

MINUTES

1. CALL TO ORDER

Chair Frasier called the meeting to order at 7:0 p.m. Members present: Kyle Brown, Diana Stewart and Dan Frasier. Graham Matthews present 7:01 p.m. Members absent: Tom McKnight. Staff present: 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 agendized for a future meeting. No action may be taken on these matters at this meeting.

No one came forward.

3. MINUTES – December 18, 2014 and April 9, 2015.

Chair Frasier continues the matter to June 11, 2015.

OLD BUSINESS – None.

NEW BUSINESS

4. PROPOSED MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY FOR CONSTRUCTION OF NEW COUNTY JAIL

PW-15-02

Public Hearing: Proposed mitigated negative declaration for construction of a new 96 bed County Jail. APN 024-200-10-03. Applicant: Trinity County Sheriff.

Principal Planner Frank Lynch presented the staff report. He advised this is a CEQA Review for a proposed new replacement jail for which the County is seeking to fund. It would be located just to the north of the Juvenile Detention Facility; however the final design of that facility has not been completed. The analysis was based on a conceptual plan, with an approximate area, but not a final building envelope for the jail. In order to move the project forward and to enhance the County's ability to seek potential funding, it was prudent for the County to proceed with an environmental analysis of that proposal. He said the analysis the Commission has is a conceptual one, and the County acknowledges that the final design will need to come back to the Commission, for final consideration and potentially an addendum to this environmental document should that be necessary. He advised the County contracted with ENPLAN to assist the County in preparing that document which has been circulated to the Commission for its review. He introduced Don Burk of ENPLAN. Lynch advised we believe that most of the issues that related to the proposal can be mitigated through the Conditions of Approval. There are a couple of areas that do need some further analysis, one in the area of biology, and similarly there may be some in the area of archeology that may need to be reviewed for final review. Lynch stated there were environmental documents done for the Juvenile Detention Facility, and that was done 13 to 15 years ago. He said the reviews at that time they didn't identify anything significant, but it would be prudent to insure that the assessment was complete in the future when the final design is completed. He said there is also a mitigation reporting plan that contains the conditions and breaks down when the conditions would be met and how it should be dealt with in the future. Principal Planner Lynch advised he received no calls resulting from the notice.

Commissioner Stewart asked Mr. Burk if they found anything of concern when they more recently went

out again to the site. Mr. Burk responded it was too early in the blooming season to tell. He said there are several plants that could occur in the area and California Department of Fish and Wildlife asked that we go back and take a closer look to give them assurance they need that the plants are not there, which he plans to do that within a month. He said CDFW is also asking we do an acoustical survey for bats prior to construction and that will be done right before construction and then there are any number of measures that can be taken to move the bats out of the area.

Commissioner Brown stated he understood the property used to be BLM and asked if it is all county owned now. Planner Lynch responded in the affirmative.

Chair Frasier opened the hearing to public comment.

Sheriff Bruce Haney commented this is a key requirement for the application process. He stated that the funding process was different than a standard grant format, but would be subject to funding under SB 863 by which counties apply for consideration of funding that must meet certain requirements. In other words they want to fund counties that are ready to go. They don't want counties sitting on money for 5 to 7 years and still drawing up their plans. He said the consultant firm that they are working with will be putting together some preliminary designs so that we will have a better footprint of the jail. He said the Request for Proposals should be completed in June with applications due in August, and then they are talking about announcing awards in October. He said the current jail has significant liability issues for the County.

Commissioner Brown asked if the funding Sheriff Haney is requesting is all from the State. Sheriff Haney responded in the affirmative. He said the Governor allocated \$500,000,000 which is being divided into three different categories and is done by County population. He said he and the Sheriff of Amador County went down and spoke to the executive steering committee and asked for a fourth category because there are 13 large counties, there's about 14 or 15 medium size counties and they compete against each other. He said in the small county category which we compete in, there are 30 counties and we are competing against counties such as Shasta, Butte, etc. with populations of 200,000 or less. He said they asked for a Micro County designation of 50,000 or less. They said they would not do that but they would give preference points to counties that have not received any funding from the other three funding sources. He said we stand a really good chance and the more ready we are the better chance we have for funding.

No further comments received, Chair closes public comment period.

Upon motion of Commissioner Stewart, seconded by Commissioner Matthews, adopts the negative declaration finding that 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, the Commission adopts the Mitigated Monitoring and Reporting Program. Motion carried unanimously.

5. **PROPOSED AMENDMENT TO ZONING ORDINANCE TO ALLOW CHICKENS IN RESIDENTIAL ZONES**

PW-15-01

Public Hearing: Proposed county-wide amendment of Section 30 of the Trinity County Zoning Ordinance, to provide for small backyard keeping of Chickens for personal use on parcels in Residential zones. Applicant: Trinity County Planning Department.

