

MINUTES

1. CALL TO ORDER

Chair Frasier called the meeting to order at 7:00 p.m. Members present: Kyle Brown, Diana Stewart, Tom McKnight and Dan Frasier. Members Absent: Graham Matthews. 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 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, April 9, 2015, and May 14, 2015.

Upon motion by Commissioner Stewart, second by Commissioner McKnight and carried, the Commission approved the Minutes of December 18, 2014 as submitted.

Upon motion by Commissioner Stewart, second by Commissioner McKnight and carried, the Commission approved the Minutes of April 9, 2015 as submitted.

Upon motion by Commissioner Stewart, second by Commissioner Brown and carried, the Commission approved the Minutes of May 14, 2015 as submitted.

OLD BUSINESS – None.

NEW BUSINESS

4. PROPOSED REZONE AND USE PERMIT FOR AUTO IMPOUND YARD AND AUTO REPAIR FACILITY

P-15-07

Public Hearing: Proposed rezone from Unclassified to Highway Commercial and Use Permit for Auto Impound Yard and Auto Report Facility. Located on the N side of State Highway 299 at the intersection of Clement Road (pvt.), aka 20 Clement Road, Big Bar. APN: 012-060-03. Applicant: Crosswhite.

Principal Planner Lynch presented the staff report. He said there is an existing shop on the property with a half acre around it that would be fenced and utilized for an impound yard. Highway 299 is a federally designated Scenic Highway and the river is a Wild & Scenic River and at this point where the property lies is about 400 feet from the highway to the river and then quite a bit of vegetation so you are not going to see the river, but the idea is to keep it as nice as you can. He said in order to soften the look he is suggesting that there be a limitation on signage, night and security lighting, and also that a permanent fence be built around the impound yard. He said part of the issue about putting that fence up is they are going to have to do an encroachment of the highway so that where the location of the fence is, the design of the fence, and how that meshes with the encroachment, all needs to be reviewed by the County and CalTrans because it fronts a state highway, so he is suggesting a condition that addresses those concerns. There are standard conditions about air quality to keep the dust down and should they have any archeological discoveries during the course of the development of the property that those are provided for. Lynch stated also one of the concerns that stems from these types of operations is old cars leak, and

we want to make sure that it protects the river, the area around this operation, and because they are going to be doing auto repair, they have solvents and other kinds of material stored on the property, so we are asking they get a clearance from the State Department of Hazardous Controlled Substances and the Downriver Fire Department that storage materials comply with their regulations. He said we are also them to provide an operations plan so they show how they are going to do that, how they are going to drain the vehicles and they put it on some kind pad, whatever is acceptable to the State for making sure that functionality works well. He said there is also a condition that prohibits any dismantling or crushing on that site under the use permit. Lynch stated this does involve a rezone from, Unclassified to Highway Commercial, and there are other uses that could potentially be developed on this property over time. He said we don't think that raises any truly significant issue given its location along a major transportation route and we don't find anything significant resulting from that. It is also in a hub of a community along the highway. He said we have conditions that address hours of operation because there are some residential uses within the area, and we are also asking for a detailed parking and circulation plan to be submitted and reviewed by the State and County, as well as encroachment permits from the State and County. Lynch said as a result of the notice he has had a couple of discussions with one of the neighbors who also had given him a letter asking that this item be continued from 3 to 6 months. Most of the issues that he has raised are with water, rodents, feral cats, visual barriers, and he has issues with the property owner. Lynch advised that no other correspondence has been received.

Commissioner Brown asked if we have an idea of what CalTrans will ask for in their encroachment. Lynch responded they have asked for an encroachment permit and they want to look at how it's going to be done, that is one of the conditions.

Chair Frasier opened the hearing to public comment.

Dennis Zsigo of Big Bar, a neighbor to the subject property, stated he has permission from the landowner to speak on his behalf. Mr. Zsigo submitted a photograph and commented his biggest concern is the spillover of cars; they've been in operation now for 6 or 8 months and there is an extra 40 to 50 cars on the back parcel. He said what the picture shows is what he sees from his residence. He said basically he would like that dealt with; he would like to see a visual barrier put in place. He stated he would like to see a delay on this of three to six months as all the neighbors have been in discussions about all the issue and they've come up with a solution but nobody would sign it. He stated there is also a concern with diminishing property values.

Clyde Crosswhite, one of the owners of the subject property, stated that his son has established a tow business and shop on the property. When he bought the property he understood it was an industrial piece of property, that there has always been a business there since the 1920s. He said he doesn't really know what the problems are, it's been a business, it first started out as a Post Office, Bar, Gas Station and Junk Yard. Now all the sudden, these young kids want to start a business you want to throw the book at them on every way you can move. Mr. Crosswhite submitted a letter from Sheriff Bruce Haney in support of the project. Planner Lynch read the letter to the Commission.

