

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

OWNER: Clyde and Merlene Crosswhite

REPORT BY: Frank Lynch, Planner

AGENT: Richard Crosswhite

APN: 012-060-03

PROJECT DESCRIPTION: Rezone from Unclassified to Highway Commercial and use permit for an auto impound yard and auto repair facility.

LOCATION: In the community of Big Bar, lying on the N side of Hwy 299, at the intersection of Clement Road (pvt) AKA 20 Clement Road.

PROJECT INFORMATION:

- A) Downriver
- B) Existing General Plan Designation: Commercial
- C) Existing Zoning: Unclassified
- D) Existing Land Use: shop
- E) Adjacent Land Use Information:

	<u>Land Use</u>	<u>Zoning</u>	<u>General Plan Des.</u>
North:	Residential	Unclassified	Commercial
South:	Open Space/River	Unclassified	Resource
East:	Open Space	Unclassified	Resource
West:	Residential	Unclassified	Commercial

PROJECT DESCRIPTION: The applicant seeks to rezone a property from “Unclassified” to Highway Commercial, and obtain a use permit to entitle an auto repair and auto tow impound yard on a 0.66+- acre parcel that fronts on Highway 299 in the community of Big Bar. On the property is an existing approximate 1850 square foot shop and the area approximate ½ acre around the shop to the east and along the highway frontage would be enclosed with a fence. A new encroachment would be developed directly off the highway to bring vehicles into the yard and shop area. The applicant would contract with the State and be licensed to impound and hold vehicles as requested.

The property has “Clement Road.” A private road bisect a portion of the westerly property as it goes on to sever parcels to the north. The surrounding lands are low density residential and public resource lands. The subject and the surrounding lands are however within a Commercial general plan land use classification. The area is served by an offsite well and on-site septic.

ENVIRONMENTAL EVALUATION:

An evaluation of environmental impact (Initial Study) was prepared for this project pursuant to the California Environmental Quality Act (CEQA) finding that this project will not have a significant adverse impact on the environment. Following is a discussion of that evaluation, as well a proposed mitigation measures that have been developed to bring the impacts of this proposal to a level of insignificance.

Environmental Checklist and Explanatory Notes

I. AESTHETICS Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare that would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

I(a,- d): The project site is located along Highway 299 across from the federally designated highly scenic Trinity River. However, at this point the river is setback from the highway approximately 400 feet and screened from the Highway by mature vegetation. The site plan provided illustrates a 32 foot setback from the edge of the highway to the proposed fence line. The property lies roughly in the center of an approximate ½ mile straight stretch of the highway, so sight distance considerations would likely be addressed. Staff wants to insure that there is a balance between the protection of the visual character of the area and traffic safety. Due to the nature of the business it would warrant that the area surrounding the impound yard be screened to protect the surrounding natural environment from visual blight. There is an existing fence and some vegetation existing along the frontage however in creating the access drive, the area would be opened up.

There may also be the need to install security lighting at the facility and this too would need to be balanced with the generally dark sky of the surrounding rural and natural setting. Lighting should be kept at a minimum, downcast and shielded.

No signage program was submitted with the application. Due to the properties proximity to the highway in a rural setting, staff believes that signage should be limited to present the site and business in a positive manner. The sign ordinance provides the following standard:

Maximum total area: 3 square feet for every one foot of street frontage,

Individual sign maximum area: 100 square feet

Total number of signs: six

The Highway Commercial designation would also provide for a possible off-site billboard

This site has frontage on the State Highway totalling 260 feet, or a potential of 780 square feet. This potential would seem very high for this setting. Further, there would not appear to be a warrant for any off site advertisement in this area.

Condition 1 is provided to require that the encroachment design incorporate a screening fence design that would be acceptable to both Caltrans as well as the Planning Department balancing both traffic safety and aesthetic concerns.

Condition 2 is provided to address lighting that may be installed at the facility.

Condition 3 is provided to limit signage to a maximum of 100 square feet, a limit of no more than 3 signs and no off-site advertising signs.