Principal Planner Lynch presented the staff report. Noting the size of the audience, Mr. Lynch said that when you put something involving animals on an agenda you get an audience. He explained this is a County sponsored application to amend the Zoning Ordinance to provide for limited keeping of chickens on property for personal and private use. He has seen articles in various media sources about jurisdictions throughout the State amending regulations to address

the trend of the public's desire to raise their own food, including the raising of chickens over the last couple of years. He said in the planning world one of the most common complaints that you get are fences and chickens. He stated quite frankly chicken complaints are low on the enforcement list, but the fact is, more and more people want to have chickens. He said he put together a proposed ordinance that was intended to have a minor change in the Zoning Ordinance. Currently, in the larger acreage residential zones, such as Rural Residential which would generally have an acre or more, there is a provision that allows for the keeping of animals and based on the size of the property and there is X number of animals you can have for every half acre. In the R1, Zone which would be typically be found in the Weaverville or Hayfork areas, the keeping of chickens is prohibited. He said the only thing that currently exists in the Zoning Ordinance for these areas is a provision for a person to seek a Director's Use Permit for them to keep such animals for a 4-H or FAA project under a limited term. He said in order to craft something workable he wanted to keep it very small and tight.

Commissioner Brown asked who would enforce the ordinance. Planner Lynch responded it would be the Planning Department but that he has worked with the Animal Control Officer. He said 95% of the time when people complain, it is the rooster.

Chair Frasier opened the hearing to public comment.

Troy Chenowitch of Hayfork asked what if you already have a rooster on the property and haven't had any complaints.

Planner Lynch responded the "chicken police" won't be out there because you have a rooster, but if there is a complaint the rooster would be a violation if your property is zoned R1.

Bob Mohair asked if this is all about noise, is that what brought this on.

Planner Lynch responded what brought it on was a request from County Administration to advance an ordinance that would allow some limited keeping of chickens in residential zones. He said the rooster was added as a prohibited use, noting that right now it is prohibited altogether, but in the proposed ordinance it was provided because the most complaints are driven by the noise from the roosters.

Commissioner Stewart commented for it to be an issue you need to be in the R1 Zone.

Morgan Kennedy commented for the proposed 10' X 10' yard around the coop is awfully small.

Planner Lynch responded the size of the coop is at the discretion of the Commission. He said for clarification for everyone, the Commission is a recommending body; this will be an ordinance and will have to go to the Board of Supervisors for final adoption. He acknowledged 100' is a number he picked out of thin air.

Derrick Ruperts commented the proposed limit of six chickens seems arbitrary to him, and wanted to know why that number was picked.

Planner Lynch responded he did a review of six or eight other ordinances from other jurisdictions and that while they were written for varying sizes of communities around the state, it was usually to permit five or six chickens. He said it's just a number.

Mr. Ruperts stated that roosters are noisy, but so are dogs. He said it is important to have a

rooster, and he doesn't think it makes sense to not allow them.

Tom Ames of Weaverville commented his neighbors have chickens and had a rooster but they got rid of it on their own. He said the chickens are not a problem and you don't have to have a rooster to have eggs.

Kay Graves of Lewiston commented she has chickens, she would like to have a secure source of eggs and meat that she knows where it came from and she can raise them humanely. She said she thinks some of this needs to be flushed out a little bit more by someone who understands chickens, the space they need, what they require, etc. She said that to seek a variance to permit more animals is insane.

Richard DeRosear of Weaverville reviewed the letter he submitted to the Commission suggesting changes. He suggested getting neighbors' approval which is required now for 4H projects. He said in talking about the coop, he differentiated between open space and the solid material shelter. He was also concerned with the vagueness of "regularly cleaned."

No further comments received, Chair closes public comment period.

Commissioner Stewart commented if she had chickens she would not consider the 10' X 10' an adequate outdoor coop. She thinks you can say the structure has to be no bigger than 100' but she doesn't think you can really limit the outdoor space.

Planner Lynch replied what he was trying to achieve was that you would have a limited area, and that limited area be fully contained, not be an open area where predators can get in and chickens get out. He was trying to keep it as simple as he could. He said he thinks that is an adequate area but that's his judgment.

Commissioner Frasier commented one thing he didn't like in Mr. DeRosear's letter was limiting height of the fence to six feet. He is tall and would have a hard time going into his chicken coop, so he has a hard time placing that strict of limits on the size. He said as far as the 100 sq. ft., he wouldn't have a problem with someone having as big a pen as they want as long as it's fully enclosed and they maintain setbacks.

