

**MINUTES**

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**1. CALL TO ORDER**

Vice Chairman Groves called the meeting to order at 7:02 p.m. Members present: Diana Stewart, Dan Frasier, Graham Matthews and Keith Groves. Members absent: Chair Tom McKnight. Staff present: Principal Planner Frank Lynch and Clerk Ruth Hanover. Also present: Wirt Lanning, staff consultant from North State Resources.

**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 one came forward.

**3. MINUTES**

Upon motion by Commissioner Stewart, second by Commissioner Frasier and carried, the Commission approved the Minutes of October 9, 2014 as submitted. Commissioner Matthews abstained.

**OLD BUSINESS** – None.

**NEW BUSINESS**

**4. PROPOSED MIT. NEG. DEC. & PARCEL MAP TO CREATE FOUR PARCELS**

**P-13-24**

**Public hearing:** Proposed Mitigated Negative Declaration and Parcel Map to create four parcels, plus a remainder parcel, ranging in size from 7.2+- to 30+- acres in size. Located NE of the proposed alignment of Lance Gulch Road, taking access from Hidden Pond Road which stems N from Browns Ranch Road approximately 750 feet E of its intersection with Highway 3, Weaverville. APN 024-370-06. Applicant: Previte

Principal Planner Lynch presented the staff report. He advised the applicant submitted a revised map showing Parcel 3 with a different configuration and increase in size, a change in the numbering of parcels between the Remainder Parcel and Parcel 4, that the emergency access road to the parcels to the north now just impacts Parcel 1. He then described the project by noting the property has split zoning (C3, R1, and RR5), and the remainder and Parcel 4 could eventually be divided. He said there is a potential other issue is potential concern regarding compatibility with the General Plan regarding road improvement standards within the Weaverville Fire District. He said he has been advised by the Fire Chief that the road improvement standard is not of concern to him.

Vice Chair Groves discloses that he has spoken with one of the applicant's representatives.

Vice Chair Groves opened the hearing to public comment.

Applicant, Domenic Previte, submitted a letter for the Commission's consideration.

Vice Chair Groves called a recess at 7:15 p.m. in order for the Commission to read the letter. Meeting reconvened at 7:21 p.m.

Domenic Previte commented that the Department of Transportation (DOT) is requiring a Category 4 road, and he believes that the Category 1 road that is presently there is sufficient.

Gabe Joslyn, Surveyor on project, described Mr. Previte's property and explained the neighboring property owned by Sierra Pacific Industries is zoned TPZ. Mr. Joslyn commented if DOT is going to require Category 4 roads then it needs to be put in the Circulation Element of the General Plan and not imposed on Mr. Previte.

Vice Chair Groves asked if the existing easement is allowed to be turned into a public easement.

Joan Carr of Carr Consultants, appearing on behalf of the applicant, discussed a comparison table. She said you can force a Category 4 road if you have enough money. She said with a Category 1 this project meets all the criteria, and with a Category 2 it meets most of the criteria. Ms. Carr stated the conditions should be proportional to the project, and the requirements from DOT are not appropriate for a small parcel split.

Domenic Previte responded to Vice Chair Groves that he has no right to grant a public easement on neighboring land, and that he would have no problem entering into a subdivision agreement with the County.

Stewart Thompson, a neighbor of the applicant, described the area surrounding the project. He advised both he and the applicant have an easement across a third party property and share that driveway. He stated equipment used on the Lance Gulch Project with thousands of pounds have gone over the third party parcel which is 12 feet wide. He said Previte's road is twice as wide and has great drainage.

No further comments, public hearing closed.

Commissioner Stewart stated she would like to hear from the Department of Transportation.

Andrew Pence, Senior Engineer at DOT, commented there were several reasons DOT wanted it to be a Category 4 road, but their primary concern is circulation and possible future development of the SPI parcel and property beyond Previte's parcels. He said the road conditions don't require paving or chip sealing, there is a future requirement for that if the parcels are developed more, but at this point they want the width of the road to adhere to a Category 4. He said DOT doesn't believe the grade meets Category 1. He said they go by AASHTO (American Association of State Highway and Transportation Officials) Standards, and there is a County Ordinance requires you to look at those standards.

Principal Planner Lynch stated that the small map shows above Parcel 1 a reference to various neighboring AP numbers and various ownerships, and if you look above the northern part of Parcel 3 and Parcel 4, as he understands it there is a public road that comes down to somewhere between Yielding, Potts or Allen ownerships. The point in making these road conditions is that the County is really looking at a desire to increase and enhance circulation. If this was done with greater foresight at the time these neighboring parcels were developed, there would have been that connecting road that was stubbed out that was connected to this property and then you would have had this connection going through. He said what we are asking for here is that the road be developed to a cul-de-sac point at the common point between Parcels 3, 4 and the remainder, and from the cul-de-sac point over there we are just talking about reserving an easement. He said part of this is to get at improving circulation in the long term in the future, and the County is not suggesting road improvements that are beyond a graveled road for the vast majority of this and only basic road plan and reservation of easement for the other stretch of the road. Lynch cautioned the Commission not to get confused with that. He suggested if the Commission is agreeing with the applicant that the road conditions are too onerous or inappropriate to give it to staff to negotiate with the applicant.

Vice Chair Groves stated he is stuck on the fact that we can't make this a public road over lands which the applicant does not own. Lynch responded if the County wants to make the entire length of this public road and you are requiring them to provide that easement to the County, including offsite

locations, and the neighbor is unwilling to sell any increased road easement width, it is his understanding the County has to go through eminent domain to create that. He said Director Tippet's comments in the past have been that the County needs to start addressing development particularly in this area which is in more of core area, close to Weaverville. He said you have to look at the big picture in the long run.