Mitigation Measures:

- 1) A perimeter fence shall be installed around the entirety of the impound yard or equipment storage area. This fence shall be six feet in height and view obscuring. Note: Such fence shall also be reviewed for both its location and style as part of the encroachment permit process required from Caltrans, see Condition# __? Fence shall be maintained to insure that visual screening of activities within is provided.
- 2) All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting, including any lighting for illuminated signs, shall be turned off at 10:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (Twenty-four hour security lighting would be exempt from this time requirement)
- 3) A sign program shall be submitted for review and approval by the Director of Planning consistent with the following standards:

Maximum sign area: 100 square feet

Individual sign maximum area: 32 square feet

Total number of signs: three

Sign Material: Wood

No internal illumination and any lighting to be shielded and down cast.

No off site advertising signs shall be permitted.

II. AGRICULTURE RESOURCES In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment project; and forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board.

Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Convert Prime Farmland, Unique	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program in the California Resources Agency, to non-agricultural use?				
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, timberland (as defined by Public Resources Code section 4526), or timberland zoned timber production (TPZ) as defined by Government Code Section 51104(g)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use, or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

II(a - c): Not located in Williamson Act Contract, Timberland Preserve Contract, Prime Farm Land, Unique Farm Land or Farm Land of Statewide importance.

II(d and e): Will not convert farmland or forest land to another use.

III.AIR QUALITY Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions that exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

III(a-e): The site is adjacent to properties that have some residential uses, but have land use designations of Commercial. The use itself will not impact air quality in any significant amount other than potentially create some dust when delivering or picking up towed vehicles. This issue could be dealt with by simply surfacing the parking areas with gravel or other surfacing.

Mitigation Measures:

- 4) Outside areas be surfaced with, at a minimum, rock and maintained in a dust free manner.

IV. BIOLOGICAL RESOURCES Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

ordinances protecting biological resources, such as a tree preservation policy or ordinance?				
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Conservation Community Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV (a-f): The site is already developed with a shop building and other activities in the general area. The increased utilization of the property will not affect any wetland, riparian habitat or other sensitive communities, as there is no significant proposed construction or vegetation removal.

V CULTURAL RESOURCES Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Cause a substantial adverse change in the significance of a historical resource, as defined in Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource, pursuant to Section 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

V(a-d): There are no known archeological, Indian, historical, or burial sites within the project area. While no major earth disturbance is anticipated, it would be prudent to provide notice of the disclosure requirements of any discovery of resource that may be encountered. The following conditions shall be ongoing requirements of the entitlement:

Mitigation Measures:

5) In the event that previously unidentified cultural or paleontological resources are encountered during construction, there shall be no further excavation or disturbance of that area. The construction crews shall stop work or avoid the materials and their context. The County Planning Department shall be notified immediately. A qualified archaeologist shall evaluate the find to determine its historical or archaeological significance. If the find is determined to be a significant historical, paleontological or archaeological resource, the archaeologist shall make recommendations for appropriate mitigation. Work in the area shall not resume until the mitigation measures recommended by the archaeologist have been implemented.

6) 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 or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it

believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.

VI. GEOLOGY AND SOILS Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1B of the Uniform Building Code (1994), creating risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Would the project result in disturbance of ultra-mafic rock or soils potentially containing naturally occurring asbestos?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VI(a): There are no known faults in Trinity County, as of the Alquist-Priolo Earthquake Fault Zoning Map available online at <<http://www.quake.ca.gov/gmaps/WH/regulatorymaps.htm>> on August 22, 2013.

VI(b): There is no new development and significant soil disturbance anticipated..

VI(c): As there is no significant construction or earth moving activities, the project will not cause any currently stable soils to become unstable.

VI(d): No data is available regarding site specific soils, however, no known issue with soil types is noted in the area.

VI(e): There is an already approved system on the site, with no significant increases in waste flows known to be related to the project..

VI(f): No significant area will be disturbed by this project..

