

TRINITY COUNTY PLANNING COMMISSION

Regular meeting

November 12, 2009 at 7:00 p.m.

Trinity County Library Meeting Room,
Weaverville

MINUTES

1. **CALL TO ORDER**

Chairman McKnight called the meeting to order at 7:00 p.m. Members present: Commissioners Ray Bushman, Keith Groves, Tom McKnight, Jim Jungwirth and Chuck Johnson; Director Richard Tippett; Planner Jeanne Bonomini

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.

No comments received.

3. **MINUTES**

Minutes of October 8, 2009 were presented. Commissioner Jungwirth moved to approve the minutes as submitted. Commissioner Groves seconded. Motion carried.

4. **WITHDRAWN OR CONTINUED ITEMS**

Agenda Item 6 (Bundy), Item 7 (Graham) continued to December 10, 2009 meeting.

5. **DEPARTMENTAL REPORTS AND COMMUNICATIONS**

Director Tippett wanted to bring to the Commission's attention a Director's Home Occupation Permit (DP-06-31) that was issued in 2006. There has been a complaint made that it isn't valid, but Director Tippett said he found that it is a valid permit and will be enforced. He briefly described the use saying the applicant is proposing to construct a nearly 5,000 square foot building on his property in Lewiston. The business is now located in the industrial park in Lewiston. The applicant manufactures a ribbon-cutting machine. The project was properly noticed and follows guidelines for home occupations and cottage industries.

Commissioner Bushman asked what the complaints were. Tippett said the problem is that it will be located on a parcel with a shared driveway. The owner at the end is complaining about trucks that will be coming in, but when you look at the ordinance, you can expect some deliveries. He finds it ironic that the guy that is complaining has a construction outfit with trucks.

With regards to the General Plan Update, Director Tippett mentioned that the Safety Element is in the final version for adoption. After that will be the Housing Element.

Commissioner Jungwirth asked about the General Plan Advisory Committee (GPAC). Will the Housing Element go before the GPAC? Jungwirth recalled that Dero Forslund had said he would not ask the GPAC to work on the Housing Element, as it would be done by him and Rachel Allen. Now, you're telling me nothing has been done on that. Now, we're out of compliance. Jungwirth said he would like a report on the status at the next meeting.

Commissioner Groves said they had asked the GPAC if they wanted to review the element, but said that if they don't have any say what is the point. Groves said we were told there was no leeway on the Housing Element as it had to go through by a certain time.

There was a discussion on the Commission's role in reviewing and acceptance of the elements. Director Tippet confirmed that the Board of Supervisors will be the one to adopt the elements, and they can accept the version recommended by the Commission or adopt another version of their own.

Commissioner Jungwirth said as the Planning Commission, we should expect to see the Safety and Housing Elements come through this commission. Tippet said that is correct. Commissioner Groves said that is the legal process. Commissioner Johnson said it is required by law to go through the Planning Commission. Commissioner Jungwirth asked Tippet, to ask in the nicest way, for Dero Forslund to come and give a report on the status of the General Plan.

OLD BUSINESS

6. **PROPOSED NEG. DEC., REZONE & TENT. PARCEL MAP** **P-08-30**

Proposed Negative Declaration, rezone from Unclassified to Rural Residential 10-acre minimum, or more restrictive zoning, and a tentative parcel map to create four parcels from 38.7 acres. Located about 6/10ths of a mile up Snowy Ridge Road, in the Musser hill area of Weaverville. APN 024-070-02. Applicant: Bundy

Continued to December 10, 2009 meeting pending construction info on road redesign.

7. **PROPOSED NEG DEC, REZONE AND TENT. PARCEL MAP** **P-06-70**

Proposed Mitigated Negative Declaration, a tentative parcel map to create 4 parcels and a remainder from 99 acres, and a rezone from Specific Unit Development (SUD) to split-zone Rural Residential 5-acre minimum on four parcels and Rural Residential 20-acre minimum on the 75-acre remainder. Located on the outskirts of Weaverville approximately 1.3 miles up Weaver Bally Road (USFS 33N38) on Black Bear Road. APN 10-260-27. Applicant: C&B Graham

Continued to December 10, 2009 meeting pending info on water availability and trail issue.

