational vehicle" means a vehicle, which is:~~

~~1. Built on a single chassis;~~

~~2. Four hundred square feet or less when measured at the largest horizontal projection;~~

~~3. Designed to be self-propelled or permanently towed by a light-duty truck; and~~

~~4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. [Source: 17.29B.280]~~

~~Recreation needs to be defined as it relates to RD-1 zone~~

Recreational Vehicle. ~~means either of the following: 1.~~ A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy~~,~~ which meets all of the ~~following~~ criteria in Health and Safety Code Section 18010~~:~~.

~~a. It contains less than three hundred twenty square feet of internal living area, excluding built-in equipment including, but not limited to, wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~

~~b. It contains four hundred square feet or less of gross floor area measured at maximum horizontal projections.~~

~~c. It is built on a single chassis.~~

~~d. It is either self-propelled, truck-mounted, or permanently towable on the highways without a permit.~~

~~2. A park trailer designed for human habitation for recreational or seasonal use only, which meets all of the following criteria:~~

~~a. It contains four hundred square feet or less of gross floor area measured at the maximum horizontal projections. However, it may not exceed twelve feet in width or forty feet in length in the traveling mode.~~

~~b. It is built on a single chassis.~~

~~c. It may only be transported upon the public highways with a permit.~~ [Source: 17.10.010, modified]

~~"Recreational vehicles" [See Health and Safety Code Section 18010]. [Source: 17.30.080]~~

Recreational Vehicle Park. An area or tract of land for temporary or long-term occupancy by motor homes, travel trailers, truck campers, camping trailers, or other vehicles for long term recreational habitation. [Source: NEW]

Recycling Facility. Facility involved with the collection of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recyclable material includes reusable materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials. This land use does not include storage containers located on a residential or nonresidential site used solely for the recycling of material generated on the site. [Source: NEW]

Recycling Facility, Indoor. Recycling facility where operations are conducted in an entirely enclosed structure. [Source: NEW]

Recycling Facility, Indoor/Outdoor. Recycling facility where operations are conducted between an enclosed structure as well as in an on-site, outdoors area. [Source: NEW]

Refuse Disposal Facility. Sanitary landfills and other solid waste disposal facilities of a terminal nature, where solid waste, trash or other unwanted materials are deposited, buried or otherwise

discarded with no intention of re-use. This definition does not include disposal sites for toxic or radioactive waste materials. [Source: NEW]

Regulatory Floodway. ~~means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot~~See "Floodway.". [Source: 17.29B.280, modified]

Residence. See "Legal Dwelling or Residence." [Source: NEW]

Residential Care Facility. In compliance with California Welfare and Institutions Code Sections 5115 – 5120, any facility, place, or structure which is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. This use is further categorized by size: Small (six or fewer residents) and Large (seven or more residents). Residential care facilities include the following: [Source: NEW]

Adult Day Care Facility. Facility that provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis. [Source: NEW]

Child Therapeutic Day Services Facility. Facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. [Source: NEW]

Community Treatment Facility. Facility that provides mental health treatment services to children in a group setting. Program components shall be subject to program standards developed by the State Department of Mental Health. [Source: NEW]

Foster Home. Residential facility that provides 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent(s), including their family, in whose care the foster children have been placed. [Source: NEW]

Nonmedical Residential Care Facility. Group care facility for 24-hour nonmedical care of six or fewer persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. [Source: NEW]

Social Rehabilitation Facility. Residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. [Source: NEW]

Residential Treatment Facility. ~~means a~~A facility providing ~~for~~ treatment to individuals~~of~~ for drug and alcohol dependency, and as further defined in Health and Safety Code Section 1834.23 et. al. [Source: 17.43.010, 17.43A.010, modified]

Restaurant. Retail establishment (i.e., cafes, coffee houses, diners, food services) engaged in the business of selling/serving food and beverages prepared for both on-site and off-site consumption. This includes restaurants with sit down table service and fast food restaurants that may include drive-thru service. [Source: NEW]

Retail.

~~"~~**Nurseries~~Retail Sales, Nursery~~**~~. other than wholesale nurseries"~~ ~~means the~~The retail handling of any article, substance, or commodity related to the occupation of gardening, including the sale of plants, shrubs, trees packaged fertilizers, soils, chemicals, and other ~~nursery~~ gardening goods and related products. The bulk sale or bulk storage of fertilizers, soils, chemicals and other garden supplies shall be within a ~~building~~structure. Does not include "Nursery/Greenhouse, Plant Production" which is separately defined. [Source: 17.10, modified]

~~**"Nurseries, wholesale" means all nurseries other than those defined in the paragraph immediately preceding. [Source: 17.10]**~~

Retail, General. ~~"Business, retail" means the~~A commercial establishment for the ~~-~~retail sale of ~~any article, substance or commodity~~ goods and merchandise for profit or livelihood, conducted within a ~~building~~ structure. ~~but~~ Does not includ~~eing the sale of lumber~~"Lumber Yard" ~~or the sale of used or second-hand goods or materials of any kind~~ or "Grocery Store," which are separately defined. [Source: 17.10, modified]

Retail, Personal Services. A commercial establishment that provides personal services (e.g., dry-cleaning, barber or beauty shop, locksmith, ~~show~~ shoe repair). May also include accessory retail sales of products related to the personal services provided. [Source: NEW]

Retail, Restricted. A retail store that sells tobacco products, alcohol, vaping or smoking equipment, or associated paraphernalia, or adult oriented businesses. [Source: NEW]

Adult Oriented Businesses. Establishment which, as a regular and substantial course of conduct, offers, sells, or distributes adult-oriented merchandise, or which offers to its patrons materials, products, merchandise, services, entertainment or performances that depict, describe, or relate to specified sexual activities, as further defined in California Government Code Section 65850.4 and California Penal Code Sections 311–312~~: human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse, oral copulation, or sodomy; fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts~~. [Source: NEW]

~~"Business, wholesale" means the wholesale handling of any article, substance or commodity for the profit or livelihood, but not including the handling of lumber or other building materials or the open storage or sale of any material or commodity and not including the processing or manufacturing of any product or substance. [Source: 17.10]~~

Riverine. ~~means r~~Relate~~ding~~ to, formed by, or resembling a river (including tributaries), streams, and brooks~~, etc~~. [Source: 17.29B.280, modified]

Row and Field Crops. The growing of agricultural crops including, but not limited to, fruit trees, hay crops, vineyards, and orchards, and associated activities related to the maintenance and harvesting of such crops such as soil preparation, irrigation system construction, and spraying. Row and Field Crops includes both perennial and seasonal/rotating crops. [Source: NEW]

~~"Ready for highway use" means that a recreational vehicle is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions. [Source: 17.29B.280]~~

~~"Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected~~

~~development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development. [Source: 17.29B.280]~~

~~"Rest home" means the rooming or boarding of any aged or convalescent persons, whether ambulatory or non-ambulatory, for which a license is required by a county, state or federal agency. [Source: 17.10.010]~~

~~"Rooming or boarding house" means a dwelling other than a hotel where a lodging and/or meals for three or more persons are provided for compensation. [Source: 17.10.010]~~

~~17.082.190~~17.082.200 "S" Definitions

Salvage/Junk/~~salvage~~ Yard ~~means the use of more than two hundred square feet of the area of any.~~ A parcel~~, lot,~~ or contiguous ~~lots~~parcels~~,~~ used for the storage of salvage or junk, including scrap metals or other scrap materials and/or for the dismantling ~~or "wrecking"~~ of automobiles ~~or~~, other vehicles, or machinery. [Source: 17.10, modified]

Sawmill. A facility where felled logs are cut into lumber, often with heavy machinery. [Source: NEW]

Scenic Easement ~~Means Includes that l~~. The right to control the use of land (including the air space above such land) within the authorized boundaries of a designated area for the purpose of protecting the natural qualities of that area. Such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement. Scenic easements are~~and in Trinity County, California, as shown in Drawing No. BORWST 1004, dated July 1963, entitled "Proposed Whiskeytown-Shasta-Trinity National Recreation Area,"~~ on file in the office of the Trinity County Clerk. [Source: 17.10.010, modified]

School~~s~~.

> **P~~p~~rivate**. An educational institution or facility which provides educational services and is operated by a private individual or organization. A private school includes all educational institutions or facilities which are not defined as a public school. Examples of a private school include, but are not limited to, nursery/preschools, parochial schools, and private elementary and secondary schools. [Source: NEW]
>
> **Technical/Vocational**. A public or private post-secondary school providing occupational, job training, or recreational activities. Recreational activities include music, dance, or martial arts, or art lessons. [Source: NEW]
>
> **College/University.** A public or private post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facility and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields. These institutions require at least a high school diploma or equivalent general academic training for admission. Includes community colleges, public or private colleges and universities, and technical schools. [Source: NEW]

Setback. The distance a structure, parking area, or other development is separated from a parcel line, other structure, development feature, or street centerline. Setbacks from private streets are measured from the edge of the private street easement. [Source: NEW]

Septage Disposal. A facility that receives, processes, and disposes of septage, or the liquid and solid waste pumped from septic haulers, tanks, and similar on-site systems. [Source: NEW]

~~"Sign" means a representation by means of words, diagrams, symbols or models situated in a place visible to the general public and intended to publicize any activity, person or thing. [Source: 15.08.020]~~

~~"~~Sign~~"~~. ~~means anything~~An object, device, figure, display, message placard, or similar item, or any part thereof, visible from a public place, a public right-of-way, or any parking area or right-of-way open to the public which is designed ~~whatsoever placed, erected~~, constructed, intended, or used to provide information in the nature of advertising, or to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, logos, illumination, or projected images~~posted, painted, printed, tacked, nailed, glued, stuck, carved or otherwise fastened, affixed, or made visible for out-of-door advertising purposes in any manner whatsoever, on the ground or on any tree, wall, bush, rock, post, fence, building structure, or thing whatsoever~~. ~~For the purpose of this title, the advertising area of only one side of a double-faced sign shall be used in determining the advertising area.~~Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following: [Source: 17.10.010, modified]

> **A-~~Board~~Frame Sign.** A portable sign this is comprised to two separate panels or faces hinged at the top and capable of standing on its own frame without external support or attachment. [Source: NEW]
>
> ~~"Outdoor advertising signs or structures" means signs advertising a service or product and which are not located on the site upon which such service or product is being offered or sold. [Source: 15.08.020]~~
>
> ~~**Structure, o**~~**O**utdoor **a**~~**A**~~dvertising **Structure.** ~~means any~~A structure ~~of any kind or character, erected~~ constructed or maintained for outdoor advertising sign purposes. [Source: 17.10.010, modified]
>
> ~~"Sign, appurtenant" means a sign relating only to goods sold or services rendered upon the building site on which said sign is erected or maintained. [Source: 17.10.010]~~
>
> **Appurtenant Signs.** ~~means~~A sign~~s which~~ carrying ~~only~~ advertisements incidental to a ~~lawful~~ use of the ~~premises~~ parcel on which ~~they are~~it is located~~, including a sign or sign devices indicating the business or service transacted at or product produced on the premises, including the name of the person or firm occupying the premises~~. [Source: 15.08.020, modified]
>
> **Community Reader Boards.** A sign offering a space for individuals and organizations to post temporary notices. Also known as a “community bulletin board.” [Source: NEW]
>
> **Directional and Informational Signs.** ~~means~~A sign~~s which~~ directing the reader to the location of ~~the~~ a facility or ~~group of facilities~~ location ~~for which the sign is erected and which may describe the characteristics and services available at such facility or group of facilities, and which are necessary to direct or inform the public of the following type of facilities: publicly owned structures or areas; community; historical points of interest; institutions such as churches, schools and colleges; and commercial areas providing services commonly used by motorists while traveling but not containing the brand name of any product or the name of any~~

~~individual establishment~~ without naming or otherwise identifying any particular establishment or purveyor of goods or services. [Source: 15.08.020, modified]

Grouped Service Club Signage. A sign directing the reader to service clubs and organizations in a particular area. [Source: NEW]

Internally Illuminated Sign. A sign with a light source (such as LEDs, fluorescent, or neon) built inside its structure, making the sign face itself luminous, glowing from within to attract attention day and night, common in channel letters, lightboxes, and cabinet signs for businesses and wayfinding. [Source: NEW]

Freestanding Sign. A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. [Source: NEW]

Nonappurtenant Ssigns. ~~means~~A sign~~s which carrying~~with advertisement(s) ~~which are~~ not strictly incidental to the ~~lawful~~ use of the ~~premises~~ parcel upon which ~~they~~ it is~~are~~ located~~, or indicating businesses or services transacted or produced on the premises~~. [Source: 15.08.020, modified]

~~"Sign, directional and informational" means any sign which is confined to the giving of directions to a community or population center, or which, in addition to such directions, also gives general information as to the services, products, or facilities available therein, without, however, naming or otherwise identifying any particular establishment, purveyor of goods or services, or brand or manufacturer of products. [Source: 17.10.010]~~

~~"Sign, outdoor advertising" means any sign other than an appurtenant sign or a directional and information sign. [Source: 17.10.010]~~

