

MINUTES

1. CALL TO ORDER

Chair Frasier called the meeting to order at 7:03 p.m. Members present: Diana Stewart, Tom McKnight and Dan Frasier. Members absent: Graham Matthews and Kyle Brown. Staff present: Director Richard Tippet, Principal Planner Frank Lynch and Clerk Ruth Hanover.

2. PUBLIC COMMENT

Members of the public may address the Planning Commission concerning matters within their jurisdiction, which are not listed on the agenda and to request that a matter be agendaized for a future meeting. No action may be taken on these matters at this meeting.

Andy Rieling of CalFire advised there is a proposed change in the State Fire Safe Standards found in Section 4290 ordinance from of the Public Resource Code which he understands goes in to effect January 1, 2016. He advised that it will change the requirements regarding the widening of roads beyond the current 18 feet, feet; it will affect gates, bridges, and that sort of stuff and other access issues. He provided the Commission with copies of the proposed changes and stated he would be available for any questions.

No further comments received.

3. MINUTES

Motion of Commissioner McKnight to approve the Minutes of December 18, 2014 died for lack of second. Commissioner Stewart abstaining as she was absent that date.

Chair Frasier continues the matter to May 14, 2015.

OLD BUSINESS

4. PROPOSED NEG. DEC., PARCEL MAP AND REZONE

P-14-01

Public Hearing: Proposed negative declaration, parcel map to create three parcels ranging in size from 30 to 55 acres, and rezone from Unclassified to Agriculture. Located at 140 Buckwheat Lane, Ruth. APN: 020-490-04. Applicant: D & V Albee and T. D. Felt (*Continued from December 18, 2014*).

Planner Lynch advised this application has been withdrawn.

NEW BUSINESS

6. 2014 TO 2019 HOUSING ELEMENT OF THE GENERAL PLAN

PW-14-01

Planning Commission discussion on issues related to the development of the 2014 to 2019 Housing Element of the General Plan. NO FINAL ACTION WILL BE TAKEN.

Planner Lynch advised the Housing Element is a mandated element of the General Plan. He advised a lot of the more onerous changes that have been mandated by the state such as about emergency housing, temporary housing, other issues like handicapped accessibility, etc., those were adopted in the last Housing Element, approved in the element and implemented by an ordinance about a year and a half ago. He said once again, because there is that five year cycle, we are back into now looking at the Housing Element for 2014 to 2019,

so we are behind about six months already. Lynch stated in order to do that the County has engaged the services of Pacific Mutual Consultants, and introduced Mike Martin of PMC, the consultant for the 2014 to 2019 Housing Element of the General Plan.

Mr. Martin gave an overview of the process of the state mandated Housing Element. He discussed the requirements, the update process, recent housing legislation, Regional Housing Needs Allocation, and population growth trends. He advised they intend to submit an Administrative Draft Housing Element next month and a Public Draft in June for consideration.

Chair Frasier opened the matter up to public comment. No comments being received, and the Commission had not comment, hence the matter was closed, with the Commission advised that there would be further hearings..

7. **USE PERMIT FOR WATER TREATMENT FACILITY**

P-15-02

Use Permit to authorize the construction and operation of a new water treatment facility, including the development of new access improvements, a 530 sq ft treatment building, a 125,000 gallon storage tank and other associated utilities. Located in the community of Salyer, lying at the northerly terminus of Arnesan Road (pvt), 800+ ft north of its intersection with Councilman Road, aka 191 Arnesan Road. APN: 008-490-65. Applicant: Salyer Mutual Water Company.

Planner Lynch presented the staff report, advising the project is being funded through the state because the existing facility needs to be updated to comply with current state health requirements and brought up to today's standards. They are also going to build a 125,000 gallon water tank as part of the improvements. Lynch explained the lead agency on the project is the State Department of Public Health and they have already adopted a Negative Declaration to approve the project, so in this instance the County's role is to review their document and see if we have any concerns. He said we can accept their Negative Declaration and conditions that have been imposed, and the County is free to add new conditions if it thinks it's warranted. He suggested the County adopt a more specific additional comment where the State put a condition in that they wanted to put concerning landscaping to assist in in some kind of vegetative screening around the facility. He said quite honestly screening 125,000 gallon water tank is not going to be invisible, you are going to see it, so he put in a condition for them to give us information and detail on what they are going to do and how. He said that is the only additional condition that he is recommending from his review of the project. Lynch advised that he has not received any public comment.