8. **APPEAL OF DIRECTOR'S USE PERMIT** **DP-09-12**

Continuation of hearing on Appeal of the Planning Director's decision to deny an RV Use Permit, which was to be allowed in advance of constructing farm-labor quarters. Located at 2131 Barker Valley Road, Hayfork. APN 015-420-05. Applicant/Appellant: Trinity Kirk

Planner Bonomini explained that she didn't have a report on this project, as she ran out of time and

wasn't able to complete the research. Commissioner Jungwirth mentioned that he had given more thought to the suggestions made at the last meeting and wondered if the suggestions wouldn't cause more problems.

Chairman McKnight opened the hearing to public comment. No comments received. Hearing closed to comment.

The commission directed the matter to be continued.

NEW BUSINESS

9. AMENDMENT/REVOCAION OF USE PERMIT

T-72

Public hearing on amendment or revocation of existing use permit for the Coffee Creek Campground to address nuisance complaints. Located at 70 Sewall Road, Coffee Creek. APN 007-500-14. Applicant: W&J Dunham

Chairman McKnight wanted to know why this matter was before the Commission. Director Tippett said it was in order to clarify what the use permit was, and make the complaints easier for staff to address.

Planner Bonomini presented the report, along with some photos of the campground and additional comment letters received after the report was mailed. The letters included two that opposed expansion or recognition of 10 tent sites that were the main contention. These letters were from Carole and Bob Fisher, and Kenneth Fisher, who own parcels north of the campground. There was a letter from the Coffee Creek Volunteer Fire Department stating that their records, back to 2005, indicate no fires originating from the campground; and from the chief's recollection, none in the last fifteen years. Additionally, there were 26 letters of support from various community members and landowners that included: Larry and Lucy Rhoades, Annemarie Bryant, Ricardo Castro, Robert and Vicky Fesler, Lynette Vandergrift, Lynn Hartley, Mary Hamilton, Dana Burt, Bill Loucks, Lynn McClellan, Laurie Hamilton, John Turner, Gary Matthews, The Wood & Johnson Family, Bobbie and Dana Graham, Abel Turner, Mike and Susan Mayo, Jean Casey, Becki Harris, Jimmie Ashby, Jammi and Sam Brinton, Denise Selinger, Donna Rankin, the Country Store, and Kathryn Eckels.

Chairman McKnight opened the hearing to public comment.

William Dunham, campground owner, said he has had complaints over the years from one neighbor. All the complaints have been unfounded. When the County or HCD (State Dept. of Housing and Community Development) visit, they usually find something other than what the complaint was about, like lot line markers. We didn't know they were required. Now we have them. It has been said that we dump sewage in Coffee Creek, but we have a nice dump station. RVers are nice people. We maybe get a little noise a couple times a year. We try to shut them down by 10 p.m. The creek itself is also loud and drowns out a lot of noise. Dunham said they have never had to tell anyone more than once to quiet down. The complaints we have gotten over the years are from one individual. As for the contentious tent sites K, L and M, we have never had anyone stay there. Those sites were overgrown. He mentioned that eventually he will want to convert sites A, B and C and turn them into RV sites, and then add four more sites. Mr. Dunham said that Peter Hedtke of Environmental Health said we could add into the existing septic system.

Dunham said he wanted to run a fence along the full length of Pete Nielsen's property.

Pete Nielsen, a neighbor of the campground, asked whether there was a motion to eliminate some tent sites, and enlarge some spaces. Chairman McKnight said there is no motion yet. Commissioner Groves said it has been recommended by staff. Mr. Nielsen asked if it included a barrier near Site 14, and the elimination of sites K, L and M? Director Tippett and Commissioner Groves both said those sites were already eliminated. Mr. Nielsen asked if Space 14 was an existing space, and if so, then why was it mentioned that electrical and water was run to it if it already existed? How can it be an existing site? Nielsen said report also mentions that the reason they don't want to move the site away is the cost they have put into it. Nielsen said he would be glad to share in the cost to move it farther away. He said he would also be glad to help with a natural barrier. He didn't know if a fence was needed, but a natural barrier with larger plants would work. Small plants don't make it with our extreme weather. Mr. Nielsen said he wasn't so sure that enlarging the sites wouldn't cause problems, maybe not until later. He also mentioned enforcement of the rules and regulations. There should be a little bit better enforcement. He said he didn't have a vendetta against the campground. He is just trying to co-exist. He recognizes they are trying to make a living; just keep the sound levels down at night. He said he had called the Sheriff's Dept. five times in 10 years. Two times for the school alarm going off, called once about a huge abandoned campfire at the local swimming hole, and called one time about loud noise last year at Site 14 at 1 a.m. That is the extent of my calls to the Sheriff's Dept. Also, I was told that I called about dogs many times. Never have. I have dogs myself. The dogs at the campground are mostly under control. Don't see it as problem. If people want to see who is calling, you can ask. It is public information. Mr. Nielsen's final request was to move Site 14 farther away, put in an L-shaped fence to shield it. A straight north-south fence won't address the noise carrying. If that is done and there is a mutual understanding on planting landscaping, then he would be okay.