Temporary Sign. A sign intended to be displayed for a limited period of time. [Source: NEW]

Window Sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view. A window sign also includes an interior sign which faces a window exposed to public view and is located within three feet of the window. [Source: NEW]

Single Room Occupancy (SRO). Any residential structure containing more than five units intended or designed to be used, rented, or hired out to be occupied for sleeping purposes, generally for one person per unit. Individual units typically share communal features (e.g., kitchen, bathroom, entertainment area). Also referred to as a "residential hotel." [Source: NEW]

~~**Direct** **Significant** **Impact**. shall mean interference with the use of enjoyment of a person's property, real or personal, such as visual impacts, noise impact and interference~~A substantial or potentially substantial adverse change in any of the physical conditions within the area affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance, as defined by Section 15382 of the State CEQA Guidelines. [Source: 17.30.030.A.2, modified]

Slaughterhouse. Facility where livestock ~~is~~are slaughtered and processed. Activities ~~of a slaughterhouse~~ include~~s~~, but ~~is~~are not limited to inspection, processing, chilling, freezing, and packaging of animal meat products. Slaughterhouses do not include "Agricultural Packing and Processing Plants," which are separately defined. [Source: NEW]

Special Event Facility. A location, often temporary or a dedicated venue, designed and used for planned gatherings like weddings, concerts, festivals, or corporate retreats, distinct from everyday uses, requiring permits and impacting public space or services for health, safety, and logistics. Venues may vary from hotels, parks, and convention centers to private farms.Facility where special events are allowed to occur. Special Event Facilities are subject to a use agreement (or similar document) between a private group or individual and the facility owner. The facility owner may or may not charge a fee for the use of the facility. Facilities may be located entirely within a structure, outside of a structure, or both inside and outside a structure. Facilities shall include improvements or facilities to accommodate special events. Uses that are accessory to a single-family residential use, including private parties, private gatherings, and similar private activities that are not subject to a use agreement (or similar document) between a private individual or group and the homeowner, and holiday home tours, farm or trail tours, garage sales, yard sales, estate sales and similar events, are not defined as a special event. [Source: NEW]

Special Flood Hazard Area (SFHA) means. aAn area having special flood or flood-related erosion hazards, as shown on a flood insurance rate map (FIRM) as zone A, zone AE, zone O, zone A1-A30, zone A99, or zone AH, or as shown by studies approved by the board Board of supervisors Supervisorsupon a recommendation from the floodplain administrator. [Source: 17.29B.280, modified]

Special Occupancy Park. means special occupancy shall include:A Travel trailer parks, recreational trailer vehicle parks, temporary trailer recreational vehicle parks, incidental camping areas, and or tent camps. Special occupancy parks do not include low-impact camping areas. [Source: 17.10.010, modified]

Stables.

Stables, Private. A detached accessory structure for the keeping of horses owned by the occupants of the premises and which are not kept for remuneration or profit. [Source: NEW]

Stables, Public. Commercial establishment for donkeys, horses, donkeys, and/or mules, which are rented, used, or boarded for compensation. This include boarding stables, riding schools, and horse ranches. [Source: NEW]

Stream Bed Skimming. meansThe excavation of sand and gravel from streambed deposits above the mean summer water level or stream bottom, whichever is higher. [Source: 17.30A.020, modified]

Street.

Street, Public. means aA public street, road, or roadway, but not anexcluding alleys, owned by or maintained by a stateFederal, State, or cCounty, or incorporated city agency. [Source: 17.10.010, modified]

Street, Private. A private thoroughfarestreet that is owned and maintained by private property owners and provides principal access to abutting property. [Source: NEW]

Street Line. means tThe boundary between a street right-of-way and abutting a property. [Source: 17.10.010, modified]

Storage.

Storage, Hazardous Materials. Facility used for storage and distribution of generally dangerous and hazardous materials, including, but not limited to, chemicals, gasoline, propane, explosives, and fireworks. [Source: NEW]

Storage, Outdoor. The storage, outside of a structure and associated with a home enterprise, rural home industry, commercial, industrial, or multi-family residential use, of any goods, junk, material, merchandise, or inoperative vehicles on the same property for more than twenty-four (24) hours. [Source: NEW]

Storage, Personal. Facility with structures containing generally small individual compartmentalized areas or lockers rented as individual storage spaces and characterized by low parking demand. AOften includes ancillary outdoor storage for trailers, recreational vehicles, and boats. (Also, commonly referred to as "Mini Storage" or "Self-Storage" facilities.) [Source: NEW]

~~"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home. [Source: 17.29B.280]~~

Structure. ~~means a~~ Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground, including buildings, sheds, decks, fences, walls, and similar improvements, whether permanent or temporary.~~Anything constructed or erected, except fences under six feet in height, the use of which requires location on attachment to the ground or attachment to something having locationed on the ground, but not including any trailer or tent, fences under six feet in height, and swimming pools~~. [Source: NEW~~17.10.010~~, modified~~]

Structureal ~~al~~ Alterations. ~~means a~~Any change in the supporting ~~members~~ or load-bearing elements of a ~~building~~ structure such as bearing walls, columns, beams, ~~or~~ and girders. [Source: 17.10.010, modified]

Subdivision. The division of a large tract of land into smaller parcels for sale, lease, or development, often creating residential communities with new streets and utilities, and requiring County approval, mapping, and infrastructure development to transform raw land into individual, buildable sites for homes or other uses. [Source: NEW]

Subdivision Map Act or Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410, and any amendments to those provisions. [Source: NEW]

Substantial Damage (for purposes of the National Flood Insurance Program) ~~means:~~. Any damages meeting the following criteria:

1. Damage of any origin sustained by a structure if the cost of restoring the structure to its before damaged condition would equal or exceed ~~fifty~~ 50 percent of the market value of the structure before the damage occurred; or
2. Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred. This is also known as "repetitive loss." [Source: 17.29B.280]

Substantial Improvement (for purposes of the National Flood Insurance Program). ~~means a~~Any reconstruction, rehabilitation, addition, or other proposed new development of a structure the cost of which equals or exceeds ~~fifty~~ 50 percent of the market value of the structure before the ~~"~~start of construction~~"~~ of the improvement~~. This term,~~ includinges structures that have incurred ~~"~~substantial damage,~~"~~ regardless of the actual repair work performed. For purposes of the National Flood Insurance

Program, Thethis term does not, however, include eitherexcludes the following improvements:

1. Any project for improvement of a structure required to correct existing violations of sState or cCounty health, sanitary, or safety cCode specifications which have been identified by the local Code Enforcement official and which are the minimumas necessary to ensure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places, provided that the alteration will not preclude the structures continued designation as a "historic structure.". [Source: 17.29B.280, modified]

Substation. shall mean a facility which transforms electrical energy to a lesser voltage for the purposes of sub-regional or localized distribution, or which functions as a transition point from overhead to underground acts as the point of convergence for two or more transmission linesSee "Public Utility". [Source: 17.10.010, modified]

Supportive Housing. "Supportive housing" means hHousing with no limit on length of stay, that is occupied by the target population, and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or hertheir health status, and maximizing his or hertheir ability to live and, when possible, work in the community. (see California Health and Safety Code 50675.14.). [Source: 17.10, modified]

Surface Mining Operations. means all, or any part of, tThe process involved in the of mining of minerals, including processes such as on mined lands by removing overburden and mining directly mining from the mineral deposits, open-pit mining of naturally exposed minerals naturally exposed, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation, or retorting, or leaching; the production and disposal of mining waste; prospecting and exploratory activities; borrow pitting; stream bed skimming; and segregation and, stockpiling, and recovery of mined materials (and recovery of same). [Source: 17.30A.020, modified]

"School" means an institution of learning for minors, whether public or private (excluding homeschools), offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education. [Source: 17.43.010]

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education. [Source: 17.43A.010]

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, excluding homeschools. [Source: 17.43B.010, 17.43D.010, 17.43E.010, 17.43F.010]

"School" means an institution of learning, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care

~~facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education. [Source: 17.43C.010]~~

~~"Secretary of Agriculture" refers to the Secretary of Agriculture of the United States of America. [Source: 17.10.010]~~

~~"Start of construction" includes substantial improvement and other proposed new development, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation system. Permanent construction does not include land preparation; such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Source: 17.29B.280]~~

~~"Surfaced areas" means use of gravel, oil, cement, but not limited to. [Source: 17.10.010]~~

~~17.082.200~~17.082.210 "T" Definitions

Telecommunication Facility. A facility that includes equipment which supports the transmission and/or receipt of electromagnetic/radio signals. Telecommunication facilities include cellular radiotelephone service facilities, personal communications service facilities (e.g. wireless internet), specialized mobile radio service facilities, and commercial paging service facilities. Components of these types of facilities can consist of the following: antennas, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of the signals, telecommunication towers or similar structures supporting the equipment, equipment structures, parking area, and other necessary development. [Source: NEW]

Temporary Use. An activity or placement on property for a limited, fixed time, not intended to be permanent, often for special events, seasonal sales, or construction, that typically requires special permission (such as a Temporary Use Permit) and has different rules than permanent zoning, focusing on short-term needs like festivals, pop-up shops, or site offices. It allows for uses like carnivals, seasonal tree lots, or construction trailers, ending when the permit expires, preventing decay and activating spaces. [Source: NEW]

Temporary Worker Housing. A temporary facility or group of facilities established for the short-term housing, staging, and support of workers engaged in time-limited activities such as emergency response, wildfire suppression, disaster recovery, utility installation or repair, infrastructure construction, or similar public service or maintenance operations. [Source: 17.10, modified]

Theatrer or Cinema. An indoor or outdoor establishment where entertainment (participant or spectator) is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Does not include adult entertainment businesses or bars. [Source: NEW]

Cinema. A facility where movies are shown for public entertainment. [Source: NEW]

Theater. A facility for public assembly and group entertainment, other than sporting events, including civic theaters, facilities for "live" theater and concerts, exhibition halls, auditoriums, and other similar uses. [Source: NEW]

Third Party (of a commercial cannabis license). ~~means a~~An individual or entity, other than the license holder in question, possessing a valid commercial cannabis license from the State ~~of California~~. [Source: 17.43E.010]

Tiny Home. A small dwelling unit of 400 square feet or less in size. Tiny homes may be mounted on wheels or on a permanent foundation. [Source: NEW]

Mobile Tiny Home. A tiny home mounted on wheels that is transportable and is constructed to comply with standards applicable to recreational vehicles [Source: NEW]

Tiny Home Village. An improved area that provides spaces and utilities for two or more tiny homes. A grouping of three or more detached rooms with communal bathroom, laundry, cooking, and dining facilities is included in this definition. [Source: NEW]

Transitional Housing. ~~"Transitional housing" and "transitional housing development" means rental~~Temporary, supportive housing intended to bridge the gap from homelessness to permanent housing by offering structure, supervision, support, life skills, and in some cases, education and training. ~~operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months. (Health and Safety Code 50675.2.)~~ [Source: 17.10, modified] (HSC 50801 (i))

~~"Trailer" means a vehicle designed and used for human habitation and with its wheels in place. [Source: 17.10.010]~~

~~"Trailer court, mobile home court" means any area or tract of land where space is rented or held out for rent to one or more owners or users of trailers, or mobile home, or where the free use of such space is permitted owners or users of trailers for the purpose of securing their trade. [Source: 17.10.010]~~

~~"Trinity County recreation area" means that land in Trinity County, California, as shown on the maps referred to in Chapter 17.05. [Source: 17.10.010]~~

~~17.082.210~~17.082.220 "U" Definitions

Use. ~~means t~~The purpose for which land ~~or premises~~ or a ~~building~~ structure ~~thereon~~ is designed, arranged, or intended, ~~or for which it is, or may be~~ occupied, or maintained. [Source: 17.10.010, modified]

Use Permit. Authority granted at the discretion of the County for the use of a particular site for a specific purpose. A Use Permit is ~~a zoning instrument utilized~~ used to review uses ~~which are of such a nature as to~~ that warrant special consideration~~. These uses generally~~, including uses ~~have~~with the potential to cause a distinct impact on the area in which they are located~~, or are capable of creating special problems for bordering properties unless given special attention~~. Use permits include Director Use Permits, Conditional Use Permits, Temporary Use Permits, and Variances. [Source: 17.32.010, modified]

~~17.082.220~~17.082.230 "V" Definitions

~~"Variance" is defined as Trinity County Ordinance No. 315, Section 31. [Source: 17.43.010]~~

~~"Variance" means a grant of relief from the requirements of this chapter, which permits construction in a manner that would otherwise be prohibited by this chapter. [Source: 17.29B.280]~~

Variance. A legal exception, granted by the County, that allows a property owner to deviate from strict zoning rules, such as setback, height, or lot size, due to unique property conditions that create an unnecessary hardship, ensuring fair use without changing the overall zoning plan, typically for dimensional changes, not prohibited uses. ~~A variance is a waiver or modification of some requirement contained in the zoning ordinance~~. ~~The statutory justification for a variance is that the owner would otherwise suffer unique hardship under general zoning regulations because his or her particular parcel is different from others to which the regulation applies due to size, shape, or topography. Variances may be granted only to authorize a change in development standards which is not otherwise authorized by the zoning regulations.~~ [Source: 17.31.010, modified] (CA Gov. Code 65906)

