



Trinity County Planning

Memo

To: Planning Commission

From: John Jelicich, Interim Planner

Date: November 17, 2016

Re: Item 3; Discuss and/or take action regarding the use of “use permits” and “variances” for the purpose of implementing Ordinance No. 315-816: “Commercial Cannabis Cultivation Regulation”

PURPOSE:

The purpose of this item is to 1) define and discuss the terms: “use permit” and closely related actions pertaining to use permits as set forth in the County Zoning Ordinance; 2) define and discuss the term “variance” as allowed in California law and in the County Zoning Ordinance; and 3) explore and provide direction regarding processes that may better facilitate implementation of the ordinance.

BACKGROUND:

Before jumping into use permits and variances, it would be helpful to have some brief background information concerning zoning districts and allowable uses within those districts.

The court case which recognized separating residential, commercial and industrial land uses was: *Euclid v. Ambler Realty Co.*, 272 U.S. 365 (1926).

Often quoted, the following statement of justice William O. Douglas in *Village of Bell Terre v. Boras*, 416 U.S. 1, 9 (1974) expresses the interests that supported the village’s exercise of its police power:

“A quiet place where yards are wide, people few, and motor vehicles restricted are legitimate guidelines in a land use project addressed to family needs. This goal is a permissible one within *Berman v. Parker, supra*. The police power is not confined to elimination of filth,

stench, and unhealthy places; it is ample to lay out zones where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for people.”

In California, land use regulations are derived from the local police powers conferred by the California Constitution -- not an exercise of authority delegated by statute. This means that state zoning laws pertaining to adoption of local zoning regulations are not intended as specific grant of authority, but as ‘minimum’ standards to be observed in local zoning practices.

Zoning standards vary greatly throughout the state based on local conditions and community desires; however, the state can and does set minimum standards for matters it considers of state-wide importance, such as housing.

Zoning is the division of the county into districts and the application of different regulations in each district. One aspect of zoning is defining the types of uses allowed in a particular zoning district. These specific uses would be allowed for every parcel zoned in that manner. Usually there is also a secondary list of uses that “may” be allowed under certain circumstances if conditions of approval are applied to help that use fit in with the surrounding area (eg: not be a nuisance). In addition, there are times when the strict application of setbacks or other criteria applicable to all parcels would be a hardship or, for other reasons discussed below, inappropriate under specific criteria.

Conditional use permits (CUP) and variances are methods of granting some relief to the strict application of a zoning ordinance. While zoning is a legislative act, the granting of use permits and variances are quasi-judicial, administrative functions. Both use permits and variances “run with the land”; therefore, the county cannot condition a use permit on its nontransferability. Also, the granting of a use permit or variance must be consistent with the County’s General Plan. The Planning Commission will recognize the quasi-judicial nature of use permits and variances due to your experience with the public hearing process and the findings that are made.

This is just a thumbnail sketch of zoning basics, but it should be enough to introduce the main topics for the Commission’s discussion.

CONDITIONAL USE PERMIT:

State law does not address conditional use permits, instead it is determined by local ordinance. Generally, a local ordinance, including Trinity County’s Zoning Ordinance, provides a list of allowable uses within a zoning district. Following that list, the ordinance provides for another list of uses that are not permitted as a matter of right, but for which a Conditional Use Permit (CUP) must be obtained. The CUP is well recognized by the court as a necessary and proper method to provide flexibility and alleviate hardship. However, it must be issued pursuant to proper procedures. This includes providing public notice and conducting a public hearing during which public testimony is heard. The public testimony is for the purpose of providing the Planning Commission with factual information on which to base its decision. A CUP cannot be based on a “show of hands” – it is not issued based on popularity or how many people can pack the hearing hall. For example, several months ago the Planning Commission

heard an application for a use permit to develop a grocery store in Hayfork. Some members of the public appeared voicing concern over competition with local existing businesses. The Commission rightly did not consider this particular impact when formulating its decision. Instead it focused on issues such as parking, access and circulation, effects on neighboring residential properties, and similar issues that directly pertained to the requested use as it relates to its design and location. Proper findings were made based on the factual information provided during the hearing resulting in a clear record of how the Commission arrived at its decision.

