

Minutes

1. **CALL TO ORDER**

Chair Stewart called the meeting to order at 7:02 p.m. Members present: Dan Frasier, Graham Matthews, John Brower, Mike McHugh and Diana Stewart. Staff present: Senior Planner Carson Anderson, Director Richard Tippet and Clerk Ruth Hanover. Director Tippet present 7:25 p.m.

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 comments received.

3. **MINUTES**

Upon motion of Commissioner McHugh, second by Commissioner Frasier and carried, approved the Minutes of August 11, 2016 as submitted.

The Chair took Item 5 out of sequence on the published agenda.

NEW BUSINESS

5. **TENTATIVE PARCEL MAP**

P-16-14

Public Hearing: Proposed Parcel Map to create 2 parcels out of an 11.87-acre parcel for the sale of Parcel A. Located at 1551 Main Street, Weaverville. APN 024-500-71-00. Applicant: Toney.

Senior Planner Anderson advised the applicant pulled his application and is revising it to create 4 parcels rather than 2 parcels.

Upon motion of Commissioner McHugh, second by Commissioner Frasier and carried, continues the matter to October 13, 2016.

6. **CONDITIONAL USE PERMIT FOR RELOCATION OF ACCESSORY BUILDING**

P-16-21

Public Hearing: Conditional Use Permit for relocation of a 28' X 96' Accessory Building for storage purposes. Located at 144 Texas Avenue, Lewiston. APN 025-550-21-00. Applicant: Suda.

Senior Planner Anderson presented the staff report. He said the project was initially submitted as a Director's Use Permit; however, the size of the structure being relocated (2,688 feet) and its placement on a residentially-zoned parcel without a residence already being in place, as well as the adjoining Open Space-designated property prompted the Planning Director to request review of the application by the Planning Commission. The removal of the old fire station's metal building to accommodate construction of a much needed new facility is worthwhile and is consistent with the General Plan, and is an aim that staff supports. Anderson stated because of cost considerations for a district that has very little resources, the applicant is basically helping out the Fire District at his own expense.

Anderson stated in reference to the conditions of approval he found some deletions and insertions. He said Condition 7 and 8 where it talks about the property being located in the vicinity of an airport, should be deleted. He said he would like to insert a condition to require timely construction of a permanent dwelling

on the subject property, with the timeline to be established by the Planning Director in constitution with the applicant. Said timeline to be memorialized as part of the conditions of approval.

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

Upon motion of Commissioner McHugh, seconded by Commissioner Frasier, and carried recommends the Board of Supervisors (1) approve the Conditional Use Permit for the proposed project calling for the relocation of the Lewiston fire station metal building from 200 Texas Avenue to 144 Texas Avenue, finding that on the basis of the whole record before the Commission, including the comments received, that there is no substantial evidence that the project will have a significant effect on the environment, and that in doing so, reflects the Commission's independent judgment and analysis; and (2) finds that granting of a CUP for the project was determined to be consistent with the Lewiston Community Plan of the County's General Plan, and that in approving placement of an accessory structure prior to, and conditioned on future placement of a residence on the subject property, a reasonable accommodation has been made, based on special circumstances, for development of the new Lewiston Fire District fire station facility, thereby setting aside a strict reading of Zoning Ordinance Section 16 C for a legitimate public purpose; and (3) adopts as part of the CUP the conditions of approval contained in Attachment 1 to the staff report; and further that Condition No. 7 of Attachment 1 be deleted and replaced with "Timely construction of a dwelling with the time to be determined by the Director" and an additional condition that facility shall not be used for commercial use"; based of the findings of fact 1 through 3. (Vote: 5-0)

OLD BUSINESS

4. RECOMMENDED WATER POLICY CHANGES

Public Hearing: Continued Public Hearing to consider recommendations proposed for supplementing the North Coast Integrated Regional Water Management Plan as well as other desirable revisions to the County's current water resources policies. Such changes could potentially be recommended by the Planning Commission to the County Board of Supervisors to take under consideration for adoption as updates to the Open Space and Conservation Element of the General Plan, Zoning Code and Subdivision Ordinance regulations and/or a stand-alone new Water Resources Element to the General Plan. (*Continued from August 11, 2016*).

Senior Planner Anderson presented the staff report.

Commissioner Matthews recommended deletion of reference to Section 16.04.20 because no strikeout text was noted, likely suggesting that this particular sub-section was not actually revised. Sub-section 16.48.030 "Improvements Required should be part of the Commission motion.

Chair Stewart invited Mark Lancaster of Five Counties Salmonoid Conservation Program to come forward to provide additional detail. Lancaster discussed the three types of subdivisions referenced in the proposed revisions to the Subdivision Ordinance: those within water districts, those within the water district's sphere of influence, and subdivisions with an onsite water source.

Matthews expressed concern about subdivisions of four parcels or less stating that subdivisions of five parcels or greater should be the discriminator for assessing greater level of impact.

Lancaster stated that a statement from a registered geologist is already required as part of the hydrologic investigation process.

Matthews inquired about the gallons per minute performance standards – 3 gallons per minute vs. 1.5 gallons per minute. Lancaster was uncertain of the precise source but thought this detail may have come from existing County regulations. Senior Planner Anderson confirmed that those performance standards are contained in the Zoning Ordinance's CWR Overlay Zone text and in the existing Subdivision Ordinance. Matthews continued by asking for the rationale for a well on each property instead of one well for multiple

properties provided that sufficient water storage is provided on the property.