VII. GREENHOUSE GAS EMISSIONS Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

VII(a,b): While there may be an increase in very local traffic generation, the project will not generate a significant increase compared with the location's existing traffic flow. Greenhouse gas emissions for a project on this scale are not significant compared with more wide-ranging projects.

VIII. HAZARDS AND HAZARDOUS MATERIALS Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

d) Be located on a site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use compatibility plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project located within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII(a-d): As noted, the site is approximately 400 feet from the Trinity River. Auto repair and impound yards can be associated with vehicles that may have leaking fuels, oil, antifreeze, solvents or other substances that could impact groundwater. Depending on how long vehicles are parked/stored on site, significant impacts may result cumulatively. Long term storage and/or dismantling of vehicles should be prohibited and would not be appropriate outside of industrially zoned land with concrete pads, containment facilities and formalized drainage protocols in place.

Should sufficient quantities of any hazardous materials be kept on site a hazardous materials business plan would be warranted. The standard is any storage that reaches 55 gallons or 500 pounds or 200 cubic feet of such materials. The applicant will need to provide a protocol detail on how any such materials will be handled and how long vehicles will be kept on site. There will be the obvious limiting factor of space that, will again, be required to be behind a screening fence, however verification of exemption from the permit/plan requirement should also be provided.

VIII(e & f): Project is not located near any airport

VIII(g): No conflict is foreseen with any emergency response or evaluation plan.

VIII(h): The proposed project would not increase exposure to wildland fires.

Mitigation Measures:

7) The applicant/operator shall provide a clearance from the State Department Hazardous Controlled Substances and the Downriver Fire Department that storage of materials comply with their regulations.

(For hazardous material storage compliance, contact Roger Vintze with DTSC, the California Department of Toxic Substances Control. DTSC is our CUPA Program Manager (California Unified Program Agency). Tel. 760-339-2777).

8) A operations plan shall be provided detailing issues surrounding storage of vehicles, maximum length of on-site storage, fuel/oil/liquid material handling, etc.

9) No dismantling or crushing of vehicles may be permitted.

IX. HYDROLOGY AND WATER QUALITY Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Violate any applicable water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level that would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner that would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water that would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

g) Place housing within a 100-year floodplain, as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place within a 100-year floodplain structures that would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IX(a - j): The site is approximately 400 feet from the Trinity River to the south and 400 feet from Treloar Creek, which lies to the east. As noted above, the business may generate materials that have a potential to degrade water quality. The mitigation measure requiring storage and handling of hazardous materials will address this concern. Any grading that may be done to develop the outside storage/display area will be minor. Staff would however recommend that any such grading either not be done during the period of time between October 15 and May 15, unless drainage controls are provided. No significant site development is anticipated that would otherwise impact water quality.

Mitigation Measure:

10) Should any grading be done to develop the site a drainage, erosion and sediment control plan shall be prepared by a qualified Storm Water Pollution Preventions Plan (SWPPP) Developer (QSD). and submitted to the Trinity County Planning Department for review and approval prior to use.

X. LAND USE AND PLANNING Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural communities' conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

X(a - c): The project site is already designated Commercial by the General Plan. It is one of eight parcels so designated that are all contiguous. The intent of the Highway Commercial Zoning District is described as follows: :

The purpose of this Zoning District is to provide appropriate sites for the needs of recreation and business travelers. This District is intended to be applied to sites fronting on State 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 is not intended to be applied to strip commercial development along highways or arterials.

The uses permitted outright or conditionally the following use types

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:

- Convenience food store with or without petroleum sales.
- Restaurant without drive-thru service.
- Auto service station (See Special Regulations in Section 30).
- Hotel/Motel ten (10) units or less hooked up to a community sewer system.
- General office, retail stores and services when in addition to other highway commercial uses.
- Recycling Center when conducted entirely indoors.
- Other uses found to be similar in nature as determined by the Planning Commission.