~~"Violation" means the failure of a structure or other development to be fully compliant with the county's floodplain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance required in this chapter, is presumed to be in violation until such time as that documentation is provided. [Source: 17.29B.280]~~

~~"Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. The state's examples of volatile solvents include, butane, hexane, and propane. Type 7 licensee can use both nonvolatile and volatile solvents in its extractions, infusions or mechanical methods. [Source: 17.43F.010]~~

~~17.082.230~~17.082.240 "W" Definitions

Warehouse. A large building where raw materials or manufactured goods may be stored before their export or distribution for sale. [Source: NEW]

Water Surface Elevation (for purposes of the National Flood Insurance Program). ~~means t~~The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in ~~the~~ floodplains of coastal or riverine areas. [Source: 17.29B.280]

Watercourse. ~~means a l~~Lakes, rivers, creeks, streams, washes, ~~arroyo,~~ channels, tributary, or other topographic feature on or over which waters flow ~~at least~~ periodically~~. Watercourse~~, includesing specifically designated areas in which substantial flood damage may occur. [Source: 17.29B.280, modified]

Watershed Management Activities. The practice of preserving, protecting, and restoring natural watersheds with the intention of maintaining or improving species' population and/or preventing fragmentation or reduction of habitat. [Source: NEW]

Watts per Square Foot (for cannabis cultivation). ~~which is~~The sum of the maximum wattage of all lights identified in a designated canopy area divided by the sum of the dimension in square feet of designated canopy area, as defined under California Code of Regulations Section 8000~~, and, at the time of enactment, means the sum of the maximum wattage of all lights identified in a designated~~

~~canopy area(s) in the cultivation plan divided by the sum of the dimension in square feet of designated canopy area(s) identified in the cultivation plan~~. [Source: 17.43.010, modified]

Wholesale, Sales. The selling of large quantities of goods at discounted prices to other businesses (like retailers or dealers) for them to resell to the end consumer, rather than selling directly to the public. [Source: NEW]

Wildlife Exclusionary Fencing (for cannabis cultivation). ~~means f~~Fencing designed and installed to prevent the entry of wildlife into the enclosed area, such as cyclone or field game fencing a minimum of six feet in height ~~measured from grade~~. [Source: 17.43.010, modified]

"X" Definitions

No terms defined.

~~17.082.240~~17.082.250 "Y" Definitions

Yard. ~~means a~~An area between a parcel line and a required setback, ~~open space other than a court on the same building site with a building, which open space is~~ unoccupied and unobstructed from the ground upward, except as otherwise provided in ~~Chapter 17.30 of this title~~this Zoning Code~~, but not including any portion of any street or alley or road right-of-way~~. See Section XX.XX.XX (Setback Measurements and Exceptions). [Source: 17.10.010, modified]

> **Yard, front.** ~~means a~~An area ~~yard~~ extending across the full width of the parcel between the front ~~of the lot~~parcel line ~~between the side lot lines~~ and ~~to a depth required by the district in which said lot is situated~~the required setback. [Source: 17.10.010, modified]
>
> **Yard, rear.** ~~means a~~An area ~~yard~~ extending across the full width of the parcel between the ~~back of the lot~~rear parcel line ~~between the side lot lines~~ and the required setback~~to a depth required by the district in which said lot is situated~~. [Source: 17.10.010, modified]
>
> **Yard, side.** ~~means a~~An area ~~yard between the side line of the lot and to a width required by the district in which said lot is situated, and~~ extending from the front yard to the rear yard, between the nearest side parcel line and the required setback. [Source: 17.10.010, modified]

~~"~~Youth-Oriented Facility~~"~~. ~~means~~ An establishment that advertises in a manner that identifies the establishment as catering to or providing services intended for minors, such as public parks, schools, and other similar uses~~authorized bus stop or any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors~~. [Source: 17.43.010, 17.43A.010, 17.43B.010, 17.43C.010, 17.43D.010, 17.43E.010, 17.43F.010, modified]

~~17.082.250~~17.082.260 "Z" Definitions

Zone. Any of the base or overlay zones established by Part 2 of this Zoning Code (Zones, Land Uses, and Standards), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.). [Source: NEW]


TRINITY COUNTY
RESOURCE CONSERVATION DISTRICT
WATER
CALIFORNIA

17 – Zoning Code

Part 7 –Definitions

ADMINISTRATIVE DRAFT

JANUARY 2026

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Chapter 17.082

Definitions

Chapter 17.082 Definitions

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17.082.010 Purpose and Applicability

This chapter explains the meaning of technical or specialized terms used in this Zoning Code. These definitions are provided to give clarity where words may need extra explanation or where their meaning may differ from everyday use. If a definition in this chapter differs from a definition found elsewhere in

the Code of Ordinances, the definition in this chapter applies for purposes of this Zoning Code. [Source: NEW]

17.082.020 "A" Definitions

Abandon or Abandonment (of mining operations). Cessation of surface mining operations before completion of required reclamation, or to cease surface mining whether or not actual reclamation has commenced, or both. A surface mining operation which remains idle for over 12 months after becoming idle as defined in PRC Section 2727.1, without obtaining approval of an interim management plan shall be considered abandoned. [Source: 17.30A.020, modified]

Abatement. The removal of a public nuisance or threat to public health or safety. [Source: 17.43.010, modified]

Accessory Dwelling Unit. An attached or detached residential dwelling unit, on the same parcel as a primary dwelling unit, which provides complete independent living facility for one or more persons and includes permanent provisions for living, sleeping, eating, cooking, and sanitation. See Chapter __ (Accessory Dwelling Units). [Source: NEW]

> **Accessory Dwelling Unit, Junior.** An accessory dwelling unit which is located within the existing living space of a primary dwelling, as defined in Government Code Sections 66310 through 66342. See Chapter __ (Accessory Dwelling Units). [Source: NEW]

Accessory Structure. A structure (e.g., carports, garages, storage sheds, workshops) detached from a principal structure located on the same parcel and customarily incidental and subordinate to the principal structure or use. [Source: NEW]

> **Accessory Structure, Agriculture**. An accessory structure incidental and subordinate to an agricultural use. [Source: NEW]
>
> **Accessory Structure, Non-Residential.** An accessory structure that is physically detached from, secondary and incidental to a non-residential use or structure. Illustrative examples of non-residential accessory structures include storage sheds and open-air structures. [Source: NEW]
>
> **Accessory Structure, Residential**. An accessory structure incidental and subordinate to a residential use. [Source: NEW]

Accessory Use. A use of land or of a structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use. [Source: NEW]

Adult Day Support Center. See "Residential Care Facility" . [Source: 17.10.010, modified]

Agricultural Product. Plant and animal products produced for commercial purposes. [Source: 17.10, modified]

Agricultural Product Sales. The commercial exchange of items from farming, including raw goods (crops, livestock, dairy, fibers, fuels) and processed versions (canned goods, packaged meats), often encompassing related services and supplies like equipment, feed, and fertilizer, focusing on sales from on-site production or related farm activities for both retail and wholesale markets. This does not include the sale of products for on-site consumption (e.g., restaurants, tasting rooms). [Source: NEW]

Agricultural Preserve. An area devoted to agricultural uses. Such preserves place restrictions upon allowed land uses to preserve agricultural uses on site. [Source: 17.10, modified]

Agricultural Packing and Processing Plant. Facilities where agricultural products, such as crops or animal products, are prepared for market. Activities of an agricultural packing and processing plant include, but are not limited to, cleaning, sorting, milling, shelling/hulling, grading, sizing, labeling, boxing, canning, freezing, drying, juicing, or packaging of agricultural products. Agricultural packing and processing plant does not include ”Slaughterhouses” which is separately defined, but may include any secondary packing or processing of meat products. [Source: NEW]

Agriculture. The science or practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food, wool, and other products.. [Source: 17.10, modified]

Agritourism. A commercial enterprise located at a working farm (as defined by Section 52262 of the California Food and Agricultural Code), ranch, or other agricultural operation or agricultural plant/facility, which is conducted for the enjoyment and education of visitors, guests or clients, and that generates income for the owner/operator. Agritourism is the act of visiting a working farm/ranch or any agricultural, horticultural or agricultural operation for the purpose of enjoyment, education or active involvement in the activities of the farm/ranch or agricultural operation that also adds to the economic viability of the agricultural operation. Does not include “Farmstand” as defined in this Part. [Source: NEW]

Airport, Heliport, Landing Strip, Public/Private. A place, either on land or on water, where aircraft may land and take off and where additional space may be provided to discharge or receive cargoes and passengers, make repairs, or take in fuel, or store aircrafts. [Source: 17.10, modified]

Alley. A private street providing secondary access to adjacent parcels and not intended for general traffic circulation. [Source: 17.10.010, modified]

Allowed Use. A use of land identified in Part 2 (Zones, Land Uses, and Standards) as an allowed or conditional use (including Minor Use Permit) that may be established with a land use permit and, where applicable, Site Plan and Design Review, and/or Building Permit approval, subject to compliance with all applicable provisions of this Zoning Code. [Source: NEW]

Alteration. Any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting. [Source: NEW]

Animal Hospital. A facility used for the treatment, care, boarding, and/or grooming of animals. [Source: 17.10, modified]

Animal Husbandry Project. The raising of farm or game animals such as cattle, horses, goats, sheep, hogs, chickens, rabbits, birds, and similar animals in association with a school, 4-H, or Future Farmers of America (FFA) project. Animal husbandry projects typically have a specific end date related to an event, such as the Trinity County Fair. [Source: NEW]

Animal Husbandry. The raising, breeding, and caring of farm animals (e.g., cattle, horses, goats, sheep, rabbits) as a commercial agricultural venture. Animal husbandry is further defined in Section XX.XX_(Animal Husbandry). Does not include “Apiaries,” “Cattle Feed Yards,” “Chicken, Turkey, or Hog Ranches”, or “Dairies” which are separately defined. [Source: NEW]

Animal Shelter. A facility that offers temporary housing, care, and safe haven for stray, lost, abandoned, or surrendered animals. [Source: NEW]

Animal Sales Yard. An indoor or outdoor facility devoted to the sale of animals (e.g., cattle, horses) to bidders under the supervision of an agent or entity. [Source: NEW]

Apartment. See "Dwelling, Multi-Unit". [Source: NEW]

Apiary. The keeping of bees and associated operations for processing honey, wax, pollen, and other products for commercial sale. For the purposes of this Title, "apiary" does not include hobbyist beekeeping (less than 10 hives) or the keeping of bees as an accessory use to row and field crops for pollination purposes. [Source: NEW]

Architectural Features. Exterior structure features including, but not limited to, windows, doors, roofs, porches, and any other similar exterior architectural elements. [Source: 17.10.010, modified]

Area.

Area, Parcel. The gross area included within the parcel lines of a parcel, exclusive of adjacent dedicated street right-of-way. The total of the parcel area is measured in a horizontal plane, within the parcel lines bounding the parcel, exclusive of: [Source: NEW]

1. Easements for streets or driveways which are not for the exclusive use of the parcel on which any such easement is located; and
2. The access strip required to serve a flag parcel.

Area, Cannabis Canopy. The measurement of cannabis canopy area in square feet, as defined by the California Department of Food and Agriculture. [Source: 17.43.010, modified]

Area of Regional Significance (of mining operations). An area designated by the State Mining and Geology Board which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in a particular region of the state within which the minerals are located and which, if prematurely developed for alternate incompatible land uses, could result in the premature loss of minerals that are of more than local significance. [Source: 17.30A.020]

Area of Statewide Significance (of mineral deposits). A designated area which is known to contain a deposit of minerals, the extraction of which is judged to be of prime importance in meeting future needs for minerals in the state and which, if prematurely developed for alternate incompatible land uses, could result in the permanent loss of minerals that are of more than local or regional significance. [Source: 17.30A.020]

Authorized School Bus Stop. Any location established by a school district for pick-up and/or delivery of school children. [Source: 17.43A.010]

Auto, Fueling Station. A commercial establishment selling gasoline, diesel, alternative fuel, or electricity for the on-site fueling or charging or vehicles. May include a convenience store and provide secondary services incidental to fuel or charging services. [Source: NEW]

Auto, Repair/Service. The repair, servicing, alteration, restoration, towing, painting, cleaning, or finishing of automobiles, trucks, recreational vehicles, water vessels, golf carts, and other motor vehicles as a primary use. [Source: NEW]

Auto, Sales. The retail sales of more than one, new or used, automobile, including vans, trucks, and sports utility vehicles. This definition may also include as ancillary uses: repair and service to vehicles

for sale on the subject site when conducted entirely within an enclosed structure, and automotive detailing. [Source: NEW]

Automobile Wrecking Yards. See "Salvage/Junk Yard." [Source: 17.10.010]

17.082.030 “B” Definitions

Basement. A portion of a structure that is completely below grade. A basement does not count as a story when calculating the total number of stories for development regulation purposes. However, sub-level floors, including basements, are included in floor area ratio (FAR) calculations. [Source: 17.29B.280, modified]

Bar/Night Club. Commercial establishment or part of an establishment that sells alcoholic beverages to be consumed on the premises. Bars are also known as “night clubs” [Source: NEW]

Bed and Breakfast . A residential structure containing a single dwelling unit in which the on-site manager resides and up to four guest rooms. A Bed and Breakfast Inn with more than four guest rooms is considered a hotel or motel and is included under the definition of "hotel or motel." [Source: 17.10, modified]

Borrow Pits (of mining operations). Excavations created by the surface mining of rock, unconsolidated geologic deposits or soil to provide material (borrow) for fill elsewhere. [Source: 17.30A.020]

Brewery, Distillery, Winery.