Chair Frasier opened the hearing to public comment. With no one coming forward, the Chair closed the public hearing.

Upon motion of Commissioner McKnight, seconded by Commissioner Stewart, approves the use permit to upgrade the water treatment facility based on Findings of Fact a through c and Conditions of Approval 1 through 8. Motion carried unanimously.

8. **REZONE AND USE PERMIT TO ALLOW DEVELOPMENT OF LANDSCAPE SUPPLY AND NURSERY BUSINESS**

P-15-04

Rezone from Unclassified to Agriculture and a Use Permit to allow the development and operation of a landscape supply and nursery business. Located in the community of Hyampom, lying on the south west side of Lower South Fort Road, 1,000 ft north of its intersection with Riverview Lane, aka 4081 Lower South Fork Road. APN: 011-210-03. Applicant: Garrett.

Planner Lynch presented the staff report, stating the project is on a 200+ acre piece of property with a previous history of it being a mill site. The applicant is proposing that on about 3 acres of this parcel they be allowed to establish a landscape supply business that would have nursery stock, landscape supplies and bagged soils. He said cutting to what the obvious is, there is a market for , "people selling shovels to the gold miners," and" and this is selling agricultural supplies to growers, it is self evident. Lynch advised the County approved an

ordinance amendment a couple of years ago to allow for landscape supply businesses to be in an agricultural district. He advised there was a place south of Hayfork called Growing Wild that came in on the coattails of that to develop an agricultural supply business; that business was conditioned by the Planning Commission that they have 2/3rds of the area of the property dedicated to display, storage, and maintenance of nursery stock. He said he thinks the intent of the Commission at the time to ensure that this kept within the intent of the provision saying this is a landscape supply business. He said that has been a point of controversy in that instant case for that business in that there was a specific neighbor who has been concerned about the nature of the business, and has been complaining continually for a couple of years about that. He said having that condition on the permit, in hindsight has been, from his perspective as the person who has to regulate this, a pretty good tool to have and so he is recommending that condition carry over to this application. Lynch said also because if you are going to be selling soil, soil amendments, etc and other things like that, having them in bags is very important; as to have bulk storage on the ground is going to create problems affecting groundwater. He reviewed all of the proposed conditions of approval. Lynch advised no comments have been received as a result of the public notice.

Commissioner Stewart advised that she had a very brief conversation with the applicant Lori Humphrey, basically asking if she knew when the matter would be scheduled.

Chair Frasier opened the hearing to public comment.

Applicant Lori Humphrey stated the nursery aspect for her is good, and yes she wants to get “on the soil wagon” now while she can, so she would like to establish that where they would have supplies there. She stated they have a cattle ranch in Hyampom and other people that could use farm supplies. She thinks it would help the economy of the community and maybe hire a couple of people creating employment.

No further comments being received the Chair closes the public hearing.

Upon motion of Commissioner Stewart, seconded by Commissioner McKnight, the Planning Commission recommends approval of the Use Permit to allow development of a nursery and garden center, subject to the findings of facts and subject to conditions of approval listed in the staff report; adopt the mitigated Negative Declaration finding on the basis of the whole record before the Commission, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that a negative declaration reflects the Commission’s independent judgment and analysis; and further recommends the Board of Supervisors adopt an ordinance changing the zoning of APN 011-230-03 from Unclassified to Agriculture, 40 acre minimum parcel size. Motion carried. Vote: 3-Yes; 2-Absent.

9. MATTERS FROM THE COMMISSION

None.

10. MATTERS FROM STAFF

a) Planning Commission review and direction regarding Project #P 15-06. This discussion relates to a revised parcel configuration resulting from a proposed Lot Line Adjustment.