USES PERMITTED SUBJECT TO FIRST SECURING A PLANNING DIRECTORS USE PERMIT: (ORDINANCE NO. 315-580) A single-family use 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 25% of the gross square footage of said structure.

USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT:

- Recycling Center when outdoor area is utilized
- Campground
- Commercial amusement enterprise
- Hotel/Motel over ten (10) units or not hooked up to community sewer system
- Recreation vehicle park
- Restaurant with drive-thru service
- Resort
- Truck service station
- Auto repair shop
- Bus passenger station
- Laundromat-

- Outdoor storage or sales associated with any of the uses listed in Section B
- Car wash
- Auto sales
- Highway Commercial complex containing more than 10,000 square feet of gross building area or occupying more than two (2) acres
- Mini storage
- Residential caretaker unit (See Special Regulations in Section 30(L) (Ordinance No. 315-580)

Other development standards include a theoretical minimum lot size of 10,000 square feet, setbacks (front – 10, side - 6, rear and rear-6), maximum lot coverage – 40%, and required drainage plans. The minimum lot size is very much theoretical in this area as given the need for on-site water and septic areas, such small lot sizes would be difficult to achieve. Subdivision potential is likely very low.

XI. MINERAL AND ENERGY RESOURCES Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Result in the loss of availability of a known mineral that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in the use of energy or non-renewable resources in a wasteful or inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XI(a-b): The proposed project, involving no development, would not impact any existing mineral resources.

XI(c): The proposed project would not create any additional energy expenditures

XII. NOISE Would the project result in:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to, or generation of, excessive ground-borne vibration or	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ground-borne noise levels?				
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use compatibility plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII(a-f): The change in zoning and land use resulting from the use permit would not generate significant changes in typical noise patterns, however some outside work activities may be a source of concern, particularly to any neighboring residential uses. Auto repair hours of operation would likely be restricted to day time use, but some “after hours” activity may be generated by the impound yard. It would be assumed that the business would run “normal” business hours, however the following is provided to address any potential impacts.

Mitigation Measures

11) Auto repair operational hours shall be limited to 7:00 A.M. to 8:00 P.M and any afterhours activity related to the impound yard shall be limited to simple drop off/pick up with not outside repair service.

XIII. POPULATION AND HOUSING Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

necessitating the construction of replacement housing elsewhere?				
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XIII(a): The project would not generate any direct population growth.
 XIII(b-c): This project would not displace existing housing or people.

XIV. PUBLIC SERVICES Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV(a) – (f): As noted above, impacts from unsafe storage of oils, fuels, solvents, etc. could impact surrounding land uses, Conditions provided above would address fire safety, water contamination, or other potential impacts to a less than significant level.

XV. RECREATION	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XV(a-b): No impacts to recreational facilities is foreseen and no significant impact is anticipated. No mitigation is necessary.

XVI. TRANSPORTATION/TRAFFIC Would		Less Than		
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the project:	Potentially Significant	Significant With Mitigation	Less Than Significant	No Impact
a) Conflict with an applicable plan, ordinance or policy establishing a measure of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths and mass transit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures or other standards established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflict with adopted policies, plans or programs regarding public transit, bikeways, or pedestrian facilities, or otherwise substantially decrease the performance or safety of such facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVI(a - d): The property currently takes access from a private road encroachment onto the Highway. That encroachment and the new encroachment into the impound area will need to be reviewed and improved to Caltrans standards. Again, consideration of the view obscuring fence surrounding the impound area needs to be considered in the design. .

XVI(e and f): The project will not directly impact emergency access or public transportation opportunities or change the characteristics or functions of existing facilities.