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

Commissioner Brown commented the sticky point seems to be the existing property and not so much the rezone. He asked what the zoning is on the other piece of property. Planner Lynch responded it is Unclassified. Commissioner Brown asked if there is any limit to the number of vehicles. Planner Lynch clarified the Use Permit and Rezoning is for a specific property, they did not ask for it to be inclusive of the other property. He said what exists now is technically a violation because they started without the permit, without the paperwork. Lynch stated if they are storing vehicles on the other property, that is a violation and this permit is not going to rectify it. The answer would be, assuming this would be approved in some fashion and time, that they would get it approved and comply with the conditions, fence it, and put all those vehicles behind it, because what exists on the other property is not permitted.

Commissioner Stewart suggested everything should be contained within fenced area. Planner Lynch

suggested the Commission make a specific condition that all aspects of the operation be confined to the parcel in question.

Chair Frasier stated the first condition of approval says the entirety of the impound yard or equipment storage area.

Planner Lynch reminded the Commission that they have only asked for rezoning on the one parcel, they didn't ask for the other parcel and you can't, at this point in time, throw that parcel in. He said you could limit the number of vehicles they can store on the property, but his opinion is, giving the parking and circulation plan and what we are asking for in the detailed site plan, they are going to have to confine that storage area to a defined area. They need to provide internal circulation for fire access. He said you can put a condition on there that all the vehicles on adjoining lands be removed within x number of days, failure to do that will result in revocation of the use permit.

Chair Frasier stated his issue is he doesn't want to see somebody who is trying to start a business, actually already running a business, then decide why bother going through the paperwork I'm running my business already if I'm just going to get beat to death trying to be legal. He said he doesn't want to go that route. He said he spent most of his life living next to a guy who drove a tow truck and he just brought them home and piled them up, there is 110 cars piled up down there. He said there is nobody to enforce that, if we do tell them that why would we go out of our way to make things in violation, he wants to see how we can do it without... Planner Lynch interjected, regardless of the Commission's action, they are already in violation. Chair Frasier agreed, stating instead of adding more layers, he would have a hard time saying well you have to be completely in compliance of all these rules within a certain time perimeter, he has a hard time with that.

Commissioner Stewart disagreed, stating nobody is trying to beat them up, what we are trying to do is approve, if we can, their proposed business and it is not that onerous for them to move the vehicles that are on the other property behind the fence and it is no reason to stop their business.

Commissioner Brown stated his opinion on this is the matter at hand is limited to the parcel that is on the Agenda. Commissioner Stewart said that is true but we were just told that we can make it a condition that they move those vehicles behind the fence.

Chair Frasier responded if we can't say okay we are going to add that parcel to this and we will rezone it too, then would we say... Planner Lynch interjected the applicant only applied for this parcel, it is not the County's fault, we are not limiting it, they are free to submit an application and they could have done it at the initial application state, they are free to do it in the future, they can add that to expand their business.

Commissioner McKnight stated he kind of agrees, he would rather limit our action to the existing property we are dealing with at this time. He said he feels for the neighbor and he would hope they would do due diligence and clean it up, and the conditions that are in here adequately protect the neighbor, the fencing, lighting, etc. He said he totally understands what the neighbor is talking about and he hopes they clean it up and be good neighbors.

Chair Frasier reopened public comment period.

Clyde Crosswhite stated maybe we would like to amend the plan to go further on the other property, but the other property is already considered a trailer park, it's under State of California, it has already been zoned. He said they file paperwork with the State every year. He said he would like to amend this, or even stop it right now, and look a little farther into it and maybe change the paperwork a little more. He said he doesn't really know what is happening, what you guys have written down on your requirements that you are asking me to do, he doesn't have a copy with him (he was provided one). He wants his son to be able to talk about this as he is the one trying to do the business.

Commissioner McKnight asked Mr. Crosswhite if he was asking for a continuance in representing his son. Mr. Crosswhite responded in the affirmative, stating what he would like to do is have a whole piece of property, pull the trailer park, and put the whole piece of property under Down River Towing, that would be the best thing to do.

Planner Lynch asked him to understand if that is the action he will have to pay more fees. Crosswhite asked how much more he's paid \$4,800. Lynch responded technically it would be another \$4,800, but we will work with you because we would have to re-notice it and we would have to amend the staff report to bring it out to include that other property; and there is also the fact, I believe they are going to say an old 3 space on that neighboring property, they are going to have to deal with HCD on that, there are relocation costs renting there, it complicates things, so it would complicate matters.

Commissioner McKnight stated the neighbor and the owner are both requesting more time and a continuance.

Chair Frasier stated if we just continued this and let him send the son he is representing to the next meeting then they could decide whether they want to go for both parcels or what between now and then and if they want to pay the extra money and go with the whole thing, they can. If they don't they can be better prepared next time.

Dennis Zsigo stated he used to suction dredge, so there is that equipment on his property. The other thing is he has 10 to 15 cars himself, but they are all registered. He stated he agreed with a continuance then they can work out their differences.