Finding of Similar Use:

What happens if someone wants to develop a use that is not on the zoning district's list of allowable uses nor on the list of uses permitted upon first securing a conditional use permit?

Section 30 A. of the Trinity County Zoning Ordinance reads as follows:

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

When this sort of situation arises, staff brings the matter before the Commission for consideration and the Commission reviews the list of uses for the affected zoning district to determine how or if it fits within that zoning district. If it finds that the proposed use is similar in nature to other listed uses, then a resolution is adopted explaining the Commission's findings. Staff then adds that use to the affected list for future use and also to be used when updating that portion of the ordinance. An example is the Commission's finding that “tattoo parlor” is similar in nature to a hair or beauty salon and, therefore, allowed in certain commercial zones.

Nonconforming Uses:

A nonconforming use describes a lawful use existing on the effective date of a new zoning restriction that has continued since that time without conformance to the ordinance. While zoning law heads in the direction of eliminating nonconforming uses, as a general rule, a new zoning ordinance may not operate constitutionally to compel immediate discontinuance of an otherwise lawfully established use or business. Given the objective of zoning to eliminate nonconforming uses, courts generally follow a strict policy against the extension or enlargement of nonconforming uses.

Section 33 of the Trinity County Zoning Ordinance addresses “nonconforming uses.” For purposes of this discussion, we'll only focus on nonconforming uses not nonconforming buildings.

The term “nonconforming” is defined in the zoning ordinance as: “a nonconformity is a building, structure, or use which, when erected or established, complied with all the applicable provisions of this ordinance or prior planning and zoning regulation, but which presently fails to conform to one or more of the provisions of this ordinance.”

A “nonconforming use of land may be continued, transferred or sold, provided that no such use shall be enlarged or increased, nor be extended to occupy a greater area than that which it lawfully occupied before becoming a nonconforming use. Any use for which a use permit is required by the terms of this Ordinance shall be considered a nonconforming use unless and until a use permit is obtained as provided in Section 32.

If a nonconforming use of land or a nonconforming use of a conforming building is discontinued for a continuous period of one year, it shall be presumed that the use has been abandoned. Without further action by the County, further use of the site or building shall comply with all the regulations of the zone district in which the building is located, and all other applicable provisions of this ordinance.”

For the aforementioned reasons, staff makes it a practice to retain the old, seemingly out-of-date ordinances that could apply to a non-conforming status. Staff has these records going back to 1968 when the first zoning ordinance was adopted.

Other Uses:

Section 30 of the Zoning Ordinance includes many pages of text pertaining to different uses that do not easily fit in a particular zoning district, are applicable to all zoning districts or provide standards for development (such as height, yard areas, parking, etc). This paper will not explore those, but the Commission is welcome to review them at your leisure and staff would be pleased to address any questions you might have at a later date.

Authority to approve use permits:

Planning Commission:

Section 32 of the Zoning Ordinance reads as follows: “A use permit may be granted at the discretion of the Planning Commission unless specifically indicated in the Ordinance as being subject to Planning Director approval. Should a use permit be granted by the Commission, the Commission may attach any such conditions as may be necessary to carry out the intent and purpose of this Ordinance.”

Planning Director:

The Planning Director is authorized to approve use permits for the following:

1. Mobile homes that are not certified under the National Mobile Home Construction and Safety Standards Act of 1974 or do not meet the requirement of subsection D.1 of Section 27 of the Zoning Ordinance. (Sec. 27)
2. Temporary occupancy of a recreation vehicle while constructing a dwelling. (Sec. 30. H.)

