

ORDINANCE NO. 315-769

AN ORDINANCE AMENDING TRINITY COUNTY  
ZONING ORDINANCE NO. 315

THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY, STATE OF CALIFORNIA,  
DOES ORDAIN AS FOLLOWS  
(Trinity County Planning Department; PW- 07-10)

**SECTION 1.** That the Trinity County Zoning Ordinance No. 315 is hereby amended by amending Section 30.B.5 to read as follows:

5. Temporary Asphalt or Concrete Batch Plants, Portable Rock Screening or Crushing Units

- 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 (2) years without further additional review by the Planning Commission.
- 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 Section 32 of this Ordinance, if all of the following criteria are met:
  - 1. The issuance of a Planning Director's Use Permit shall be subject to the following Processing Requirements:
    - a. 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, sanitation facilities, equipment and materials storage areas, parking areas and any other appurtenant facilities.
    - b. The local Fire District shall be notified of the location and duration of the batch plant operation
    - c. 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 300 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.
    - d. 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

- e. 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 has been issued and all required improvements have been made.
  - f. 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.
  - g. The Permit shall be renewable annually with Planning Director review.
2. The batch plant shall be operated under all of the following conditions:
- a. 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.
  - b. 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.
  - c. Any utility hookups shall require a County Building Permit.
  - d. 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.
  - e. 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.
  - f. Portable concrete plants and aggregate processors shall not produce material for retail sale within 10 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.
  - g. Operations shall be limited to 7am to 7 pm Monday through Saturday. (Additional or more restrictive hours of operation may be specified by the Planning Director.)
  - h. Concrete batch plants and rock screening 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. (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 55dB Leq at outdoor activity areas of the nearest sensitive land use.)
  - i. Batch plants, sorters, stockpiles, concrete washout areas or fuel storage areas shall not be located within the following distances (whichever is further) from:

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

- j. 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.
  - k. 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.
  - l. Sanitation facilities shall be provided and adequately maintained.
  - m. Temporary security fencing shall be erected around operations areas in Residential or Rural Residential zones. Fencing shall be maintained for the duration of the operation.
  - n. Advertising signs shall not be erected on site or off site. Directional signs shall be limited to a maximum size of 3' by 3'.
  - o. 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.
  - p. 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.
3. Applicability
- a. This section does not apply to mining.
  - b. 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).


- c. 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.
- d. The permit shall be specific for each site, rather than for a specific operator or piece of equipment.

**SECTION 2.** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have adopted this ordinance and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

**SECTION 3.** This ordinance shall take effect thirty (30) days after this passage and shall be published at least once in the Trinity Journal within fifteen (15) days after its passage.

**INTRODUCED AND ENACTED** by the Board of Supervisors of the County of Trinity, State of California, at a regular meeting of said Board, held on the 7th day of October 2008, by the following vote:

AYES: Supervisors Reiss, Pflueger, Freeman, Morris and Jaegel  
 NOES: None  
 ABSTAINING: None  
 ABSENT: None

  
 CHAIRMAN - Anton R. Jaegel  
 Board of Supervisors of the County of Trinity, State of California

ATTEST:

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Clerk of the Board of Supervisors  
 County of Trinity, State of California

APPROVED AS TO FORM AND LEGAL EFFECT.

  
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 County Counsel