Discussion ensued regarding public vs. private road.

Planner Lynch commented the Circulation Element talks about "shall be publicly maintained roads, however... roads shall be paved." or "may be privately owned and maintained by road maintenance organizations". He said you can't ignore a General Plan level policy.

Vice Chair Groves directed the matter be referred back to staff to negotiate with the applicant regarding the road conditions requested by DOT, and the matter continued to the December meeting, or possibly January.

5. **PROPOSED MIT. NEG. DEC. & USE PERMIT FOR BIOMASS ENERGY PROJECT**

**P-14-04**

**Public hearing:** Proposed Mitigated Negative Declaration and Use Permit to allow construction and operation of a cogeneration plant, additional dry kilns, and an additional planer mill at its existing sawmill complex located at 1375 Main Street, Weaverville. APN 024-210-08, 09, 10 & 11. Applicant: Trinity River Lumber Company.

Principal Planner Lynch presented the staff report. He advised that at the applicant's expense North State Resources was hired to act as an extension of the County, they have prepared the draft Mitigated Negative Declaration. He pointed out that there are some major issues discussed within that document that have been identified such as air quality, water quality, noise, aesthetics, and the plume that comes up. He advised that the staff report accompanying the environmental assessment reviews the General Plan and Weaverville Community Plan policies that he thought related to this project.

Wirt Lanning of North State Resources reviewed the environmental document and impacts associated with mitigation. He advised there were four comment letters received which were from California Fish & Wildlife, Weaverville Community Services District, Weaverville Fire District, and one individual, Mary Whitmore. He reviewed the mitigation measures and findings.

Commissioner Stewart commented the proposal is to burn waste from the mill and slash, and asked if they would burn any construction debris. Mr. Lanning responded they would not burn construction debris.

Vice Chair Groves opened the hearing to public comment.

Mary Whitmore of Weaverville commented she felt there needed to be a more in depth noise study as the noise study done was for a 24 hour period only over a level area.

No further comments being received, public hearing closed.

Wirt Lanning commented the environmental aspects of the noise study are covered on Page 4 of Appendix D of the Draft Initial Study and Mitigated Negative Declaration.

Planner Lynch stated noise studies are very subjective, you have experts who have prepared this and their opinions need to be considered. He said this study shows the impact is not significant.

A short discussion ensued regarding the Environmental Noise Assessment.

Vice Chair Groves reopened the hearing to public comment.

Bill Carlson, on behalf of Trinity River Lumber, commented basically the noise study followed standard

procedure. They identified points at the peripheral property and then they predicted what they would find there from a noise standpoint for the existing operation. They prepared their model with the actual readings at the site. Then they added in the noise from the projected new operation knowing that the model was actively predicting what the noise would be. He said they didn't go beyond the boundary of the mill because continuation of noise beyond that would even be less. He said the highest numbers were to the west and southwest, and the area where Ms. Whitmore lives is off to the northeast, and the levels were very low in that branch. Mr. Carlson also commented that it is not anticipated they would burn construction debris and that there are restrictions about burning treated or painted wood.

No further comments being received, public hearing closed for second time.

Chair Groves asked Planner Lynch to explain the process of what he is asking the Commission to do tonight.

Planner Lynch commented the Commission is the final authority on this unless there is an appeal, so you need to evaluate the project from an environmental perspective to see if you think the impacts that have been identified are adequately mitigated and addressed. He said you need to make General Plan consistency findings, and you actually need to approve, deny, conditionally approve, or modify conditions. He said there would not be any action beyond the Commission's unless there is an appeal, and then it would go to the Board of Supervisors.

Commissioner Stewart stated where the document states "in the event that odors resulting from the decomposition of stored wood is found to be objectionable then TRL shall prepare a plan to implement pile rotation", having to do with pile rotation of the stored fuel, she doesn't think they should be waiting for some kind of complaint. She thinks they should have a plan and follow it to implement rotation of their piles and that there should be maximum size limits. She is bothered by "in the event" because that gives them an out and they don't have to do it.

Planner Lynch responded you could amend the condition of approval to be developed now. He said those things are very subjective issues, he's dealt with municipal compost facilities, and the reality of it comes down to the assigned person. He commented it may well be staff from Environmental Health, to go out there and use their test to see if it smells. He said it's a really subjective thing, but you could require that odor mitigation plan to be prepared now prior to operation.

Vice Chair Groves reopened the hearing to public comment.

Bill Carlson, on behalf of Trinity River Lumber, stated the applicant feels that is a reasonable request and agrees to prepare an Odor Management Plan.

No further comments being received, public hearing closed for third time.

Commissioner Stewart moved to accept staff recommendation and finds that no significant environmental effect has been identified that cannot be mitigated to a level of insignificance via conditions, therefore adopt the negative declaration; the General Plan Consistency Finding that the project is consistent with the Trinity County General Plan, including the Weaverville Community Plan; and Project Finding that the Planning Commission approves the use permit; subject to the Findings of Fact and Conditions of Approval as amended. Seconded by Commissioner Matthews. Vote Polled: Commissioners Stewart, Matthews, Frasier, and Groves – Yes; Commissioner McKnight – absent.

**6. MATTERS FROM THE COMMISSION**

None

**7. MATTERS FROM STAFF**

None

**8. ADJOURN**

Vice Chair Groves adjourned the meeting at 8:50 p.m.