> **Winery**. Bonded agricultural processing facility primarily used for the commercial processing of grapes or other fruit products into wine or similar spirits or the refermenting of still wine into sparkling wine. Processing consists of controlled fermentation combined with any of the following: crushing, blending, barrel aging, and bottling. Storage of case goods shall only occur in conjunction with processing. Retail sale of related promotional items may be allowed as part of the winery operation. [Source: NEW]
>
> **Distillery**. Establishment where distilled spirits are manufactured, stored, and/or packaged. Storage of case goods shall only occur in conjunction with processing. Retail sale of related promotional items may be allowed as part of the distillery operation. [Source: NEW]
>
> **Brewery**. Establishment where malt beverages are manufactured, stored, and/or packaged on the premises. Storage of case goods shall only occur in conjunction with processing. Retail sale of related promotional items may be allowed as part of the brewery operation. [Source: NEW]

Building Site. A portion of a parcel occupied or intended to be occupied by one or more structures, including any improved open spaces associated with the use of the structure. [Source: 17.10.010, modified]

Building. See "Structure." [Source: 17.29B.280, modified]

17.082.040 “C” Definitions

Campground, General. Commercial establishment providing spaces and facilities for the temporary placement of tents, travel trailers, motor homes, and other recreational vehicles for recreational use and overnight lodging. May also include an onsite accessory retail establishment that directly serves the needs of guests. [Source: NEW]

Campground, Improved. Land or premises which is used for camping facilities with improvements, including but not limited to cabins, yurts, and other similar improved overnight lodging facilities. Improved camping is also referred to as “glamping.” [Source: NEW]

Campground, Tent Only. Land or premises which is used, let, or rented for the temporary, exclusive placement of tents or similar quarters. [Source: 17.10, Modified]

Camp (or Camping). The occupancy of a parcel, for a 24-hour period or longer, for living, sleeping, and/or sanitation, within temporary structures such as tents, canopies, tarps, or other shelters. [Source: 17.30.080]

Cannabis. Any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code. [Source: 17.43A.010, 17.43B.010, 17.43C.010, 17.43D.010, 17.43E.010, 17.43F.010]

Cannabis, Medical. Cannabis used for medicinal purposes in compliance with California Health and Safety Code Section 11362.7 et seq. [Source: 17.43.010]

Cannabis, Immature. A cannabis plant that is not flowering, as defined under California Code of Regulations Section 8000, and, at the time of enactment. [Source: 17.43.010, modified]

Cannabis, Mature. A cannabis plant that is flowering, as defined under California Code of Regulations Section 8000; [Source: 17.43.010, modified]

Cannabis Commercial. Commercial cannabis activity allowed under Medical Marijuana Regulation and Safety Act (MMRSA), Adult Use of Marijuana Act (AUMA), and/or Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) . [Source: 17.43.010, modified]

Cannabis Cultivation. The outdoor planting, growing, harvesting, drying or processing of cannabis plants or any part of a cannabis plant. [Source: 17.43.010, modified]

Cannabis Cultivation, Small. A cultivation site between 5,001 and 10,000 square feet of total canopy. [Source: 17.43.020, modified]

Cannabis Cultivation, Medium. A cultivation site between 10,001 square feet and one acre of total canopy. [Source: 17.43.020, modified]

Cannabis Cultivation, Outdoor. The cultivation of mature cannabis without the use of artificial lighting in the canopy area at any point in time, excluding artificial lighting used to maintain immature plants. [Source: 17.43.010, modified]

Cannabis Distribution. A structure or premises used exclusively for storage, packaging, labeling, and/or as a transportation terminus for cannabis products between entities that are properly licensed. [Source: 17.43B.010]

Cannabis Mixed Light. the use of one of the following types of artificial lighting models in the cultivation of mature cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure:

1. "Mixed-light Tier I" as defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 Section 8000;

2. "Mixed-light Tier 2" as defined under California Code of Regulations Section 8000. [Source: 17.43.010, modified]

Cannabis Manufacturing. Compounding, blending, extracting, infusing, or similar action to make or prepare a cannabis product. In addition, "manufacturer" means a licensee that conducts the production, preparation or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination or extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container. [Source: 17.43F.010, modified]

Cannabis Microbusiness. The cultivation of cannabis on an area of less than 10,000 square feet and to act as a licensed cannabis distributor, and/or manufacturer, and/or retailer, provided such uses comply with all requirements imposed on cultivators, distributors, manufactures and retailers by the county and state to extend the permittee engages in such actives. [Source: 17.43E.010, modified]

Cannabis Nursery. A wholesale sales facility operated by a licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically for planting and promulgation of cannabis and sold only to licensed commercial cannabis cultivation growers. Nurseries do not include retail sales of cannabis plants, materials, or products. [Source: 17.43A.010, modified]

Cannabis Premises. Designated structure(s) and land specified in an application that is owned, leased, or otherwise held under the control of one applicant or licensee where the commercial cannabis activity will be or is conducted. [Source: 17.43E.010, 17.43.010, modified]

Cannabis Processing Facility. A facility where cannabis and cannabis products are trimmed, cured, dried, graded, packaged, and/or labeled. [Source: 17.43I.010, modified]

Cannabis Retail, Non-Storefront. The selling and delivering of cannabis and cannabis goods to customers from a licensed premise that is not open to the public. [Source: 17.43D.010]

Cannabis Retail, Storefront. A licensed retailer selling adult-use and medical cannabis or cannabis products to the end user or customer. A cannabis storefront retailer does not include the following uses: [Source: 17.43H.010, modified]

- A clinic in compliance with Chapter 1 of Division 2 of the Health and Safety Code; [Source: 17.43H.010]
- A residential care facility for the elderly licensed in compliance with Chapter 3.2 of Division 2 of the Health and Safety Code; and [Source: 17.43H.010]
- A residential hospice or a home health agency licensed in compliance with Chapter 8 of Division 2 of the Health and Safety Code. [Source: 17.43H.010]

Cannabis Self-Transport. The transportation within the state by a licensed cultivator of their own cannabis grown from their own licensed cultivation site. [Source: 17.43.010]

Cannabis Shared-Use Facility. A manufacturing premise operated by a Type 6, Type N, or Type 7 licensee, in which Type S licensees are authorized to conduct manufacturing operations. Shared-use facilities shall be operated in compliance with California Code of Regulations, Title 17 Division 1 Chapter 13, Manufactured Cannabis Safety Subchapter 1, General Provisions and Definitions, Article 6, Shared-Use Facilities. [Source: 17.43F.010]

Cannabis Testing facility. A facility that conducts laboratory analysis of cannabis and cannabis products, including but not limited to potency testing, contaminant screening, quality assurance, and compliance verification, in compliance with State law and industry standards. Cannabis testing facilities

do not include the cultivation, manufacturing, distribution, or retail sale of cannabis or cannabis products. [Source: NEW]

Canopy, Cannabis. The total surface area within a licensed cultivation facility that is dedicated to growing mature, flowering cannabis plants. [Source: 17.43.010, modified]

Cardroom. A gaming club as defined in Business and Professions Code Section 19802. [Source: NEW]

Caretaker Unit. A dwelling unit that is accessory to and located on the same parcel as a principal nonresidential use, occupied solely by a caretaker or similar employee responsible for the on-site care, operation, security, or maintenance of the property. [Source: NEW]

Car Wash. A facility having any of the following definitions:

- **Automated Drive-Through**. A facility that provides for washing of vehicles through a fully automated car wash facility where the customer drives the vehicle into the facility and remains in the car during the wash process.
- **Mechanical**. A facility that provides for the washing of vehicles using mechanical equipment such as conveyor chains, blowers, steam guns, roller brushes, and high-pressure vacuum units or similar equipment. The customer exits the vehicle and waits for the attendant to complete the washing, cleaning, and driving of the vehicle. This car wash has a waiting area for the customer and a designated finishing and/or detailing area to complete the car care service.
- **Self-Service**. A facility that provides vehicle washing to be done by the customer. There are no employees other than service people who check and maintain the equipment, open and close the facility, and provide general supervision of the use of the facility. Equipment shall be limited to a water softener, water heater, soap mixing tank, low pressure vacuum units, and a one horsepower electric motor and pump for each stall or similar equipment which shall produce only a volume of sound in compliance with the General Plan.

Cattle Feed Yard. A facility where cattle are held or maintained for the purpose of feeding and fattening for market and where 60 percent or more of the feed for such cattle is imported or purchased. [Source: 17.10, modified]

Cemetery. Land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of the cemetery. [Source: NEW]

California Environmental Quality Act (CEQA). State law (California Public Resources Code Sections 21000 et seq.) requiring public agencies to document and consider the environmental effects of their discretionary actions. CEQA is intended to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to mitigate significant environmental damage to the extent feasible. [Source: NEW]

Chicken, Turkey, or Hog Ranch. Agricultural facility that raises chickens, turkeys, or hogs. These facilities typically operate in a manner that have increased odors, air emissions, or other environmental impacts. [Source: NEW]

Church. See “Place of Assembly.” [Source: 17.43.010, 17.43A.010, modified]

Co-Location. The use of a single support structure, including but not limited to, a monopole, lattice tower, or water tank, by more than one licensed personal wireless communication service provider. [Source: NEW]

Commercial Recreation and Entertainment. Indoor or outdoor establishment where entertainment (participant or spectator) is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Illustrative examples of commercial recreation and entertainment use include arcades, axe throwing, sports fields and courts, and other similar uses. Does not include "Adult Entertainment Businesses," "Bars," "Golf Courses," or "Theater or Cinema," which are separately defined. [Source: NEW]

Community Garden. A public or quasi-public use consisting of a parcel or area of land on public or private property that is managed for the cultivation of fruits, vegetables, herbs, flowers, or ornamental plants by individuals or groups primarily for personal use, education, or community benefit. May include individual or shared planting plots, raised beds, greenhouses, sheds, composting areas, rainwater collection systems, and similar accessory structures and improvements customarily incidental to gardening activities. May include limited on-site distribution or donation of produce and educational, but does not include commercial farming or retail sales as a primary use. [Source: NEW]

Contractor Yard. Storage yards for contractor equipment and supplies, which may include small structures that are ancillary to the primary use. [Source: NEW]

Convenience Store. A commercial establishment which carries a range of merchandise oriented to convenience and travelers' shopping needs. These stores may be part of a vehicle fueling station. The sales floor area devoted to alcohol sales shall not exceed 25 percent of the total floor area dedicated to merchandise sales. [Source: NEW]

Correctional Facility. A jail, prison, or other detention facility used to house people who have been arrested, detained, held, or convicted by a criminal justice agency or a court. [Source: NEW]

Cottage Food Operation. As defined in Health and Safety Code Section 113758, a home-based business run by a cottage food operator, allowing for specific gross annual sales (around $75,000 for Class A, $150,000 for Class B, adjusted for inflation), limited employees (one non-family), and sales directly or indirectly to consumers, regulating small-scale food production from private homes. See "Home Occupation." [Source: NEW]

Country Club/Golf Course. A tract of land, either public or private, dedicated to playing the game of golf, and improved with trees, greens, fairways, and hazards. Golf course may include related facilities such as golf schools and driving ranges and accessory uses such as restaurants, pro shops, and related facilities. [Source: 17.10, NEW]

County. The County of Trinity, State of California [Source: NEW]

Courtyard. An area of flat ground outside and partly or completely surrounded by one or more structures. [Source: 17.10.010, modified]

17.082.050 "D" Definitions

Dairy. Agricultural facility that focuses on agricultural operations including dairy animals, dairy products, and other uses associated with the operation of dairy farms. These facilities typically operate in a manner that have increased odors, air emissions, or other environmental impacts and are primarily used for mass commercial production. [Source: NEW]

Day Care Center. A day care facility not operated as a small or large family day care home. Includes infant centers, preschools, and extended child day care facilities. These may be operated in conjunction with a business, school, or religious facility. [Source: NEW]

Demolition. Any act or process that destroys entirely or in part, a structure, an individual cultural resource, or other designated historic resource. [Source: NEW]

Density. The number of permanent residential dwelling units per gross acre of land. [Source: 17.10.010, modified]

Density Bonus. As defined by Government Code Section 65915 et seq., an increased density over the maximum authorized density which is granted to an owner/developer of an affordable housing project meeting the qualifying requirements of Government Code Section 65915. When determining the number of dwelling units that are to be affordable, the number of dwelling units authorized by the density bonus shall not be included. See Chapter XX.XX (Density Bonus). [Source: NEW]