Mitigation Measures:

12) A detailed parking and circulation plan shall be prepared, which provides adequate area for both parking and circulation movements outside public rights-of-way and private ways not intended for that purpose or use. This plan will need to address the public parking area for visitors, clients, and employees working at the site as well as the impound area. Sufficient space shall be provided for customer, resident, and employees without interfering with any emergency service or delivery vehicles. Such plan submitted for review and approval of the Planning Department who shall also seek concurrence from the State and County Departments of Transportation as may be applicable. The access road and/or parking areas shall be surfaced with a minimum of gravel, six inches in depth. Prior to the installation of the surfacing material, the natural grade shall be prepared in accordance with good engineering practices to insure long surface life. Traffic patterns and parking spaces shall be delineated on access routes and in parking areas. Such plan shall be implemented and maintained throughout the term of the permit.

13) An encroachment permit shall be acquired and improvements completed to the satisfaction of Caltrans and/or the County Department of Transportation as may be applicable.

XVII. UTILITIES AND SERVICE SYSTEMS Would the project:	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in a determination by the wastewater treatment provider that serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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XVII(a-e): As conditioned, no additional wastewater discharges or storm water runoff are foreseen as a result of this project.

XVII(f-g): A small amount of solid waste associated with typical office and retail functions is anticipated.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE	Potentially Significant	Less Than Significant With Mitigation	Less Than Significant	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? (“Cumulatively considerable” means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects, as defined in Section 15130.)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Does the project have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Proposed conditions address any areas of environmental concern..

RECOMMENDED ACTION BY THE PLANNING COMMISSION: That the Planning Commission recommends to the Board of Supervisors the following action:

Environmental Finding: That no significant environmental effect has been identified that cannot be mitigated to a level of insignificance, therefore adoption of a negative declaration is recommended.

General Plan Consistency Finding: The project is consistent with the intent of the proposed Highway Commercial Zoning District and the use as permitted with the applicable goals and policies of the General Plan.

Project Finding: That the Planning Commission recommends to the Board of Supervisor approval of case file #P 15-07, amending the zoning from Unclassified to Highway Commercial (HC) and approve a Use Permit to allow for and auto repair and impound yard to the following additional findings and conditions:.

FINDINGS OF FACT

1. Finding: Sound Principles of Land Use. The use permit is granted on sound principles of land use.

Statement of Fact: As conditioned the project would be consistent with the existing General Plan and the new zoning classification of Highway Commercial.

2. Finding: Not injurious. Granting of the use permit will not be detrimental to the public health, safety or welfare, nor will it create a public nuisance.

Statement of Fact: As conditioned, the facility will be improved to enable the use to be found compatible with surrounding land uses.

3. Finding: The use permit complies with the objectives of the general plan for the area in which it is located.

Statement of Fact: The use permit is consistent with the objectives of the General Plan in that the facility supports the greater community be providing a needed service.

Conditions of Approval
P 15-07

- 1) A parimeter fence shall be installed around the entirety of the impound yard or equipment storage area. This fence shall be six feet in height and view obscuring. Note: Such fence shall also be reviewed for both its location and style as part of the encroachment permit process requied from Caltrans, see Condition#13. Fence shall be maintained to insure that vialual screening of activities within is provided.
- 2) All external lighting shall be shielded and downcast to prohibit light from being cast beyond the property boundaries. Outdoor lighting, including any lighting for illuminated signs, shall be turned off at 10:00 p.m. in the evenings and not be turned back on until the following day after 6:00 a.m. in the morning. (Twenty-four hour security lighting would be exempt from this time requirement)
- 3) A sign program shall be submitted for review and approval by the Director of Planning consistent with the following statndards:
 - Maximum sign area: 100 square feet
 - Individual sign maximum area: 32 square feet
 - Total number of signs: three

Sign Material: Wood

No internal illumination and any lighting to be shielded and down cast.

No off site advertising signs shall be permitted.

4) Outside areas be surfaced with, at a minimum, rock and maintained in a dust free manner.

5) In the event that previously unidentified cultural or paleontological resources are encountered during construction, there shall be no further excavation or disturbance of that area. The construction crews shall stop work or avoid the materials and their context. The County Planning Department shall be notified immediately. A qualified archaeologist shall evaluate the find to determine its historical or archaeological significance. If the find is determined to be a significant historical, paleontological or archaeological resource, the archaeologist shall make recommendations for appropriate mitigation. Work in the area shall not resume until the mitigation measures recommended by the archaeologist have been implemented.