Commissioner Stewart agreed, if they want to use their whole back yard as long as it is fully enclosed.

Planner Lynch asked to be clear, are you talking about the roof over it too.

Commissioner Frasier responded in R1 he would say fully enclosed with a roof over it, assumed to be a wire roof. He said as far as roosters he could go either way. He said if you really want to be a chicken farmer you are going to need more room.

Commissioner Brown stated with all due respect to folks that want to raise them, you need more space to do that than in your backyard in a residential zone. He said he likes the way the proposed ordinance is written more or less, he likes the idea of a little more flexibility in the size, and he thinks the number of chickens is about right. He said he also has raised chickens from time to time and he thinks in a residential area when you live close to other people it's just not acceptable to have roosters.

Commissioner Matthews commented he's never had chickens, but he certainly could have an

issue with roosters and noise. He said 100 sq. ft. isn't enough. The structural part of it could be revised, if he had a coop he would like to be able to walk into it.

Commissioner Frasier said his thinking on the structural part of the coop is most people will keep it small enough that they don't have to have a building permit, and if they want to go get a building permit to build a chicken coop in their back yard, he would let them do that also. He said if we want to stay simple, he would maintain setbacks, he likes the setbacks proposed, and he would just say if you maintain this setback and have this number of chickens, and make it a fully enclosed coop and make sure the public knows this is in R1 zoning.

Commissioner Stewart stated that is important for people to remember, is that if you are in something other than R1 then this does not apply.

Planner Lynch asked if the Commission had a number to put on. He had 100 sq. ft.

Commissioner Frasier asked if there is any way to do it without putting a number on it. Don't put a number on there, just put fully enclosed coop maintaining those setbacks, is how he would do it.

Commissioner Stewart suggested 100 sq. ft. for a structure with the outside area fully contained including some sort of a roof cover, because that avoids accidentally triggering the building permit process.

Lynch asked if the Commission if they wanted to include any of the more detailed language in Mr. DeRosear's letter, such as his suggested No. 6 and No. 8 concerning his proposed language regarding cleaning of the coop.

Commissioner Stewart responded no, because if you have a dog or a cat you should regularly clean up after them, there is no ordinance that she is aware of that gives any definition of what "regularly" is. She doesn't think we should treat chickens any differently.

Commissioner Frasier said beside that who is going to enforce that. We don't have County personnel for that.

Lynch stated to give perspective, sometimes we do get complaints about people keeping livestock on the property, and a lot of times it comes down to private nuisance complaints between two parties and the County doesn't want to get into the middle of that. But if it got to the point where it was so unsanitary that it would constitute a health issue, we can bring in the Health Department to look at it.

Commissioner Brown stated he thinks the same goes for permission from neighbors. Those are good ideas but it's not for the Planning Department to enforce, the idea is to make less work.

Commissioner Frasier stated he doesn't think we can put restrictions on people like that.

Lynch stated that the Commission so far had a consensus that the changes to the ordinance as proposed were that he would redefine Item No. 4 of his proposal to clarify it by saying the structure shall be no greater than 100 sq. ft. with an unlimited outside area, except that it still must be maintained within the walls and roof and must conform to setbacks.

Mr. DeRosear requested he be allowed to make an additional comment for clarification.

Chair Frasier reopens the hearing to public comment.

Mr. DeRosear commented you were just saying you didn't want to impose getting permission from neighbors, and if you look at Article A which is current law, you do indeed say the waivers shall include, but not be limited to, notification of neighbors.

Lynch reminded the Commission that that specific provision is also talking about pigs, goats, rabbits and other animals too.

DeRosear stated the point is well taken, he is just saying you already require that in Section A. You are contradicting yourself.

Katrina Branson of Hayfork commented on the requirement it be covered, she thinks that should be at the owner's discretion, she doesn't think it is necessary. She said it has been scientifically proven you need a rooster.

Commissioner Brown stated in a residential area it is just not a good idea.

John Hamilton of Weaverville suggested instead of saying a roofed over area it should say fully enclosed.

No further comments received, Chair closes public comment period.

Upon motion of Commissioner Stewart, seconded by Commissioner Brown, recommends to the Board of Supervisors that per CEQA Guidelines Section 15061(b)(3), that the project should be found exempt from CEQA; and recommend to the Board of Supervisors approval of the zoning text amendment, as directed, finding the action to be consistent with the overall goals and policies of the Trinity County General Plan. Motion carried unanimously.

6. **MATTERS FROM THE COMMISSION** – None.
7. **MATTERS FROM STAFF** – None.
8. **ADJOURN**

The Chair adjourned the meeting at 7: 57 p.m.