Density Bonus Housing Agreement. A legally binding agreement between an owner/developer and the County to ensure that the requirements of this Code and State law are satisfied. The agreement shall establish the number of bonus units, their size, location, terms, and conditions of affordability, and production schedule. The agreement shall also require proper management and maintenance of the units. See Chapter XX.XX (Density Bonus). [Source: NEW]

Density Bonus Unit. A housing development that qualifies for a density bonus under State law or this Zoning Code is entitled to construct more dwelling units than would otherwise be allowed under the density requirements of this Code and the General Plan. Dwelling units allowed in excess of what is otherwise allowed in compliance with a density bonus are “bonus units.” See Chapter XX.XX (Density Bonus). [Source: NEW]

Dependent Unit Villages. Dependent unit villages allow for multiple dependent sleeping units which are not fully equipped with a kitchen area. Separate on-site common facilities including, but not limited to, a shared kitchen area, dining area, laundry facility and open space. Dependent unit villages are subject to limitations of the site and shall comply with California Residential Building Code. Sanitation must be accessible within each unit or meet performance standards within the land use section. [Source: NEW]

Designated Area (of cannabis cultivation). Area(s) identified for the planting, growing and harvesting of cannabis, excluding drying, processing and other post-harvest cultivation activities. [Source: 17.43.010, modified]

Detached. Any structure that does not have a wall or roof in common with another structure. [Source: NEW]

Developer. A person, firm, corporation, partnership, or agency who proposes to divide, subdivide, or construct improvements on real property for oneself or others. [Source: NEW]

Development. Any construction activity or alteration of the landscape, its terrain contour or vegetation, including the construction or alteration of structures. New development is any construction, or alteration of an existing structure or land use, or establishment of a land use, after the effective date of this Zoning Code. [Source: 17.29B.280, modified]

Duplex. See “Dwelling, Two-Unit.” [Source: NEW]**Dwelling.**

Dwelling, Single-Unit A single-unit dwelling unit, including manufactured housing and mobile homes when placed on a permanent foundation system, designed for occupancy by a single household. See also "Legal Dwelling or Residence." [Source: 17.10, modified]

Dwelling, Two-Unit. A residential structure containing two residential dwelling units designed for the occupancy by two households living independently of each other, including duplexes and townhouses. See also "Legal Dwelling or Residence." [Source: 17.10, modified]

Dwelling, Three-Unit. A residential structure containing three residential dwelling units designed for the occupancy by three households living independently of each other, including triplexes, rowhouses, and townhouses. See also "Legal Dwelling or Residence." [Source: NEW]

Dwelling, Multi-Unit. A residential structure containing four or more dwelling units design for the occupancy by four or more families living independently of each other, including apartments, fourplexes, cottage courts, and townhouses. See also "Legal Dwelling or Residence." [Source: 17.10, modified]

17.082.060 "E" Definitions

Easement. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity. [Source: NEW]

Emergency Shelter. Housing with minimal supportive services for homeless persons limited to occupancy of six months or less or under a declared public emergency. In compliance with Government Code Section 65583(a)(4), emergency shelters shall also include other interim intervention facilities, including but not limited to bridge housing, navigation centers, and respite or recuperative care. No individual or household may be denied emergency shelter because of an inability to pay. [Source: 17.10, modified] (HSC 50801 (e))

Employee Housing. See "Farmworker and Employee Housing." [Source: NEW]

Encroachment (for purposes of the National Flood Insurance Program). The advance or infringement of uses, plant growth, fill, excavation, permanent structures, or other development into a floodplain that may impede or alter the flow capacity of a floodplain. [Source: 17.29B.280, modified]

Energy Generating Facility, Commercial. Any electrical generating facility using thermal, wind, or water energy including, but not limited to, solar farms, biomass plants, wind farms, coal-fired plants, or thermal power plants with a generating capacity of less than 50 megawatts. [Source: NEW]

Environmental Impact Report (EIR). An informational document used to assess the physical characteristics of an area and to determine what effects will result if the area is altered by a proposed action, prepared in compliance with the California Environmental Quality Act (CEQA). [Source: NEW]

Equipment Sales and Rental Facility. Service establishment with or without outdoor storage/rental yards, which offer a wide variety of equipment types, including construction equipment, for rent. [Source: NEW]

17.082.070 "F" Definitions

Fairgrounds. A permanent, outdoor space that hosts fairs or other similar large-scale events. [Source: NEW]

Family Day Care Home. A facility that regularly provides care, protection, and supervision for 14 or fewer children, in the provider's own home, for periods of less than 24 hours per day, while the parents or guardians are away, as defined in Health and Safety Code section 1596.78. A family day care home includes a detached single-family dwelling, a townhouse, a dwelling unit within a dwelling, or a dwelling unit within a multi-family dwelling in which the underlying zone allows for residential uses. A family day care home is where the day care provider resides and includes a dwelling that is rented, leased, or owned. [Source: NEW]

Farm Stand. A retail use accessory and subordinate to an on-site agricultural operation, where agricultural products grown or produced on the same parcel are offered for sale directly to the public. May include the sale of unprocessed or minimally processed agricultural products, such as fruits, vegetables, eggs, honey, and similar items, and may occur within a temporary or permanent structure customarily incidental to farming activities. [Source: NEW]

Farmworker and Employee Housing.

> **Employee Housing.** Privately owned housing for employees provided in connection with any work, whether or not rent is involved. Employee housing is subject to the provisions of the Employee Housing Act. [Source: NEW] (HSC 17021.5)
>
> **Farmworker Housing**. Housing accommodations for individuals earning their primary income from agricultural labor, ranging from dorms and barracks to family units, often provided by employers or developed as affordable housing, and meeting specific health, safety, and livability standards, serving both seasonal and permanent agricultural workers.. [Source: 17.10, modified] (HSC 17021.6)

Fence. A barrier used for the purpose of marking a boundary, enclosing an area, screening, and/or preventing escape or intrusion, including walls, screens, trellises, and other similar linear features. [Source: NEW]

Fertilizer Plant or Yard. Manufacturing facility that produces finished fertilizer products. [Source: NEW]

Financial Institution. Commercial establishment including a federally chartered bank, savings and loan association, industrial loan company, and credit union providing retail banking services to individuals and businesses. This includes financial institutions that may include drive-thru service. [Source: NEW]

Firewood, Storage and Processing. The processing and storage of firewood in any place except a location completely enclosed within a structure, garage, shed, or other similar enclosure. "Firewood" refers to any part of a tree that has been severed from the ground and cut into pieces for use in any indoor or outdoor wood burning device. [Source: NEW]

Fitness Center/Gym. An establishment providing multiple types of exercise and physical conditioning equipment and services. [Source: NEW]

Flood Insurance Rate Map (FIRM). The Federal Emergency Management Agency or Federal Insurance Administration's official map that delineates areas of special flood hazards and risk premium zones in the county. [Source: 17.29B.280, modified]

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, flood insurance rate maps, and water surface elevation of base floods. [Source: 17.29B.280]

Floodplain. Any land area susceptible to being inundated by flood water from any source. [Source: 17.29B.280, modified]

Floodplain Administrator. The individual appointed to administer and enforce floodplain management regulations. [Source: 17.29B.280]

Floodway. A channel of a river or other watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway." [Source: 17.29B.280]

Floodway Encroachment Lines. The lines marking the limits of floodways on Federal, State and local floodplain maps. [Source: 17.29B.280]

Floodway Fringe. Areas of the floodplain on either side of the regulatory floodway where encroachment may be allowed. [Source: 17.29B.280]

Floor Area Ratio (FAR). The square footage of developed space divided by the square footage of the entire parcel or site. It provides an indication of how intensely a site is or will be developed. [Source: NEW]

Forestry. Activities associated with the maintaining and harvesting of timber, tree farms, forest nurseries, and forest products (e.g., moss, bark, sap) as well as other forest related activities such as reforestation, logging, and forest management. [Source: NEW]

Funeral and Burial Service. Facility where deceased persons are prepared for burial or cremation, and funeral services may be conducted. [Source: NEW]

17.082.080 “G” Definitions

Garage or Carport. A parking space and shelter for vehicles, where the size of the parking space complies with the provisions of Chapter XX.XX (Parking and Loading Spaces) for covered parking spaces. A carport shall be enclosed on no more than two sides. [Source: 17.10.010]

Gallery or Museum. A commercial, public, or quasi-public facility that provides space for preserving and exhibiting artistic, historical, scientific, natural, or other objects of interest. Activities may include the sale of collected objects and memorabilia, the sale of crafts work and artwork, boutiques, and the holding of meetings and social events. [Source: NEW]

Gas Station. See “Auto, Fueling Station.” [Source: NEW]

General Plan. The Trinity County General Plan, including all elements and amendments to the General Plan, as adopted by the Board of Supervisors under the provisions of Government Code Sections 65300 et seq., and referred to in this Zoning Code as the "General Plan." [Source: NEW]

Grade. The ground surface immediately adjacent to the exterior base of a structure, typically used as the basis for measurement of the height of the structure. [Source: NEW]

Grazing. The raising or feeding of horses, cattle, sheep, goats, and similar animals on a parcel, or continuous group of parcels 10 acres or more, in which the animals occupy and receive most of their food.

Grocery Store. A commercial establishment where the majority of the floor area open to the public is occupied by food products packaged for preparation and consumption away from the site of the store. [Source: NEW]

Guest House. See "Accessory Dwelling Unit." [Source: 17.10.010, modified]

Gym. See "Fitness Center/Gym." [Source: NEW]

17.082.090 "H" Definitions

Habitat Conservation and Improvement. The practice of preserving, protecting, and restoring natural habitats with the intention of maintaining or improving species' population and/or preventing fragmentation or reduction of habitat.

Haul Road (for mining operations). A roadway along which material is transported from the area of excavation to the processing plant or stockpile area of the surface mining operation. [Source: 17.30A.020]

Height. The vertical distance from the existing grade of the parcel to an imaginary plane at the highest point of the structure being measured. See Section XX.XX.XX (Height Measurements and Exceptions) [Source: 17.10.010, modified]

High Voltage Transmission Facilities. Electrical transmission lines, poles, and accessory structures operated at the electrical potential of 13,000 volts or greater, or substations where at least one of the transmission lines connecting with the facility is operated at the electrical potential of 13,000 volts or greater. [Source: 17.30.030.A.2]

Historic Structure. A historic resource or structure that is listed individually in the State Register of Historical Resources or National Register of Historic Places, certified as contributing to the historical significance of a registered historic district; or listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved State program or directly by the Secretary of Interior. [Source: 17.29B.280, modified]

Home Enterprise. A limited commercial or light manufacturing activity conducted in conjunction with and accessory to a legal residential dwelling unit. Home enterprises typically include uses which involve regular visits by clients or customers and/or frequent delivery or shipment of goods. Such enterprises could include, but are not necessarily limited to, the following: [Source: 17.30B.030.A, modified]

- Beauty and barber shops
- Commercial firewood operation
- Organized classes with up to six students at one time
- Photography studio
- Small medical, dental, or counseling clinic
- Small engine or appliance repairs
- Upholstering
- Vehicle repair and painting
- Welding and metal fabrication
- Woodworking or cabinet making.