6) 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 or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.

7) The applicant/operator shall provide a clearance from the State Department Hazardous Controlled Substances and the Downriver Fire Department that storage of materials comply with their regulations.

(For hazardous material storage compliance, contact Roger Vintze with DTSC, the California Department of Toxic Substances Control. DTSC is our CUPA Program Manager (California Unified Program Agency). Tel. 760-339-2777).

8) A operations plan shall be provided detailing issues surrounding storage of vehicles, maximum length of on-site storage, fuel/oil/liquid material handling, etc.

9) No dismantling or crushing of vehicles may be permitted.

10) Should any grading be done to develop the site a drainage, erosion and sediment control plan shall be prepared by a qualified Storm Water Pollution Preventions Plan (SWPPP) Developer (QSD). and submitted to the Trinity County Planning Department for review and approval prior to use.

11) Auto repair operational hours shall be limited to 7:00 A.M. to 8:00 P.M and any afterhours activity related to the impound yard shall be limited to simple drop off/pick up with not outside repair service.

12) A detailed parking and circulation plan shall be prepared, which provides adequate area for both parking and circulation movements outside public rights-of-way and private ways not intended for that purpose or use. This plan will need to address the public parking area for visitors, clients, and employees working at the site as well as the impound area. Sufficient space shall be provided for customer, resident, and employees without interfering with any emergency service or delivery vehicles. Such plan submitted for review and approval of the Planning Department who shall also seek concurrence from the State and County Departments of Transportation as may be applicable. The access road and/or parking areas shall be surfaced with a minimum of gravel, six inches in depth. Prior

to the installation of the surfacing material, the natural grade shall be prepared in accordance with good engineering practices to insure long surface life. Traffic patterns and parking spaces shall be delineated on access routes and in parking areas. Such plan shall be implemented and maintained throughout the term of the permit.

13) An encroachment permit shall be acquired and improvements completed to the satisfaction of Caltrans and/or the County Department of Transportation as may be applicable.

14) That this permit be subject to the securing of all necessary permits for the proposed development and eventual use from County, State and Federal agencies having jurisdiction. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit.

15) This permit shall become effective after all applicable appeal periods have been expired or appeal processes exhausted. Failure of the permittee to make use of this permit within two years or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration of this permit. The County will not provide a notice prior to the expiration date.

16) The use and occupancy of the premises shall be established and maintained in conformance with the provisions of the Trinity County Code and County Zoning Ordinance unless modified by conditions of the use permit.