Lancaster stated that the stipulations being proposed are based on past experience with community wells operations and mentioned Carter Creek as an example. Group dynamics in managing water can be problematic and challenging, and as a result the resulting problems tend to fall back on individuals.

Matthews expressed concern that the proposed standards add significant cost for applicants.

Lancaster responded that lots of wells have to be drilled after the subdivision has been established in an attempt to address shortfalls in water supply. Inability to use community water district sources has been a driving force in water scarcity issues in the county.

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

Commissioner Matthews moved to recommend to the Board of Supervisors to amend Subsections 16.04.21, 16.08.195 (adding definition of “Surface Water”), and 16.48.123 (adding definition of “Public Water Supply”), 16.48.124 (by adding the definition of “Surface or On-Site Water Availability”) and 16.48.030 of the Subdivision Ordinance (by adding “utility, water supply” to that paragraph directly after...and to meet local traffic,). He clarified his motion by adding reference that action was being taken per staff’s recommendation proposed motion in the staff report; and in making its recommendation, the Commission finds that on the basis of the whole record before the Commission, including previous Trinity River Watershed planning and environmental studies, such as Northwest California Resource Conservation and Development Council/Five Counties Salmonid Conservation Program (5C), and comments received, that the policy changes proposed (project) will not have a significant effect on the environment. Seconded by Commissioner Fraser. Motion carried 5-0.

Director Tippettt added that the whole slate of recommendations approved on August 11th and tonight will go to the Board of Supervisors, likely in November.

7. MATTERS FROM THE COMMISSION

Chair Stewart thanked Senior Planner Anderson for his service while with Trinity County, saying he will be missed.

8. MATTERS FROM STAFF

Director Tippettt advised that former Planning Director John Jelichich has agreed to temporarily come back to assist in the absence of a Senior Planner. He said that the recruitment process for a Senior Planner has begun and will close at the end of the month.

Director Tippettt asked if a Commission member would like to sit on the interview panel around the end of October. Commissioner Brower volunteered, and Chair Stewart volunteered if Commissioner Brower is unable to.

Director Tippettt said next on the list is the marijuana policy. He advised the Board of Supervisors took action on August 30, 2016 to accept a permitting process for commercial grows. He said the procedure is still being worked out, but we will be asking the people with the lowest Water Board number to submit a card of interest, we then give them an application package and tell them how to go about paying the fees and all that. He said that he hoped to have it ready the first three days, the 21st through the 23rd, and on the 23rd at probably noon we will close up the first round, and what we will do is start calling people. Like for Card No. 1 we will call that person and say here are the appointments available, and we’ll just keep going until they are filled. He said we are anticipating probably in the first week taking in 4 applications a day. Tippettt said there are some other things that we be looking at but they haven’t been developed yet, so he will brief them as to the direction we are going at the next Commission meeting.

He said if there are issues such as you don't have a house on the property or you have a need for variance or different things like that, we will not be able to accommodate issuing permits immediately, particularly variances until further policy direction is developed later this year. He said we do see a lot of people wanting to determine if they are compliant and we will accept applications even with a known issue to be resolved, review it and determine if there are any other issues, but they will still be required to pay the full application fee.

Discussion variances and Commercial Cannabis. Director Tippett explained what the variance process will likely be later this year. He said since the Board of Supervisors just recently adopted the ordinance, there are no variances at this time without further direction. He said that as part of the application process, we are going to be collecting information as we get applications to what variance issues do come up and we are going to compile all the variance types that would be needed and come back for discussion with the Planning Commission and the Board to see if variances can be processed under a Director's Use Permit to make the process go a little quicker.

As an example, Tippett said one variance situation is a person who doesn't have a 350' separation, but a parcel around that particular person is vacant or might also be also permitted to grow, so is the separation really necessary or do they end up cancelling each other out. Those are situations that will need to be discussed and evaluated, and direction to be given.

Chair Stewart asked since it is 350' from nearest residence and if the property next door is vacant, there probably would be no need for a variance. Tippett agreed.

Tippett said to keep in mind that the cannabis permit and cannabis variance are not entitlements, they are permits for one year and you have re-apply for everything. He said we aren't in a position today to address the variance issue and won't be in a position to do that prior to the end of the typical grow season this year here in Trinity County. We don't want to have a bunch of variances slow down the processing of the others.

Commissioner Brower asked Tippett if there is some way for the people requesting a variance to save their spot in line, and what kind of time frame are we looking at before variances are considered.

Tippett responded he's not planning on assessing that at this time. As he said they have an application, we will process the application all the way through and we will have a determination on that variance prior to the next go-round when we accept applications, and they will either be given a permit for a variance or the application will be denied. He said at that point we will have an answer. He said they have a permit, they might not do anything but they have the permit in hand, and will have priority processing the year following.

Commissioner Brower asked if there was a plan to staff up for processing the applications. Tippett responded in the affirmative, adding he hoped to have a Senior Planner soon.

Tippett advised he will be meeting with the Marijuana ad hoc Committee and staff, and that he is also looking at ways to determine impacts from known activities.

Tippett advised the Board of Supervisors approved the budget yesterday, and that he budgeted for a full time Planning Director to be hired around the first of the year.

Tippett advised that fees collected for the cannabis program will provide significant fees towards an update the General Plan. This is important as the new General Plan will contain policy direction regarding the marijuana activities.

9. ADJOURN

The Chair adjourned the meeting at 8:05 p.m.