Home Occupation. A limited commercial or light manufacturing activity conducted in conjunction with and accessory to a legal residential dwelling unit, that does not alter the character of the property or neighborhood nor adversely impact surrounding land uses. Such occupations could include, but are not necessarily limited to, the following: [Source: 17.30B.030.A, modified]

- Artists and sculptors
- Dressmaking, sewing, tailoring
- Home crafts for sale off-site
- Home office uses including financial services, architectural/drafting/engineering services, data/word processing, billing services, tele-marketing and telephone solicitation.
- Individual tutoring and instrument instruction
- Preserving and home cooking for sale off-site, including catering
- Cottage Food Operation

Hospital. Facility providing medical, physical, psychiatric, or surgical services on a 24-hour basis for sick or injured persons primarily on an in-patient basis and including ancillary facilities for out-patient and emergency treatment, diagnostic services, training, research, administration, and ancillary services to patients, employees, or visitors (e.g., cafeteria, gift/flower shop, waiting rooms). [Source: NEW]

Hotel or Motel. Facility with guest rooms or suites, provided with or without kitchen facilities, rented to the public for transient lodging for up to 30 days. A hotel typically provides access to most guest rooms from an interior walkway, and typically include a variety of services in addition to lodging, including meeting facilities, personal services, and restaurants. A motel typically provides access to guest rooms from an exterior walkway and may include accessory guest facilities such as accessory retail uses, indoor athletic facilities, and swimming pools. [Source: 17.10, NEW]

17.082.100 “I” Definitions

Idle (for mining operations). The curtailment of surface mining operations by more than 90 percent of the operation's previous maximum annual mineral production for a period of 12 months or more , with the intent to resume those surface mining operations at a future date. [Source: 17.30A.020, modified]

Improvement. Any permanent addition or significant alteration to land or a building that increases its value, utility, or extends its useful life, going beyond simple repairs or maintenance. [Source: 17.10.010, modified]

Industrial. Establishment engaged in the manufacturing of finished parts or products either from raw materials or previously prepared materials, within an enclosed structure. Includes processing, fabrication, assembly, treatment, testing (e.g., laboratories), packaging, storage/warehousing, incidental office space, sales, and distribution of the parts or products; and laundry and dry-cleaning plants. Excludes vehicle/equipment rentals, vehicle repair and service, vehicle sales. [Source: NEW]

> **Industrial, Minor**. Establishment engaged in the manufacturing and/or processing of consumer-oriented goods in a manner that does not produce noticeable odors, air emissions, or other environmental effects, and that has limited associated trucking activity. Minor industries generally require limited amounts of raw materials to produce goods. Examples of minor industrial uses include artisan/craft product manufacturing, bottling plant, clothing and fabric product manufacturing, electronics, equipment and appliance manufacturing, handcraft

industries, small-scale manufacturing, paper product manufacturing, wholesale photo/film processing, and printing and publishing (books, magazines, etc.). [Source; NEW]

Industrial, Major. Establishment engaged in the manufacturing and/or processing of materials and goods using large quantities of raw materials and generally requiring high capitalization and production of large quantities of output. Major industrial uses often sells output to other business users rather than consumers. Characteristics of major industrial uses include, but are not limited to, heavy trucking activity, noise, emissions requiring Federal or State environmental permits, use of hazardous materials as defined the U.S. Environmental Protection Agency, and requirements for specialized permits from Federal and State occupational health and safety agencies. Examples of major industrial uses include glass product manufacturing, paving and roofing materials manufacturing, pulp and pulp paper product manufacturing, and textile and leather product manufacturing. [Source; NEW]

Industrial, Hazardous. Establishment engaged in the manufacturing and/or processing of materials and goods using large quantities of raw materials, and generally requiring high capitalization and production of large quantities of output. Characteristics of hazardous industry include, but are not limited to, heavy trucking activity, noise, emissions requiring Federal or State environmental permits, use and manufacture of large quantities of hazardous materials as defined the U.S. Environmental Protection Agency, and requirements for specialized permits from Federal and State occupational health and safety agencies. Examples of hazardous industry uses include chemical manufacturing, petroleum refining and related industries, plastics, other synthetics and rubber product manufacturing, and primary metals industries. [Source; NEW]

Instructional Services. Establishment that provides specialized instruction or training in a variety of subjects not primarily academic or degree-granting. Such establishments may include, but are not limited to, martial arts, art classes, language learning centers, music classes, or tutoring. [Source: NEW]

17.082.110 “J” Definitions

Junior Accessory Dwelling Unit. See “Accessory Dwelling Unit, Junior.” [Source: NEW]

Junk yard. See “Salvage/Junk Yard.” [Source: 17.10.010, modified]

17.082.120 “K” Definitions

Kennel. Any premises where four or more dogs, cats, or other animal or fowl are maintained, boarded or cared for; are kept for the purposes of sale; or are maintained for breeding purposes. Does not include pet brokering as defined and regulated by Health andSafety Code Section 122365.1[Source: 17.10]

17.082.130 “L” Definitions

Laundromat. Commercial establishments offering coin-operated washing machines and dryers for public use (excluding commercial laundries, dry cleaning plants, and other similar heavy commercial/industrial uses). Laundromats must be connected to a community water and sewer system. [Source: NEW]

Legal Dwelling or Residence. A dwelling or residence that was lawfully constructed, established, or converted pursuant to a valid building permit, certificate of occupancy, or other approval issued by the County or other authority having jurisdiction, or a dwelling or residence constructed prior to 1972. The burden of demonstrating legal establishment shall rest with the applicant, who shall provide satisfactory

evidence, including permits, approvals, assessor records, historical records, or other official documentation, sufficient to establish legality. [Source: NEW]

Levee System. A flood protection system consisting of one or more levees and associated structures, such as closure and drainage devices. [Source: 17.29B.280, modified]

Living Area. The interior habitable area of a dwelling unit including basements and attics but not including any garage or accessory structure, as defined in Government Code Section 65852.2. [Source: 17.30.040, modified]

Live/Work Housing. A residential unit located within, or is attached to, a commercial structure that is occupied by the owner or employee of the attached business. [Source: NEW]

Lot. See "Parcel." [Source: NEW]

Low-Barrier Navigation Center. A housing or shelter in which a resident who is homeless or at risk of homelessness may live temporarily while waiting to move into permanent housing. [Source: NEW] (CA Gov. Code 65660)

Low-Intensity Recreational Uses. Land, either public or private, including limited developed recreational amenities that allow for access to natural spaces with minimal improvements. Illustrative examples include, but are not limited to trails, kayak dock launches, and other similar facilities. [Source: NEW]

Lumber Yard. Indoor and/or outdoor retail establishment selling lumber and other building materials. May also include the rental of tools and equipment used in the building trades. [Source: NEW]

17.082.140 "M" Definitions

Marijuana. See "Cannabis". [Source: 17.42.020, NEW]

Maximum Fishery Flow. The flow in the Trinity River during an 11,000 cubic feet per second release from Lewiston Dam, plus 100 ten-year spring tributary flow inputs. [Source: 17.29B.280]

Mean Sea Level (for purposes of the National Flood Insurance Program). The National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on community's flood insurance rate map are referenced. [Source: 17.29B.280]

Mined Lands. The surface, subsurface, and ground water of an area in which surface mining operations will be, are being, or have been conducted, including private and public roadways and areas where land excavations, workings, mining waste, structures, facilities, equipment, machines, or other materials used for such mining operations are located. [Source: 17.30A.020, modified]

Mining. The extraction of minerals for commercial purposes and the removal of mineral, ores and overburden when conducted in compliance with all applicable regulations and permits. [Source: NEW]

Mobile or Manufactured Home. A structure intended for human habitation manufactured or constructed under authority of Federal Manufactured Home Construction and Safety Standards (42 U.S.C., Sec 5403), or California Health and Safety Code Sections 18007 and 18008. For purposes of this Code, mobile homes and manufactured homes shall be treated and regulated in the same manner as other single-family dwellings, provided they comply with applicable California state housing laws, housing element requirements, and objective development standards. The structure is typically manufactured in whole or in substantial part off-site, transported under permit in one or more sections,

and placed on a permanent foundation. Mobile home does not include a recreation vehicle or commercial coach. [Source: 17.10, modified]

Mobile Home Park. An improved area that provides spaces and utilities for two or more mobile or manufactured homes. [Source: 17.10, modified]

Multi-Family Dwelling. See "Dwelling, Multi-Family." [Source: NEW]

17.082.150 "N" Definitions

Negative Declaration. A statement describing the reasoning that a proposed action will not have a significant adverse effect on the environment, in compliance with the California Environmental Quality Act (CEQA). [Source: NEW]

Nonconforming. A parcel, structure, sign, or use which legally existed or was legally created before the adoption of this Zoning Code, and which does not conform to one or more applicable Code provisions/standards. [Source: 17.33.010, modified]

Nursery/Greenhouse, Plant Production. Agricultural premise or facility that produces plants, seedlings, seeds, and other agricultural products used specifically for planting of agricultural crops. Retail sales are not allowed. Does not include "Cannabis Nursery" or "Retail Sales, Nursery" which are separately defined. [Source: NEW]

17.082.160 "O" Definitions

Occupancy. The state of residing in, possessing, or using a property, whether as an owner or tenant. [Source: NEW]

Office. Facility or business that predominantly offers medical, professional, or business services. [Source: NEW]

> **Office, Medical**. Facility that primarily provides outpatient medical, mental health, minor surgical, and other similar personal health services, but which is separate from a hospital, including: medical, dental, and psychiatric offices, outpatient care facilities, acupuncture, and other similar health services. [Source: NEW]
>
> **Office, Professional**. An establishment of professional, executive, and/or administrative offices that provide business services, including, but not limited to, accountants, lawyers, architects, engineers, insurance agents, real estate agents, and other similar occupations. [Source: 17.10, modified]

One Hundred-Year Flood or 100-Year Flood. A flood that statistically has a one percent chance of occurring in any given year. Also known as a "base flood." [Source: 17.29B.280, modified]

Operator (of surface mining operations). Any person who is engaged in surface mining operations, or who contracts with others to conduct such operations on their behalf, not including those engaged in surface mining operations as an employee. [Source: 17.30A.020, modified]

Overlay Zone. Overlay Zone means a zoning designation applied in addition to an underlying base zoning district that establishes supplemental standards, requirements, or incentives to address specific geographic conditions, resources, hazards, policy objectives, or land use considerations within a defined area. [Source: 17.10.010, modified]

17.082.170 “P” Definitions

Parcel. A specific, legally defined piece or tract of real estate, distinguished by boundaries and recorded in public records, that can be identified, owned, bought, or sold as a single entity, and assigned a unique assessor's number for taxation and identification. Types of parcels include the following: [Source: 17.43.010, modified]

Corner Parcel. A parcel located at the intersection of two or more streets intersecting at an interior angle of not more than 135 degrees. If the intersection angle is more than 135 degrees, the parcel is considered an interior parcel. [Source: NEW]

Flag parcel. A parcel shaped like a flag on a pole, featuring a narrow strip (the "pole") connecting a public road to a larger, buildable area (the "flag") set back from the street. [Source: NEW]

Interior Parcel. A parcel abutting only one street. [Source: NEW]

Reverse Frontage Parcel. An interior parcel, the front of which adjoins the side property line of a corner parcel. Also known as “Key Parcels.” [Source: 17.10.010, modified]

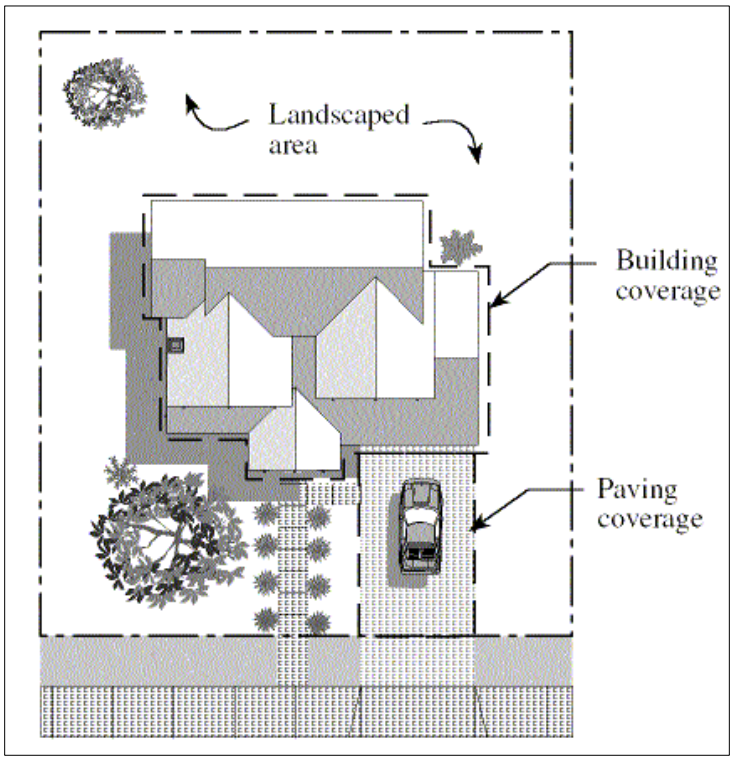
Reverse Corner Parcel. A corner parcel, the rear of which abuts a key parcel. [Source: NEW]

Through Parcel. A parcel with frontage on two generally parallel streets. [Source: NEW]

Parcel Area. See “Area.” [Source: NEW]

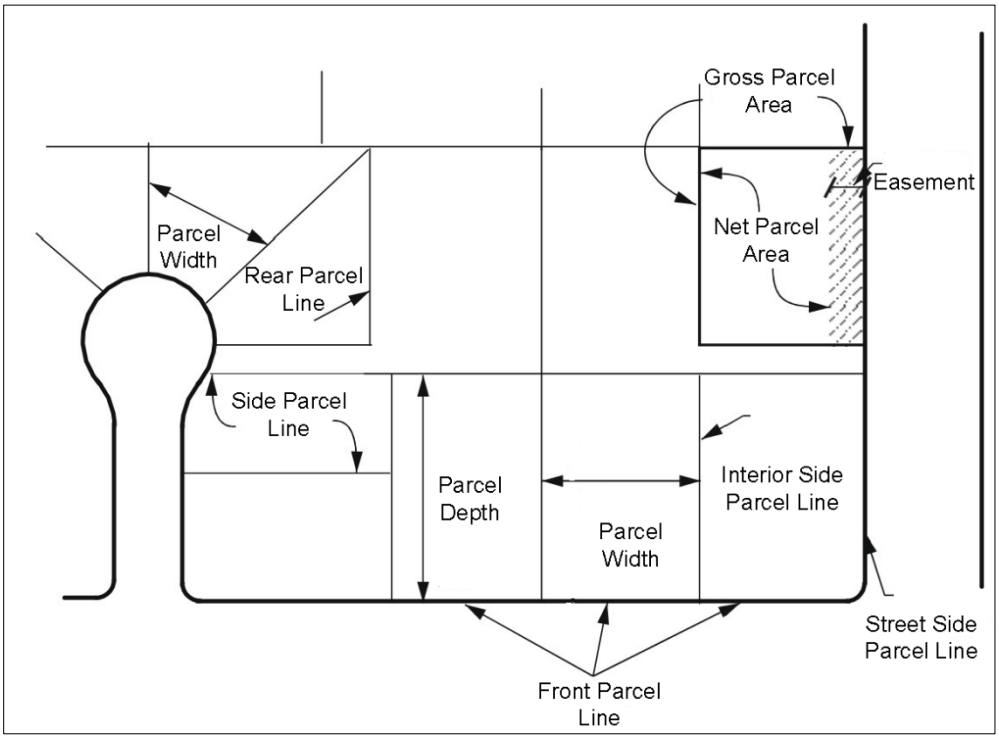
Parcel Coverage. The percentage of a total parcel occupied by structures. Structure coverage includes the primary structure, all accessory structures (e.g., garages, patio covers, storage sheds, trash dumpster enclosures) and architectural features (e.g., chimneys, balconies, decks above the first floor, porches, stairs). Parcel coverage is measured from exterior wall to exterior wall. [Source: 17.10.010, modified]