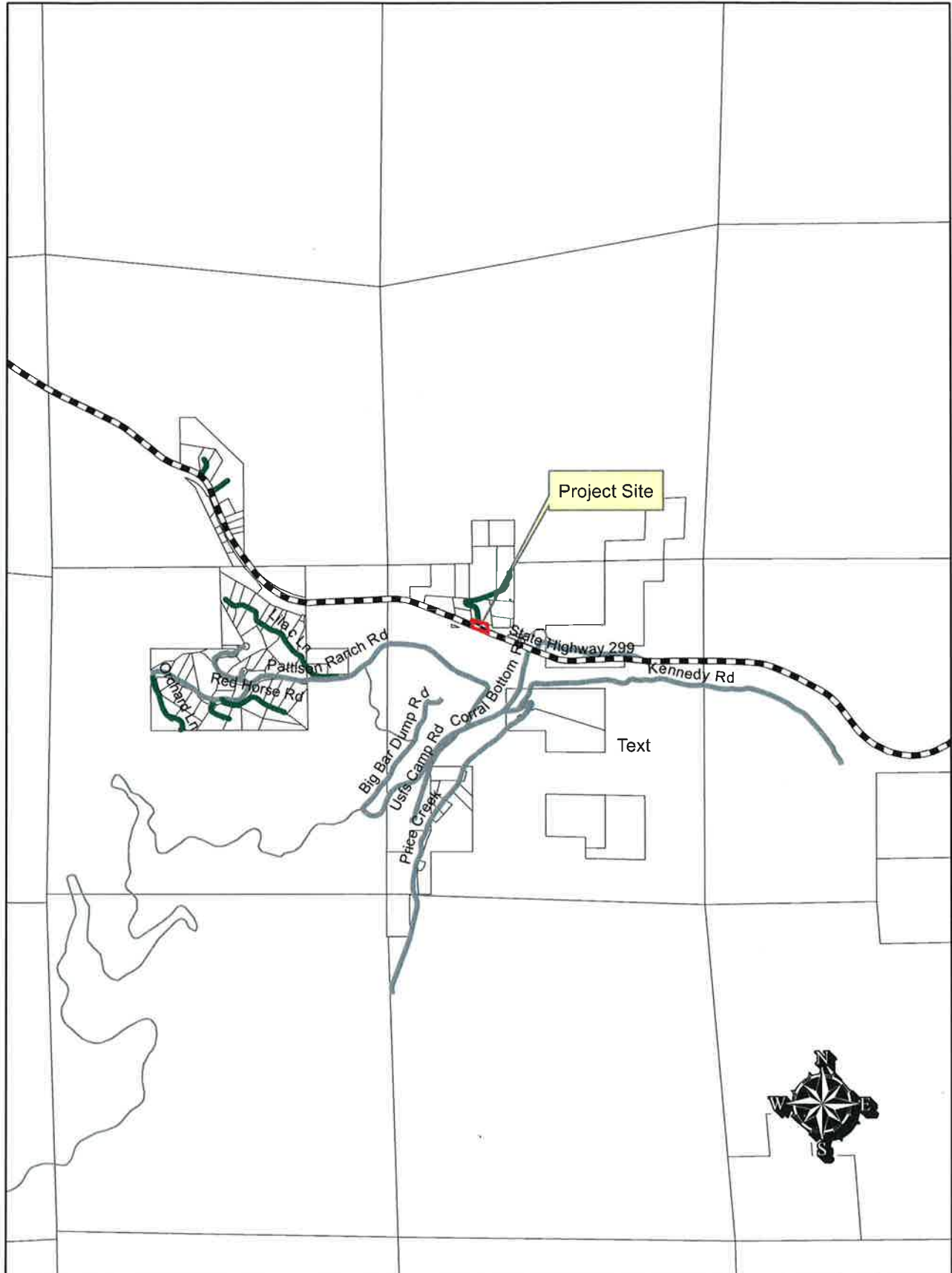
17) That the application along with supplemental exhibits and related material be considered elements of this entitlement and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.