William Dunham spoke again saying that Site 14 has always been there. It wasn't used by the previous owners because of complaints. There was intimidation. They didn't want arguments. However, to me it is a valuable part of the campground. We didn't move power or lot lines to the site; we just upgraded the service. HCD said we needed a 50-amp hookup there. What did get added was a telephone line. The water was there. I would be happy to put a fence up. I would like to run it the full length. I would like it to be 8 feet high. Between the fence and his property would be the place to plant plants.

Commissioner Groves asked if Site 14 was the one with the trailer on it now. Dunham said no, that is site 16. Public hearing closed.

Commissioner Jungwirth commented that it appears the campground and the neighbor are trying to work it out. Commissioner Bushman said staff had some good recommendations. Commissioner Groves said on the first level is that this is a legal use permit. We're just trying to help neighbors get along here. We don't have jurisdiction to make them to do fencing or landscaping. Commissioner Jungwirth said we could encourage it. Commissioner Groves stated that the commission shouldn't have to review every legal use permit when there is a complaint. Director Tippett said he agreed, but there were some ambiguities such as the size of the space. Also, it wasn't clear if the 10 tent sites were valid, but we would like the commission to affirm the use, which has been recognized by the County and State since 1988.

Commissioner Jungwirth moved to recognize the 24 RV spaces and 10 tent sites as shown on the

plot plan (Exhibit E of the staff report), and to allow for the slight increase in the space sizes from 20' x 50' to 30' x 80' to accommodate the larger RVs in today's market. Jungwirth said no motion was needed for suggestions 3 and 4 in the staff report, but that we do encourage the campground owners to do the recommendations. Commissioner Groves seconded the motion. Motion carried.

10. **AMENDMENT/REVOCAION OF USE PERMIT**

P-02-20

Public hearing on amendment or revocation of existing use permit to operate a residential drug and alcohol treatment facility. Located at 150 Lewiston Road, Lewiston. APN 025-430-14.
Applicant: D&G Carter

Planner Bonomini presented the staff report.

Chairman McKnight opened the hearing to public comment. No comments received. Closed hearing.

Commissioner Groves commented that it is too bad they couldn't help people. He said they have bent over backward as a commission to give the facility every opportunity. Chairman McKnight said he personally feels like the commission has been scammed. Commissioner Jungwirth said the applicants had good hearts, but were not good business people. He said he had called them a couple of times, but they weren't responsive. Commissioner Bushman said last time we talked to them, and had things for them to do to improve the place, but they never accomplished what we asked them to do.

Commissioner Groves moved to revoke Use Permit P-02-20, which was to operate a residential drug and alcohol treatment facility on APN 025-430-14, based on the findings 1-3 as contained in the staff report. Commissioner Bushman seconded. Motion carried.

11. **ADJOURN**

Meeting adjourned at 7:56 p.m.

*ALL PERSONS INTERESTED ARE INVITED TO ATTEND AND BE HEARD OR TO WRITE THEIR COMMENTS TO THE PLANNING COMMISSION. IF YOU CHALLENGE THE APPLICATION IN COURT, YOU MAY BE LIMITED TO RAISING ONLY THOSE ITEMS YOU OR SOMEONE ELSE RAISED AT THE PUBLIC HEARING DESCRIBED IN THIS AGENDA OR IN WRITTEN CORRESPONDENCE DELIVERED TO THE COMMISSION AT, OR PRIOR TO, THE PUBLIC HEARING.

*ANY PERSON DISSATISFIED WITH THE DETERMINATION BY THE PLANNING COMMISSION MAY APPEAL THE MATTER TO THE BOARD OF SUPERVISORS WITHIN TEN (10) WORKING DAYS AFTER THE DECISION OF THE PLANNING COMMISSION ON A FORM AVAILABLE FROM THE COUNTY CLERK. (NOTE: THERE IS A FEE ESTABLISHED FOR FILING AN APPEAL.)