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

Upon motion of Commissioner McKnight, seconded by Commissioner Stewart, continues the matter to the next meeting. Motion carried 4-0

PROPOSED ROAD ABANDONMENT, PORTION OF EAST FORK ROAD

PW-15-03

Review and recommendation of a General Plan consistency in consideration of a proposed road abandonment for a portion of East Fork Road, County Road No. 421, in the Junction City area. APN 009-130-10. Applicant: Trinity County Department of Transportation.

Principal Planner Lynch presented the staff report. He said this is for a portion of East Fork Road, it's a road that extends from Highway 299 through the community of Helena and goes back and dead ends on a property owner's piece of property about five and a half miles north of Highway 299, and this applicant has asked that that portion of the road that extends into that ownership be abandoned as a public right-of-way. Part of the requirements in doing this is the County has to review it to see if it is consistent with the General Plan, and that includes all the elements of the General Plan. Lynch said in all candor, there is not a lot in any of the elements of the General Plan. He said in all candor there is not a lot in any of the elements of the General Plan that are so specific as to address this individual little area, but it is in a Resource land designation, there are policies in the Circulation Element that talk about providing for long term development and ensure land use patterns to provide for good circulation and protection and use of the resources, and consider long term growth and other services that are reliant on public access. He said there is a road that runs parallel after you go up a ways that provides access to Forest Service lands that go beyond the property and the Forest Service did not object to a summary vacation there would likely a requirement for installment of a turn around, and DOT staff could assist in picking out a couple of alternative sites that can be utilized. In reviewing this, it is a project that would be Categorically Exempt from CEQA and from a staff level we don't find anything in the General Plan so we are asking the Commission's comments and recommendation.

Commissioner McKnight asked how is that in relation to the Hobo Gulch Trailhead. Planner Lynch responded he did not know. Director Tippett responded Hobo Gulch Trailhead is primarily on the other

side and it goes up and over a hill. Commissioner McKnight stated that is one of his biggest concerns because that is a major use area. Tippet responded no, we would definitely disclose that.

Chair Frasier opened the hearing to public comment. No comments being received, public comment period closed

Commissioner McKnight stated he certainly doesn't have a problem having roads that dead end at private property.

Director Tippet commented that there are other means of access. He said that is one of the important things, you are always looking for that ability to get beyond where you are at.

Upon motion of Commissioner McKnight, recommends to the Board of Supervisors that the project is consistent with the applicable goals and policies of the General Plan. Seconded by Commissioner Stewart. Motion carried 4-0.

6. **MATTERS FROM THE COMMISSION**

Commissioner McKnight stated he would like the Commission to potentially review the rules by CalFire. Planner Lynch advised there are two things that are out there. One is the new rules from CalFire that are pending on updating the fire safe guidelines, we had a CalFire representative here a couple of meetings ago talking about it, and that is coming down the pike. The other thing is something that was adopted in 2013 or 2014, it is a mandatory finding that they imposed that is part of any subdivision approval and so in essence you have to make a finding that there are fire protection services in place to provide for new development. He said he can't remember off the top of his head how they classified fire districts that would meet that standard; like we talked does a volunteer fire agency meet that standard? He doesn't think so, he thinks it has to be a formalized district where they receive tax money based on a parcel basis to supply for fire suppression services. He thinks that is how it works, but he doesn't know, he would have to investigate it. Commissioner McKnight asked if the Commission could get an update on that. Lynch responded he was sure that Director Tippet will be able to find that for him. Lynch stated there is a good chunk of the county that will not be able to subdivide because of this.

Director Tippet stated one of the things that comes into play, the area we looked at had a lot of houses on the other side of the river and there is no way for a fire truck to go down to the other side of the river. He said as long as he has been here CalFire has not been approving building permits where we have that and so that's been a problematic issue with a lot of the folks. Planner Lynch interjected this is a separate issue from that, for example, the area around Ruth Lake, there are some lease lots out there that don't have any vehicular access and CalFire has advised us that they will not permit us to issue a building permit on it because they can't provide fire suppression services for those "boat in rights". That's a separate issue from this. This is an issue that says you make a finding that there are fire protection resources there to address fire safety. He said it is already adopted state law, it's not something that is new like the fire safe guidelines that are still in the discussion stages, he thinks there will be an opportunity to a degree for the County to have some local input, this is a done deal. He said you will have some input to the fire safe standards, but he doesn't know how much.

7. **MATTERS FROM STAFF**

Director Tippet advised the Commission this is Planner Lynch's last meeting, he is retiring after being with the County for five and a half years, 39 years of public service, and about 50,000 miles on the car every year for driving up from his home. Tippet expressed his deep gratitude and thanked Lynch for his service.

8. **ADJOURN**

The meeting was adjourned by the Chair at 7:41 pm.