Figure 7-1
Parcel Coverage



Parcel Depth. The average linear distance between the front and the rear parcel lines or the intersection of the two side parcel lines if there is no rear line. See Figure 7-2 (Parcel Features). [Source: NEW]

Figure 7-2
Parcel Features



Parcel Frontage. The boundary of a parcel adjacent to a public street right-of-way. [Source: NEW]

Parcel Line. Any recorded boundary of a parcel. Types of parcel lines are as follows (see Figure 7-2 (Parcel Features)): [Source: NEW]

1. **Front Parcel Line.** On an interior parcel, the property line separating the parcel from the street. The front parcel line on a corner parcel is the line with the shortest frontage. On a through parcel, both parcel lines are front parcel lines, and the parcel is considered to have no rear parcel line.
2. **Interior Parcel Line.** Any parcel line not abutting a street.
3. **Rear Parcel Line.** A property line that does not intersect the front parcel line, which is most distant from and most closely parallel to the front parcel line.
4. **Side Parcel Line.** Any parcel line that is not a front or rear parcel line.
5. **Street Side Parcel Line.** The longer street fronting parcel line of a corner parcel.

Parcel Width. The horizontal distance between the side parcel lines, measured at right angles to the parcel depth at a point midway between the front and rear parcel lines. See Figure 7-2 (Parcel Features). The Director shall determine parcel width for parcels of irregular shape. [Source: NEW]

Park/Playground. Outdoor recreation facility that provides a variety of recreational opportunities, including playground equipment, open space areas for active and passive recreation and picnicking, and sport and active recreation facilities. May also include enclosed structures providing for recreational opportunities. [Source: NEW]

Parking Facility. A publicly or privately owned and operated establishment which provides temporary, off-street storage for operational vehicles (e.g., cars, trucks, buses, recreational vehicles, and other motor vehicles). Includes day use, overnight, and long-term parking garages, parking structures, and parking lots. Does not include the storage or parking of non-operational vehicles. [Source: 17.10.010, modified]

Permitted Use. See "Allowed Use." [Source: NEW]

Person. An individual or his/her agent, firm, partnership, association or corporation, trustee, or agent of the aforementioned groups, or other legal entity in which title to real property may vest. [Source: 17.29B.280, modified]

Place of Assembly. Facility intended for public or private assembly and meetings, including civic and private auditoriums, banquet halls, community centers, conference and convention facilities, meeting halls for clubs and other membership organizations, and places of worship. [Source: NEW]

Poultry Farm. An agricultural use involving the raising, breeding, housing, feeding, and management of domesticated birds, including but not limited to chickens, turkeys, ducks, geese, quail, and similar poultry, for the commercial production of meat, eggs, or other poultry products. The use may include coops, barns, ranges, aviaries, pens, manure handling areas, feed storage, and other accessory structures or facilities customarily incidental and subordinate to poultry production. Does not include poultry kept solely for personal consumption, hobby purposes, or noncommercial backyard use. [Source: NEW]

Primary Caregiver. A "primary caregiver" as defined in Health and Safety Code Section 11362.7(d). [Source: 17.43.010]

Proof of Enrollment (for cannabis cultivation application). Proof of order number in good standing from the California Northcoast Regional Water Quality Control Board (NCRWQCB) or the State Water Resource Quality Control Board (SWRCB). [Source: 17.43.010, modified]

Public or Governmental Facility. Facilities, structures, and lands owned, leased, operated, or maintained by a public agency for the provision of governmental, civic, public safety, transportation, maintenance, recreational, or community services. This use includes, but is not limited to, County, State, and Federal administrative offices and buildings; fire stations and fire prevention facilities; police and sheriff offices; public parks; open space; recreational facilities; libraries; and post offices. [Source: NEW]

Public Utility. Services or facilities associated with development and use of an individual parcel or a number of parcels, including but not limited to, water, gas, electric power, telephone, and cable television conveyances, switching stations and substations. [Source: NEW]

17.082.180 "Q" Definitions

Qualified Patient. See definition for "qualified patient" as defined in Health and Safety Code Section 11362.7(t). [Source: 17.43.010]

17.082.190 "R" Definitions

Reclamation. The process of land treatment that minimizes water degradation, restores land to a natural or useable state, and removed dangers to public health and safety, particularly as a result of

adverse effects from air pollution, damage to aquatic or wildlife habitat, flooding, erosion, and mining operations. [Source: 17.30A.020, modified]

Reclamation Plan (for mining operations). The plan of operations for a mine that describes the conduct and operating procedures for the mine during all phases of operation until reclamation has been deemed complete by the lead agency. [Source: 17.30A.020, modified]

Recreational Vehicle. A motor home, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational, emergency, or other occupancy which meets all of the criteria in Health and Safety Code Section 18010. [Source: 17.10.010, modified]

Recreational Vehicle Park. An area or tract of land for temporary or long-term occupancy by motor homes, travel trailers, truck campers, camping trailers, or other vehicles for long term recreational habitation. [Source: NEW]

Recycling Facility. Facility involved with the collection of recyclable materials. A "certified" recycling or processing facility is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. Recyclable material includes reusable materials that can be reconstituted, remanufactured, or reused in an altered form, including glass, metals, paper, and plastic. Recyclable material does not include refuse or hazardous materials. This land use does not include storage containers located on a residential or nonresidential site used solely for the recycling of material generated on the site. [Source: NEW]

> **Recycling Facility, Indoor.** Recycling facility where operations are conducted in an entirely enclosed structure. [Source: NEW]
>
> **Recycling Facility, Indoor/Outdoor**. Recycling facility where operations are conducted between an enclosed structure as well as in an on-site, outdoors area. [Source: NEW]

Refuse Disposal Facility. Sanitary landfills and other solid waste disposal facilities of a terminal nature, where solid waste, trash or other unwanted materials are deposited, buried or otherwise discarded with no intention of re-use. This definition does not include disposal sites for toxic or radioactive waste materials. [Source: NEW]

Regulatory Floodway. See “Floodway.”. [Source: 17.29B.280, modified]

Residence. See “Legal Dwelling or Residence.” [Source: NEW]

Residential Care Facility. In compliance with California Welfare and Institutions Code Sections 5115 – 5120, any facility, place, or structure which is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. This use is further categorized by size: Small (six or fewer residents) and Large (seven or more residents). Residential care facilities include the following: [Source: NEW]

> **Adult Day Care Facility**. Facility that provides nonmedical care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities

of daily living or for the protection of the individual on less than a 24-hour basis. [Source: NEW]

Child Therapeutic Day Services Facility. Facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. [Source: NEW]

Community Treatment Facility. Facility that provides mental health treatment services to children in a group setting. Program components shall be subject to program standards developed by the State Department of Mental Health. [Source: NEW]

Foster Home. Residential facility that provides 24-hour care for six or fewer foster children which is owned, leased, or rented and is the residence of the foster parent(s), including their family, in whose care the foster children have been placed. [Source: NEW]

Nonmedical Residential Care Facility. Group care facility for 24-hour nonmedical care of six or fewer persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual. [Source: NEW]

Social Rehabilitation Facility. Residential facility which provides social rehabilitation services for no longer than 18 months in a group setting to adults recovering from mental illness who temporarily need assistance, guidance, or counseling. [Source: NEW]

Residential Treatment Facility. A facility providing treatment to individuals for drug and alcohol dependency, and as further defined in Health and Safety Code Section 1834.23 et. al. [Source: 17.43.010, 17.43A.010, modified]

Restaurant. Retail establishment (i.e., cafes, coffee houses, diners, food services) engaged in the business of selling/serving food and beverages prepared for both on-site and off-site consumption. This includes restaurants with sit down table service and fast food restaurants that may include drive-thru service. [Source: NEW]

Retail.

Retail, Nursery. The retail handling of any article, substance, or commodity related to the occupation of gardening, including the sale of plants, shrubs, trees packaged fertilizers, soils, chemicals, and other gardening goods and related products. The bulk sale or bulk storage of fertilizers, soils, chemicals and other garden supplies shall be within a structure. Does not include “Nursery/Greenhouse, Plant Production” which is separately defined. [Source: 17.10, modified]

Retail, General. A commercial establishment for the retail sale of goods and merchandise for profit or livelihood, conducted within a structure. Does not include “Lumber Yard” or “Grocery Store,” which are separately defined. [Source: 17.10, modified]

Retail, Personal Services. A commercial establishment that provides personal services (e.g., dry-cleaning, barber or beauty shop, locksmith, shoe repair). May also include accessory retail sales of products related to the personal services provided. [Source: NEW]

Retail, Restricted. A retail store that sells tobacco products, alcohol, vaping or smoking equipment, or associated paraphernalia, or adult oriented businesses. [Source: NEW]

Adult Oriented Businesses. Establishment which, as a regular and substantial course of conduct, offers, sells, or distributes adult-oriented merchandise, or which offers to its patrons materials, products, merchandise, services, entertainment or performances that depict, describe, or relate to specified sexual activities, as further defined in California Government Code Section 65850.4 and California Penal Code Sections 311–312. [Source: NEW]

Riverine. Related to, formed by, or resembling a river (including tributaries), streams, and brooks. [Source: 17.29B.280, modified]

Row and Field Crops. The growing of agricultural crops including, but not limited to, fruit trees, hay crops, vineyards, and orchards, and associated activities related to the maintenance and harvesting of such crops such as soil preparation, irrigation system construction, and spraying. Row and Field Crops includes both perennial and seasonal/rotating crops. [Source: NEW]

17.082.200 "S" Definitions

Salvage/Junk Yard. A parcel or contiguous parcels used for the storage of salvage or junk, including scrap metals or other scrap materials and/or for the dismantling of automobiles, other vehicles, or machinery. [Source: 17.10, modified]

Sawmill. A facility where felled logs are cut into lumber, often with heavy machinery. [Source: NEW]

Scenic Easement. The right to control the use of land (including the air space above such land) within the authorized boundaries of a designated area for the purpose of protecting the natural qualities of that area. Such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement. Scenic easements are on file in the office of the Trinity County Clerk. [Source: 17.10.010, modified]

School.

