

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting
March 25, 2021 at 7:00 p.m.
Trinity County Library Conference Room
351 Main St, Weaverville, CA

Chairman Diana Stewart
Vice-Chairman Duncan McIntosh
Commissioner William Sharp
Commissioner Mike McHugh
Commissioner Todd Heaton

MEETING MINUTES

CALL TO ORDER:

Chair Stewart called the meeting to order at 7:03 p.m.

Commissioners present: Chair Stewart, Commissioner McIntosh, Commissioner McHugh, Commissioner Heaton, and via ZOOM Commissioner Sharp.

Staff Present: Planning Director, Kim Hunter; Deputy Director, Lisa Lozier; Director DOT, Rick Tippett (ZOOM) Associate Planner, Bella Hedtke; Environmental Compliance Specialist (ECS), David Colbeck; County Council, Margaret Long; Administrative Coordinator, Deborah Rogge,

PUBLIC COMMENT: During the Public Comment period members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission.

Public comment was as there were no speakers, public comment closed.

REGULAR CALENDAR:

MODIFICATION / REVOCATION OF CONDITIONAL USE PERMIT (P-97-32): Consideration of the modification or revocation of the Conditional Use Permit for Smith Pit Tailings Mine as provided by Trinity County Code section 17.32.070(C) as directed by the Planning Commission on October 6, 2020. The Planning Commission may revoke or modify a Condition Use Permit upon a determination that the use is being conducted: 1) in a manner detrimental to the public health, safety or welfare; 2) in a manner which constitutes a public nuisance; or 3) in a violation of any condition imposed by the Planning Commission. Trinity Sand and Gravel is the current operator of the mining operation located at 125 Egan Flat Road, Junction City. Assessor Parcel Numbers: 012-120-62, 63 and 64. Planner: K. Hunter and B. Hedtke.

Rick Tippett; Discussed the urgency of the situation at the time with the slide material by Caltrans and if additional permits where needed that they be acquired by the Smith Pit mine owners at the time.

David Colbeck ECS- David provided information on the Surface Mining and Reclamation Act (SMARA) there role and relationship with lead agencies (Trinity County), the mine operators requirements and responsibilities. Also the current status of Smith Pit in regard to meeting SMARA requirements, and next inspection date of April 8 2021.

Kim Hunter presented the staff report regarding the Conditional Use Permit, Reclamation Plan and the Floodplain Development Permit and the Amendment application submitted April 2018, comments received from the public since 2017, and other attachments in the report.

There was extensive discussion and questions asked to staff by the Commission.

Public comment was opened, Judd Buick-Owner of the operation site known as Smith Pit, Paul Bollard, Bollard Acoustical Consultants presented a noise analysis, Amanda Barragar-Junction City represented the community of Junction City, Christine Camara Superintendent of Junction City School each presented their position on the mine operation to the Commission. Public comment was also received from Students-Vera, Fiona, Katie, Brodie, Brianne, Frankie, Liam, Emily, Maisie, Illy, Lonnie, Mia, and Summer. Others from the community included Deb Hall, Will Shaw, Roger Smith, Josh Barragar, Liz McIntosh, Josh Brown, Martha Helberg, Employee of Trinity sand and Gravel, Cari Bacheldor, Melissa Nielson, Veronica Kelley-Albiez, Telghman Myers, Ivan Anderson, Larry Glass, John Swearington, Hutch, Dwight. Rebuttal time was given to Smith Pit group; Matt McGarry, Paul Bollard & Judd Buick and Community group; Amanda Barragar, and Liz McIntosh after which public comment was closed and returned to the Commission.

A discussion about Commissioner McIntosh's involvement in the community and should he recuse himself. Margaret Long provided guidance to the situation and Commissioner McIntosh recused himself for the duration of the hearing.

There was additional discussion and questions between the Commissioners.

By motion made, seconded (Sharp/McHugh) to revoke the Conditional Use Permit P-97-32.

Subsequent Motion (McHugh) to continue the hearing to the continue to May 13, 2021 and review SMARA report and then make determination of either Modification or Revocation as appropriate. Commissioner McHugh withdrew his subsequent motion for lack of a second.

Subsequent motion (McHugh) to continue this item to May 13, 2021 meeting and that operations be suspended, but requested guidance by Margaret Long regarding suspending operations.

Margaret explained how the vote would proceed with regard to the subsequent motions. She asked Kim Hunter to review the wording of the agenda. Wording allows for Revocation or Modification, it does not allow for suspension of operations. Margaret did not believe that was a proper motion for this situation, Kim agreed.

Commissioner Sharp stated that he felt it would be best to revoke the Conditional Use Permit and Mr. Buick could reapply.

Chair Stewart verified that Mr. Buick would be required to complete a new CEQA document if he were to reapply.

Commissioner McHugh asked Margaret if findings would be required for the motion?

Margaret replied that findings would be required and suggested the alternative of a motion to continue the item and request staff prepare findings for revocation.

Subsequent motion made, seconded (McHugh/Stewart) to continue this item to the April 8, 2021 meeting and request staff to come back with findings for the revocation.

Roll Call Vote: Stewart-Aye, McHugh-Aye, Heaton-Aye, Sharp-Aye, McIntosh-recused. Vote was unanimous, motion carried.

PLANNING COMMISSIONERS REPORT: Commissioner McIntosh went to the Lewiston Grass Valley area of the (Item 5 P-20-31 from 3-11-21 meeting) to tour the farm in dispute and surrounding areas. During his tour, he found illegal grows near the farm in dispute, which potentially could have caused some to the complaints. The disputed parcel showed no evidence of grading, and was a clean operation and not visible on the public

right of way.

Request by Commissioners to have county email on cell phones to improve notification of emails received.

PLANNING DIRECTOR'S REPORT: Kim reminded the Commission the the next meeting of April 8 2021 will start at 6 p.m.

ADJOURNMENT: The Planning Commission adjourned at 10:54 pm.

Submitted by: Deborah Rogge, Administrative Coordinator, Planning



Kim Hunter, Planning Director
Secretary of the Planning Commission