3. Extended camping or placement of a recreational vehicle (Sec. 30. H.)
4. Accessory building prior to the main building (Sec. 30.4)
5. Family Care Mobile Home or Recreation Vehicle (Sec 30.B.10)
6. Signs (except large billboards) (ord. amend 315-28)
7. Minor home occupations (Sec 30.2)

In addition, the Planning Director has limited authority to make minor deviations to a project and report to the Planning Commission when those minor changes are made. However, a “substantial deviation” is one that results in material change in the nature of the project when all the circumstances surrounding the issuance of the permit are considered and these need to be heard by the Planning Commission. (Sec 32.F.)

VARIANCE:

State Law:

California Government Code, Section 65906 reads as follows:

“Variances from the terms of the zoning ordinances shall be granted only when because of special circumstances applicable to the property, including size, shape, topography, location of surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

“Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.

“A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits.”

County Zoning Ordinance:

Variances are discussed in Section 31 of the Trinity County Zoning Ordinance. Section 31 is based on state law and reads, in part:

“In considering a variance, the following guidelines shall be observed:

1. *No special privilege.* A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.
2. *Use variance prohibited.* The consideration of “use variances” is specifically prohibited. These are variances that request approval to located a use in a zone from which is prohibited by Ordinance.

3. *Disservice not permitted.* A variance must not be injurious to the public welfare, nor to adjacent properties.
4. *Not adverse to General or Specific Plan.* A variance must be in harmony with the general purpose and intent of the Zoning Ordinance and cannot adversely affect the General Plan or Specific Plans of the County.
5. *RD-1 Overlay Zone.* Prior to approval of a variance for property within the RD-1 overlay zone, permission must be granted or deemed not necessary by the Secretary of Agriculture.”

Authority to grant a variance:

“A variance may be granted at the discretion of the Planning Commission, with such conditions as may be necessary to carry out the intent and purpose of this Ordinance.”

Time limits imposed on variances:

1. *No time limit unless stated in variance.* Variances, once utilized, are of indefinite duration unless an expiration date has been specified by the Planning Commission as a condition of approval.
2. *Temporary Variance.* Where application is made for a structure which is temporary in nature, the Planning Commission may condition the variance to expire automatically a stated period of time after granting of the variance.
3. *Expiration of failure to utilize a Variance.* Any variance granted shall expire at the end of one year unless a building permit or other County permit is obtained within the variance term.
4. *Extension of Time.* Upon show of good cause by the applicant the Planning Commission may grant an extension of time not to exceed one year. A public hearing shall not be required unless specified by the Planning Commission. A request for extension of time shall be subject to a filing fee as specified by the Board of Supervisors.”

Flood Plain Ordinance Variance:

The Trinity County” Flood Hazard (FH) District and Flood Hazard Overlay (FHO) Zone” is included in the Zoning Ordinance (Section 29.4) and provides for a variance from the flood plain standards based on federal requirements. The Planning Commission is the hearing body for flood plain variances.

Authority to Approve Variances:

Section 31.B reads: “A variance may be granted at the discretion of the Planning Commission, with such conditions as may be necessary to carry out the intent and purpose of this Ordinance.” The decision of the Planning Commission may be appealed to the Board of Supervisors.

Subsection 7.1 of Section 29.4 of the Zoning Ordinance states that the Planning Commission hears requests for variances and appeals from determinations of the Floodplain Administrator.

Note that the Planning Director has no authority to approve variances. This differs from his/her limited authority to approve certain use permits and to make minor modifications in Planning Commission issued use permits, as discussed above under the use permit heading.

CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Both use permits and variances are “projects” as defined in the California Environmental Quality Act (CEQA). Section 15378 of the California Code of Regulations reads, in part:

(a) “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

(3) An activity involving the issuance to a person of a lease, permit, license, certificate or other entitlement for use by one or more public agencies.”