Private. An educational institution or facility which provides educational services and is operated by a private individual or organization. A private school includes all educational institutions or facilities which are not defined as a public school. Examples of a private school include, but are not limited to, nursery/preschools, parochial schools, and private elementary and secondary schools. [Source: NEW]

Technical/Vocational. A public or private post-secondary school providing occupational, job training, or recreational activities. Recreational activities include music, dance, or martial arts, or art lessons. [Source: NEW]

College/University. A public or private post-secondary institution for higher learning that grants associate or bachelor's degrees and may also have research facility and/or professional schools that grant master and doctoral degrees. This may also include community colleges that grant associate or bachelor's degrees or certificates of completion in business or technical fields. These institutions require at least a high school diploma or equivalent general academic training for admission. Includes community colleges, public or private colleges and universities, and technical schools. [Source: NEW]

Setback. The distance a structure, parking area, or other development is separated from a parcel line, other structure, development feature, or street centerline. Setbacks from private streets are measured from the edge of the private street easement. [Source: NEW]

Septage Disposal. A facility that receives, processes, and disposes of septage, or the liquid and solid waste pumped from septic haulers, tanks, and similar on-site systems. [Source: NEW]

Sign. An object, device, figure, display, message placard, or similar item, or any part thereof, visible from a public place, a public right-of-way, or any parking area or right-of-way open to the public which is designed, constructed, intended, or used to provide information in the nature of advertising, or to direct or attract attention to an object, person, institution, business, product, service, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, logos, illumination, or projected images. Does not include murals, paintings and other works of art that are not intended to advertise or identify any business or product. Types of signs include the following: [Source: 17.10.010, modified]

A-Frame Sign. A portable sign this is comprised to two separate panels or faces hinged at the top and capable of standing on its own frame without external support or attachment. [Source: NEW]

Outdoor Advertising Structure. A structure constructed or maintained for outdoor advertising sign purposes. [Source: 17.10.010, modified]

Appurtenant Signs. A sign carrying advertisements incidental to a use of the parcel on which it is located. [Source: 15.08.020, modified]

Community Reader Boards. A sign offering a space for individuals and organizations to post temporary notices. Also known as a “community bulletin board.” [Source: NEW]

Directional and Informational Signs. A sign directing the reader to the location of a facility or location without naming or otherwise identifying any particular establishment or purveyor of goods or services. [Source: 15.08.020, modified]

Grouped Service Club Signage. A sign directing the reader to service clubs and organizations in a particular area. [Source: NEW]

Internally Illuminated Sign. A sign with a light source (such as LEDs, fluorescent, or neon) built inside its structure, making the sign face itself luminous, glowing from within to attract attention day and night, common in channel letters, lightboxes, and cabinet signs for businesses and wayfinding. [Source: NEW]

Freestanding Sign. A sign fixed in an upright position on the ground not attached to a structure other than a framework, pole or device, erected primarily to support the sign. [Source: NEW]

Nonappurtenant Signs. A sign with advertisement(s) not strictly incidental to the use of the parcel upon which it is located. [Source: 15.08.020, modified]

Temporary Sign. A sign intended to be displayed for a limited period of time. [Source: NEW]

Window Sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view. A window sign also includes an interior sign which faces a window exposed to public view and is located within three feet of the window. [Source: NEW]

Single Room Occupancy (SRO). Any residential structure containing more than five units intended or designed to be used, rented, or hired out to be occupied for sleeping purposes, generally for one person

per unit. Individual units typically share communal features (e.g., kitchen, bathroom, entertainment area). Also referred to as a “residential hotel.” [Source: NEW]

Significant Impact. A substantial or potentially substantial adverse change in any of the physical conditions within the area affected by a project, including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance, as defined by Section 15382 of the State CEQA Guidelines. [Source: 17.30.030.A.2, modified]

Slaughterhouse. Facility where livestock are slaughtered and processed. Activities include, but are not limited to inspection, processing, chilling, freezing, and packaging of animal meat products. Slaughterhouses do not include “Agricultural Packing and Processing Plants,” which are separately defined. [Source: NEW]

Special Event Facility. A location, often temporary or a dedicated venue, designed and used for planned gatherings like weddings, concerts, festivals, or corporate retreats, distinct from everyday uses, requiring permits and impacting public space or services for health, safety, and logistics.. [Source: NEW]

Special Flood Hazard Area (SFHA). An area having special flood or flood-related erosion hazards, as shown on a flood insurance rate map (FIRM) as zone A, zone AE, zone O, zone A1-A30, zone A99, or zone AH, or as shown by studies approved by the Board of Supervisors. [Source: 17.29B.280, modified]

Special Occupancy Park. A recreational vehicle park, temporary recreational vehicle park, incidental camping area, or tent camp. Special occupancy parks do not include low-impact camping areas. [Source: 17.10.010, modified]

Stables.

Stables, Private. A detached accessory structure for the keeping of horses owned by the occupant of the premises and which are not kept for remuneration or profit. [Source: NEW]

Stables, Public. Commercial establishment for horses, donkeys, and/or mules, which are rented, used, or boarded for compensation. This include boarding stables, riding schools, and horse ranches. [Source: NEW]

Stream Bed Skimming. The excavation of sand and gravel from streambed deposits above the mean summer water level or stream bottom, whichever is higher. [Source: 17.30A.020, modified]

Street.

Street, Public. A street, road, or roadway, excluding alleys, owned by or maintained by a Federal, State, or County agency. [Source: 17.10.010, modified]

Street, Private. A street that is owned and maintained by private property owners and provides principal access to abutting property. [Source: NEW]

Street Line. The boundary between a street right-of-way and a property. [Source: 17.10.010, modified]

Storage.

Storage, Hazardous Materials. Facility used for storage and distribution of generally dangerous and hazardous materials, including, but not limited to, chemicals, gasoline, propane, explosives, and fireworks. [Source: NEW]

Storage, Outdoor. The storage, outside of a structure and associated with a home enterprise, rural home industry, commercial, industrial, or multi-family residential use, of any goods, junk, material, merchandise, or inoperative vehicles on the same property for more than twenty-four (24) hours. [Source: NEW]

Storage, Personal. Facility with structures containing generally small individual compartmentalized areas or lockers rented as individual storage spaces and characterized by low parking demand. Often includes ancillary outdoor storage for trailers, recreational vehicles, and boats. (Also, commonly referred to as “Mini Storage” or “Self-Storage” facilities.) [Source: NEW]

Structure. Structure means anything constructed or erected, the use of which requires location on the ground or attachment to something having a location on the ground, including buildings, sheds, decks, fences, walls, and similar improvements, whether permanent or temporary.. [Source: NEW]

Structure Alterations. Any change in the supporting or load-bearing elements of a structure such as bearing walls, columns, beams, and girders. [Source: 17.10.010, modified]

Subdivision. The division of a large tract of land into smaller parcels for sale, lease, or development, often creating residential communities with new streets and utilities, and requiring County approval, mapping, and infrastructure development to transform raw land into individual, buildable sites for homes or other uses. [Source: NEW]

Subdivision Map Act or Map Act. Division 2, Title 7 of the California Government Code, commencing with Section 66410, and any amendments to those provisions. [Source: NEW]

Substantial Damage (for purposes of the National Flood Insurance Program). Any damages meeting the following criteria:

1. Damage of any origin sustained by a structure if the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or
2. Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such event, on the average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred. This is also known as "repetitive loss." [Source: 17.29B.280]

Substantial Improvement (for purposes of the National Flood Insurance Program). Any reconstruction, rehabilitation, addition, or other proposed new development of a structure the cost of which equals or exceeds 50 percent of the market value of the structure before the start of construction of the improvement, including structures that have incurred substantial damage, regardless of the actual repair work performed. For purposes of the National Flood Insurance Program, this term excludes the following improvements:

1. Any project for improvement of a structure required to correct existing violations of State or County Code specifications which have been identified by the local Code Enforcement official as necessary to ensure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places. [Source: 17.29B.280, modified]**Substation.** See “Public Utility”. [Source: 17.10.010, modified]

Supportive Housing. Housing with no limit on length of stay, that is occupied by the target population and is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community (see California Health and Safety Code 50675.14). [Source: 17.10, modified]

Surface Mining Operations. The process of mining minerals, including processes such as removing overburden and directly mining mineral deposits, open-pit mining of naturally exposed minerals, mining by the auger method, dredging and quarrying, or surface work incident to an underground mine. Surface mining operations include, but are not limited to, in-place distillation, retorting, or leaching; the production and disposal of mining waste; prospecting and exploratory activities; borrow pitting; stream bed skimming; and segregation, stockpiling, and recovery of mined materials. [Source: 17.30A.020, modified]

17.082.210 “T” Definitions

Telecommunication Facility. A facility that includes equipment which supports the transmission and/or receipt of electromagnetic/radio signals. Telecommunication facilities include cellular radiotelephone service facilities, personal communications service facilities (e.g. wireless internet), specialized mobile radio service facilities, and commercial paging service facilities. Components of these types of facilities can consist of the following: antennas, repeaters, microwave dishes, horns, and other types of equipment for the transmission or receipt of the signals, telecommunication towers or similar structures supporting the equipment, equipment structures, parking area, and other necessary development. [Source: NEW]

Temporary Use. An activity or placement on property for a limited, fixed time, not intended to be permanent, often for special events, seasonal sales, or construction, that typically requires special permission (such as a Temporary Use Permit) and has different rules than permanent zoning, focusing on short-term needs like festivals, pop-up shops, or site offices. It allows for uses like carnivals, seasonal tree lots, or construction trailers, ending when the permit expires, preventing decay and activating spaces. [Source: NEW]

Temporary Worker Housing. A temporary facility or group of facilities established for the short-term housing, staging, and support of workers engaged in time-limited activities such as emergency response, wildfire suppression, disaster recovery, utility installation or repair, infrastructure construction, or similar public service or maintenance operations. [Source: 17.10, modified]

Theater or Cinema. An indoor or outdoor establishment where entertainment (participant or spectator) is provided for a fee (admission or membership) for the pleasure of the patrons, either independent of or in conjunction with another use. Does not include adult entertainment businesses or bars. [Source: NEW]**Cinema.** A facility where movies are shown for public entertainment. [Source: NEW]

Theater. A facility for public assembly and group entertainment, other than sporting events, including civic theaters, facilities for "live" theater and concerts, exhibition halls, auditoriums, and other similar uses. [Source: NEW]

Third Party (of a commercial cannabis license). An individual or entity, other than the license holder in question, possessing a valid commercial cannabis license from the State. [Source: 17.43E.010]

Tiny Home. A small dwelling unit of 400 square feet or less in size. Tiny homes may be mounted on wheels or on a permanent foundation. [Source: NEW]

> **Mobile Tiny Home.** A tiny home mounted on wheels that is transportable and is constructed to comply with standards applicable to recreational vehicles [Source: NEW]

Tiny Home Village. An improved area that provides spaces and utilities for two or more tiny homes. A grouping of three or more detached rooms with communal bathroom, laundry, cooking, and dining facilities is included in this definition. [Source: NEW]

Transitional Housing. Temporary, supportive housing intended to bridge the gap from homelessness to permanent housing by offering structure, supervision, support, life skills, and in some cases, education and training. [Source: 17.10, modified] (HSC 50801 (i))

17.082.220 "U" Definitions

Use. The purpose for which land or a structure is designed, arranged, or intended, occupied, or maintained. [Source: 17.10.010, modified]

Use Permit. Authority granted at the discretion of the County for the use of a particular site for a specific purpose. A Use Permit is used to review uses that warrant special consideration, including uses with the potential to cause a distinct impact on the area in which they are located. Use permits include Director Use Permits, Conditional Use Permits, Temporary Use Permits, and Variances. [Source: 17.32.010, modified]

17.082.230 "V" Definitions

Variance. A legal exception, granted by the County, that allows a property owner to deviate from strict zoning rules, such as setback, height, or lot size, due to unique property conditions that create an unnecessary hardship, ensuring fair use without changing the overall zoning plan, typically for dimensional changes, not prohibited uses. . [Source: 17.31.010, modified] (CA Gov. Code 65906)

17.082.240 "W" Definitions

Warehouse. A large building where raw materials or manufactured goods may be stored before their export or distribution for sale. [Source: NEW]

Water Surface Elevation (for purposes of the National Flood Insurance Program). The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in floodplains of coastal or riverine areas. [Source: 17.29B.280]

Watercourse. Lakes, rivers, creeks, streams, washes, channels, tributary, or other topographic feature on or over which waters flow periodically, including specifically designated areas in which substantial flood damage may occur. [Source: 17.29B.280, modified]

Watershed Management Activities. The practice of preserving, protecting, and restoring natural watersheds with the intention of maintaining or improving species' population and/or preventing fragmentation or reduction of habitat. [Source: NEW]

Watts per Square Foot (for cannabis cultivation). The sum of the maximum wattage of all lights identified in a designated canopy area divided by the sum of the dimension in square feet of designated canopy area, as defined under California Code of Regulations Section 8000. [Source: 17.43.010, modified]

Wholesale, Sales. The selling of large quantities of goods at discounted prices to other businesses (like retailers or dealers) for them to resell to the end consumer, rather than selling directly to the public. [Source: NEW]

Wildlife Exclusionary Fencing (for cannabis cultivation). Fencing designed and installed to prevent the entry of wildlife into the enclosed area, such as cyclone or field game fencing a minimum of six feet in height. [Source: 17.43.010, modified]

"X" Definitions

No terms defined.

17.082.250 "Y" Definitions

Yard. An area between a parcel line and a required setback, unoccupied and unobstructed from the ground upward, except as otherwise provided in this Zoning Code. See Section XX.XX.XX (Setback Measurements and Exceptions). [Source: 17.10.010, modified]

> **Yard, front.** An area extending across the full width of the parcel between the front parcel line and the required setback. [Source: 17.10.010, modified]
>
> **Yard, rear.** An area extending across the full width of the parcel between the rear parcel line and the required setback. [Source: 17.10.010, modified]
>
> **Yard, side.** An area extending from the front yard to the rear yard, between the nearest side parcel line and the required setback. [Source: 17.10.010, modified]

Youth-Oriented Facility. An establishment that advertises in a manner that identifies the establishment as catering to or providing services intended for minors, such as public parks, schools, and other similar uses. [Source: 17.43.010, 17.43A.010, 17.43B.010, 17.43C.010, 17.43D.010, 17.43E.010, 17.43F.010, modified]

17.082.260 "Z" Definitions

Zone. Any of the base or overlay zones established by Part 2 of this Zoning Code (Zones, Land Uses, and Standards), within which certain land uses are allowed or prohibited, and certain site planning and development standards are established (e.g., setbacks, height limits, site coverage requirements, etc.). [Source: NEW]


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