Planner Lynch stated staff is asking for the Commission’s input on a Lot Line Adjustment Parcel Reconfiguration. You will see on Mr. Lynch referred to the memo provided there is an and the attached map that shows both the existing and proposed lot configurations. This is on some property in Weaverville zoned R1. He said the way it currently exists is that one parcel sits along Martin Road, it has as it exists a garage and house on the property, but the existing lot line goes through the house. The application is to reconfigure the lot lines so you will basically have one parcel in front on Martin Road and the other parcel behind that will be accessed by a 30’ wide 132’ long, at its maximum length, easement that goes through the front parcel to serve the back parcel. He said sometimes these kinds of lot configurations are referred to as flag lots; however, this is not a true flag lot in that a flag lot would mean that the access stem that comes out to the public road would be a part of that rear parcel, they own it in fee, and it would not be an easement. He said in many jurisdictions there are

similar provisions for this and usually there is a minimum width and a maximum length of the stem of the flag. This County's Zoning Ordinance does provide for those standards. If this were a true flag lot this project and reconfiguration would meet that standard; however, in his opinion it is not a flag lot. In all candor he doesn't think this should even be in front of the Commission, he doesn't think it is an issue whatsoever, who cares. Director Rick Tippett felt that because it looks like a duck it must be a duck, that it would be appropriate for the Commission to look at it because of the language of the provision talking about flag lots where it says the advisory agency shall review and approve. He said you Lynch advised the Commission that they are the "advisory agency" by definition. He said he is going to let Rick speak for himself but they did have a debate about this, but again, he doesn't think it's an issue, flag lots are common everywhere.

Director Tippett stated he had talked to the previous Planning Director and he advised that commonly in the past that flag lots had been a concern of the Commission, so being that we hadn't acted on any in recent times he just wanted to get the flavor of the Commission to make sure that as Frank says it's not a big deal. He said our only concern in engineering was it didn't touch the road anymore, we kind of always like to do that, but in this case we didn't see it as a big deal at the Subdivision Ordinance level. He said we wanted to ask the Commission this time and if it's okay with it we will move forward unless the Commission wants these types of projects brought before it.

Planner Lynch stated as it currently exists both lots have physical frontage in fee along the public roadway, as redesigned the rear lot will have access only via an easement.

Chair opened the matter to public comment.

Wes Scribner, currently living in the house that will hopefully be the front parcel, stated it is a busy street and he's not sure if there is an implication of a loss of value by not having the parcel on the street but a lot of people move up here to be secluded and back off the street a little, so as far as the value of the parcel he thinks that would be arguable. He stated he knows most of the easements that pop up in these situations, as long as access is provided and in this case your utilities are already provided as well. He said a situation like this cleans up a poorly configured lot.

No further comment, Chair closed matter.

Planner Lynch stated staff is just asking for direction on this if you find it acceptable.

Commissioner Stewart asked if we are in agreement that this is acceptable then the only ones you would bring to the Commission would be if there was something having to do with the width of the easement.

Director Tippett responded yes, his understanding from the past Planning Director was that these types of configurations might not have been looked upon as favorable and so being it said "advisory body" he thought it would be appropriate to check with the Commission now and if it is okay with these types of activities then we would continue to move forward with making those approvals.

Upon motion of Commissioner Stewart, seconded by Commissioner McKnight, the Commission finds the resulting parcel configuration proposed will conform to the General Plan and Weaverville Community Plan (Low Density Residential), the existing zoning (Rural Residential), and building ordinances. Motion carried. Vote 3-0.

Director Tippett advised there is a property in Denny where the owner of the property was operating a sluice and cleaning river rock and using it on his property. SMARA (Surface Mining and Reclamation Act) requires that you get a permit, but there is a provision if you are a private property owner and you are using it on your property the Planning Director is allowed to issue an exemption. He said in this case he just wanted to advise that he did issue the exemption, so there will be minor activity on Denny Road.

11. ADJOURN

The meeting was adjourned by the Chair at 7:44 pm.