The full definition is approximately a page long, but for our purposes the above will be sufficient to demonstrate that a use permit, a variance and a license are each considered a project under CEQA. Whether an environmental document needs to be prepared depends on many other issues, including whether the “project” is exempt by statute or categorically.

While I have not studied the Commercial Cannabis Ordinance as carefully as others, there appears to be no reference to a use permit. The use permit activity described above derives from the Zoning Districts in the Zoning Ordinance. It appears that the cannabis approval process includes: application, registration and ultimately a license. The “license” can be subject to CEQA review; however, in discussion with other staff members, it appears that the authors of the ordinance made efforts to ensure that the process is ministerial in nature.

Section 15369 of the California Code of Regulations defines the term “ministerial” as:

“Ministerial” describes a governmental decision involving little or no personal judgment by the public official as to the wisdom or manner of carrying out the project. The public official merely applies the law to the facts as presented but uses no special discretion or judgment in reaching a decision. A ministerial decision involves only the use of fixed standards or objective measurements, and the public official cannot use personal, subjective judgment in deciding whether or how the project should be carried out. Common examples of ministerial permits include automobile registrations, dog licenses, and marriage licenses. A building permit is ministerial if the ordinance requiring the permit limits the public official to determining whether the zoning allows the structure to be built in the requested location, the structure would meet the strength requirements in the Uniform Building Code, and the applicant has paid his fee.”

In the Commercial Cannabis Ordinance there is a list of requirements that must be provided or met prior to issuance of the license and the list of performance standards in Section 6 apply to all license holders. No discretion is involved. This is important to note because as the

Commission explores various “issues” it is possible that amendments to the ordinance could introduce “discretionary” actions.

ZONING ISSUES AFFECTING THE CANNABIS ORDINANCE:

Issue 1:

Background:

Industrial Zoning District:

The Industrial District (See attached Exhibit A) includes a list of uses allowed without a use permit. This list includes “Agricultural uses, other than hog raising”.

However, at the beginning of the list it states that any of the uses listed as not requiring a use permit **DO** require a use permit if:

1. “If a use involves water quantity uses over three (3) gallons/minutes in a Critical Water Resources Overlay area, or
2. Through New Source Review, requires an Authority To Construct permit from the North Coast Unified Air Quality Management Board, or
3. Exceeds 65 dBA at the property line of a use, or
4. Requires a Regional Water Quality Control Board Discharge Permit, or
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.”

Question:

If someone is interested in starting a commercial cannabis operation on land zoned “Industrial” it would be recognized as an agricultural use; however, since the use requires a RWQCB discharge permit and the site is in a Critical Water Resources Overlay, then a Planning Commission issued use permit would be required. While that would seem clear, if one compares the impacts of a cannabis grow with the other uses on the list requiring a CUP, then it could appear to some to be an onerous requirement.

Options:

1. The Commission could do nothing which means that a cannabis grow would not be allowed.

2. The Commission could direct staff to schedule the matter for a later meeting to amend the Industrial zoning district to specifically allow a grow based on determinations made during the hearing.

Issue #2:

Background:

The Trinity Alps Business Park Specific Unit Development has a land use designation of “Commercial” on the upper bench next to the highway; and a designation of “Industrial” on the lower bench next to Weaver Creek. The entire property is zoned SUD and has specific development standards, including a list of allowable uses with or without a use permit. The upper bench area is general office and commercial; the lower bench is heavier industrial uses.

Question:

Someone desires to locate a greenhouse for growing cannabis ‘starts’ for sale. A “nursery” is not listed as an allowable use in this SUD, yet it would likely have fewer impacts than many uses that are listed for the lower bench area.

Options:

1. The Commission could do nothing which means that a cannabis nursery would not be allowed.
2. The Commission could direct staff to schedule the matter for a later meeting to consider a “Finding of Similar Use”.

Issue #3:

Background:

Section 5 of the Commercial Cannabis Cultivation Regulation includes, in part, the following statement:

- (b) Cultivation will not be allowed within three hundred fifty (350) feet of a residential structure on any adjoining parcels. Applications for a variance from this provision will be considered by the Trinity County Planning Commission.”