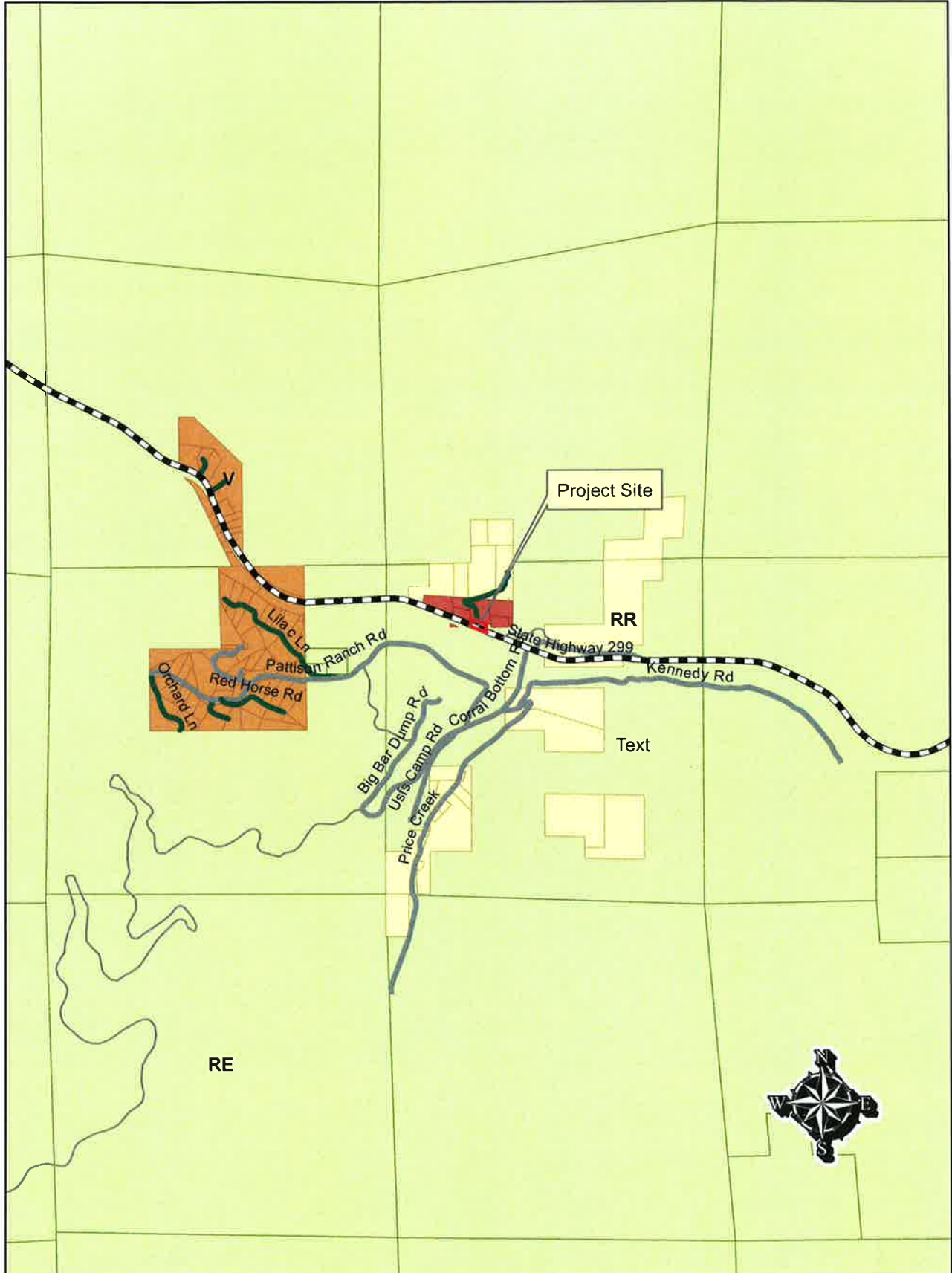
18) This permit shall be subject to revocation or modification by the Planning Commission upon a finding of any one (1) or more of the following grounds:

- a. That one or more of the conditions upon which such permit was granted have been violated.
- b. That the use for which the permit was granted is so conducted as to be detrimental to the public health, welfare or safety, or as to be a nuisance.

Any such revocation shall proceed as specified in Zoning Ordinance of Trinity County.

19) This entitlement does not become effective or operative and no work shall be commenced under this entitlement until the California Department of Fish and Game filing fees required or authorized by Section 711.4 of the Fish and Game Code are submitted to the Trinity County Planning Department. Said fee of \$2260.00 shall be made payable to the Trinity County and submitted to the Trinity County Planning Department within 5 days of final action by the Board of Supervisors. Any waiver of the fee shall be on a form issued by the Department of Fish and Game upon their finding that the project has "no effect" on the environment. If the project is appealed, the payment will be held by the Trinity County Planning Department until the appeal is decided. Depending on the outcome of the appeal, the payment will either be filed with the County Clerk (if the project is approved) or returned to the payer (if the project is denied). Failure to pay this fee by the specified deadline shall result in the entitlement becoming null and void. The applicant has the sole responsibility to insure timely compliance with this condition.





P 15-07 Crosswhite Zoning