Question:

There has been some discussion by potential applicants that instead of a fixed 350 foot setback from residential structures, perhaps alternatives could be available. For example, topography, existing vegetation, an attractive fence or other visual barriers could be used to meet the same practical effect as the setback.

Options:

1. The Commission could do nothing which means that the 350 foot setback from residential structures would be the only method of separating the 'grow' from residential uses.
2. The Commission could direct staff to schedule the matter for a later meeting to consider alternatives to the 350 foot setback.

“Curtin’s California Land Use and Planning Law – 2006” formed the basis for much of the statewide legal discussion and court cases presented in this staff report.

ORDINANCE NO. 315-557

AN ORDINANCE AMENDING TRINITY COUNTY
ZONING ORDINANCE NO. 315
BY AMENDING SECTION 23.0, INDUSTRIAL, OR "I" DISTRICT
AS WELL AS TO ADOPT DEVELOPMENT STANDARDS TO SUCH

THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY, STATE OF CALIFORNIA, DOES ORDAIN AS FOLLOWS: (Industrial or "I" Zoning District).

SECTION 1. That Trinity County Zoning Ordinance No. 315 is hereby amended by deleting the existing Section 23.0 in its entirety and replacing it with the following:

SECTION 23.0 - INDUSTRIAL OR "I" DISTRICT

A. General Description: The purpose of this Zoning District 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.

Subject to the provisions of Sections 23.P and 30, none but the following uses, or uses which in the opinion of the Planning Commission are similar will be allowed. See Section 30 A.

B. Uses permitted without a Use Permit except when these uses listed in this section exceed the following thresholds, a use permit shall be required:

1. if a use involves water quantity uses over three (3) gallons/minute in a Critical Water Resources Overlay area, or
2. through New Source Review, requires an Authority To Construct permit from the North Coast Unified Air Quality Management Board, or
3. exceeds 65 dBA at the property line of a use, or
4. requires a Regional Water Quality Control Board Discharge Permit, or
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.

Welding Shop

Plumbing Shop

Wholesale Sales and Storage

Warehouse and Mini Storage

Cabinet Shop

Auto Repair Shop

Agricultural uses, other than hog raising

Office uses less than 10,000 square feet

Construction Storage Yards

Uses associated with publication operations, including:

- * printing
- * lithography and bookbinding
- * cartography
- * editorial and designing operations

Bottling Works

Machine Shop

Public Utility Buildings and Yards

Metal Fabrication

Limited retail uses in conjunction with manufacturing or industrial uses, when no more than 25 percent of the building's gross square footage is utilized for such purposes.

Heavy Equipment and Truck Repair Shop

Secondary Wood Processing Facility

- C. Uses permitted subject to securing a use permit in each case.

Power Generating Plants (exception: hydroelectric plants)

- * Biomass Plants
- * Cogeneration Plants
- * Geothermal Facilities
- * Coal Refining and Processing Plants
- * Nuclear Power Plants (Fusion and Fission Processes)

Lumber Mill

Hazardous Waste Treatment Facilities

Hazardous Waste Haulers

Septage Hauler/Disposal

Office Use over 10000 square feet

Commerical excavation of stone or earth materials

Mining Operation

Batch Plants

Concrete Plants

Rock Crushers

Drilling for and/or removal of oil or gas

Manufacture and storage of explosives

Distillation of bones, fat rendering, food processing, fish canning and other uses of the same character.

Dumping, disposal, reduction of garbage, sewage, offal, dead animals or refuse.

Hog raising

Junk yards, wrecking yards, salvage yards.

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 performance standards set out in this Ordinance.

Bulk storage of oil and gasoline (including tank farms).

Other uses found to be similar in nature as determined by the Planning Commission.

D. Accessory buildings and uses.

Accessory buildings and uses normally incidental to the uses permitted, including watchman's quarters associated with a use.

E. Signs.

Signs not exceeding fifteen (15) square feet advertising sale or lease of property upon which sign is displayed may be permitted. Other onsite signs are as stated in the county Sign Ordinance.

- F. Minimum lot size required.
one quarter (1/4) acre.
- G. Minimum lot width required.
One hundred (100) feet.
- H. Maximum allowable lot coverage by all structures.
Sixty (60) percent.
- I. Maximum allowable height.
Forty-five (45) feet.
- J. Minimum front yard required.
Twenty-five (25) feet.
- K. Minimum side yard required.
Ten (10) feet.
- L. Minimum rear yard required.
Ten (10) feet.
- M. General requirements.
1. Parking requirements, see Section 30 I.
 2. Minimum setbacks for yards shall be maintained unless the criteria in Section 30.F apply.
 3. Additional height may be approved upon obtaining a use permit if gross floor area ratio to building site does not exceed 5:1.
 4. All uses shall conform to the performance standards set out in the Industrial Zone Development Standards.
- N. Drainage. A Drainage Plan shall be submitted to and approved by the Department of Transportation and Planning prior to the issuance of building or use permit (s).
- O. Encroachment Permit. Encroachment permits shall be obtained from the Department of Transportation and Planning prior to the issuance of building permits when projects create a new entrance onto a county road.

P. INDUSTRIAL ZONE PERFORMANCE STANDARDS

1. General Requirements

A. 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.

2. Access to Local Streets Prohibited.

No vehicular access shall be permitted to a local street from an industrial through lot which also has frontage on a highway or collector county road.

B. 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.

2. 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 and approval of the Director of Transportation.

2. Property Development Standards

A. Landscaping

1. A landscaping plan shall be submitted to the Director of Transportation and Planning for approval prior to issuance of a building permit.

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.

B. Fences and Walls

1. No fence or wall six feet or greater in height shall be constructed without first obtaining a building permit.
2. No electrified fence shall be constructed.
3. No fence or wall shall exceed eight feet in height.

C. Walls Adjacent to Residential Use.

1. Where the site abuts a residential district, school or park, a solid decorative rustic-looking wall not less than six feet in height shall be constructed and maintained along the property lines adjoining said residential district, school or park.

D. Lighting.

1. Any lighting provided shall be directed away from all surrounding land uses and public rights-of-way.
2. Lighting shall be the minimum necessary to provide for involved, safety and adequate security for the use involved.

E. 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.
2. Trash bins shall remain in the enclosures except during trash pickup.

F. 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.
2. Loading operations shall not be permitted on any street or alley which also serves a residential district.
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 trucks and other loading vehicles.

4. Loading facilities shall be located in such a manner that all loading operations take place completely within the property lines of the site.

SECTION 2. This Ordinance shall take effect thirty (30) days after its passage and shall be published at least once in the Trinity Journal within fifteen (15) days after its passage.

PASSED AND ADOPTED by the Board of Supervisors of the County of Trinity, State of California, at a regular meeting of said Board, held on the 21st day of August, 1990, by the following vote:

AYES: Supervisors Mortensen, Potter, Whitridge, Plowman and Myrick

NOES: None

ABSENT: None

/s/ Howard G. Myrick

CHAIRMAN - Howard O. Myrick
Board of Supervisors of the County
of Trinity, State of California

ATTEST:

Barbara M. Rhodes
County Clerk and Ex-Officio Clerk
of the Board of Supervisors of the
County of Trinity

By /s/ Jeanne Gravette
Deputy

The foregoing is a correct copy of the original instrument on file in this office.

AUG 22 1990
Attest
BARBARA M. RHODES
COUNTY CLERK AND EX-OFFICIO CLERK
OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF TRINITY, STATE OF
CALIFORNIA.

BY Carol Loupe
DEPUTY