



TRINITY COUNTY

PLANNING DEPARTMENT

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March 23, 2017

TO: MEMBERS IN SESSION

SUBJECT: Agenda Item 4, March 23, 2017 Planning Commission meeting.

Workshop session to discuss and provide direction regarding update to Ag-Forest (AF) Zoning District (Sec. 14, Trinity County Zoning Ordinance)

PURPOSE:

At the conclusion of the February 9, 2017 Planning Commission meeting, the Planning Commission directed staff to set up a workshop session to focus on changes that would be appropriate to the Ag-Forest Zoning District, including, but not limited to, commercial cannabis cultivation.

The purpose of this item is for the Commission to discuss changes to the Ag-Forest Zoning District, which has not been amended since the late 1960's, direct staff to make changes to the draft document and then have staff begin the public hearing process toward adoption. The process would include preparation and circulation of the environmental document, public hearing before the Planning Commission and public hearing and adoption by the Board of Supervisors.

BACKGROUND:

The Agricultural Forest District or "AF" District is located in Section 14 of the County Zoning Ordinance. Its purpose is for the production and harvesting of trees and management of the land for forestry related purposes. This zoning district pre-dates the creation of Timberland Production Zone contract zoning created by the State. (See Exhibit "A" for full text of the current AF Zone) While not listed in the allowable uses, the County has allowed development of one single family dwelling on an AF zoned property to facilitate management of the land.

There have been several inquiries from property owners of land zoned AF to cultivate commercial cannabis. Staff informed them that the zoning district does not allow any use other than uses relating directly to forest products and/or processing.

GENERAL PLAN POLICIES:

Land Use Element:

Most land zoned Ag-Forest has a “Resource” land use designation, although it is sometimes found in areas with the “Agriculture” land use designation. The description of “Resource Land” is located on page 11 (Exhibit “B”) of the land use element of the General Plan and reads as follows:

“Resource lands are those areas designated for the production of the variety of natural resources that occur within Trinity County. Natural resources include timber production, mineral production, and important grazing areas. Activities necessary for the production of the various resources are encouraged in this area, and can include industrial development sited adjacent to the resource base being used (timber, ore, etc.) if adequate transportation facilities and access are available and if an acceptable low level of environmental impact can be maintained.”

Under the “Economic Findings and Policies” section (p.17) is found the following:

“Important timber, agriculture, recreation, scenic, mineral, and wildlife resources should be protected for use. These resources are critical to the economic well-being of Trinity County.”

The “Open Space” Element includes the following statement (p.62):

“2. Agricultural-forest Zoning”

Also since 1968 the county has engaged in an active and successful effort to protect its highly productive forest lands through an agricultural forest-districts zoning. Forest-district zoning permits the management of land and forests for the production and harvesting of trees, including tree farming; management of land and forest in a manner designed to provide protection from fire caused by either man or nature; insects, diseases or other catastrophe. This zoning has been used extensively by the county to protect private forest lands and continues to play an important role in the protection of these lands. This is an effective tool which cannot be overlooked in accomplishing the desired goal set forth in the open space element.”

Keep in mind that this statement was written before the State developed the “Timberland Production Zone” (TPZ).

PROPOSED REVISIONS TO THE AGRICULTURE-FOREST ZONING DISTRICT:

The Commission will note that staff proposes to completely delete and replace Section 14, Agriculture-Forest District in its entirety and replace it with new language designed to meet current needs of the County and be consistent with the policies of the General Plan land use element which encourages a variety of uses in the Resource land use designation in keeping with the economic and long term resource management goals of the County.

The following is an explanation of the various parts of the Ag-Forest District and why the new language is being proposed.

GENERAL PURPOSE:

This subsection defines the purpose of the zoning district and how it would be applied.

USES PERMITTED:

This subsection sets forth the types of uses that would be allowed in the Ag-Forest zoning district *without* the need for a conditional use permit. The uses listed are derived partly from the existing ordinance (both Ag and Ag-Forest), a review of language in the land use element describing the “Resource” land use designation and its purpose, and a review of some of the neighboring counties. Shasta County still retains a similar zone (named Timberland district). Also, I used my own knowledge of the County in developing the list.

Of particular interest to the Commission may be the listing of “commercial cannabis cultivation” if the property is composed of Site Class IV or V timberland. This classification is the poorest land for forestry. For that reason, it would be treated similar to land zoned “Agriculture”, which, according to the urgency ordinance, is an appropriate zone for commercial cannabis cultivation. To determine site class, the applicant would need to have a registered professional forester make the determination. If the land has been logged, the Timber Harvest Plan may already have the breakdown identified. This information would be provided as part of the licensing application. This determination by a RPF would only need to be done one time.

“Section xxxx” refers to the urgency ordinance after it is formally adopted as a section in the Zoning Ordinance. Currently, it is tentatively identified as Section 30.O; however, that is not an appropriate placement for the commercial cannabis cultivation standards and will hopefully be changed prior to eventual adoption by the Board of Supervisors.

The Commission is, of course, welcome to make any changes it deems appropriate.

USES PERMITTED, SUBJECT TO A PLANNING DIRECTOR’S USE PERMIT:

This subsection is a list of uses that could be allowed after securing a Planning Director issued use permit. These would be uses that may require additional evaluation, but do not rise to the level of needing a public hearing before the Planning Commission. As part of the review process, adjacent property owners are notified and a notice is placed in the Trinity Journal. If issued (or denied) by the Planning Director, the use permit does not become valid until after the ten day appeal period has elapsed. As we discussed at earlier meetings, any use permit issued by the Planning Director may be appealed to the Planning Commission.

A guest house has no cooking facilities and could be considered an accessory use; however, since the purpose of this zoning district is to protect resource management of the property, additional review in the form of a Director’s permit would be appropriate. Considerations would include, but not be limited to, the location of the guest house in relation to the main dwelling, review of sewage disposal system

to ensure that it can tie in to the existing system without the need to develop a new system for the guest house.

Commercial cannabis cultivation is listed here because, based on prior discussion with the Planning Commission (January 19 and February 9, 2017), it appeared that the primary concern for allowing cannabis is the potential for conflict with future timber management operations of the property. Site Class I, II and III timberland is excellent to average lands for forestry. In these situations it will be necessary for the applicant to demonstrate that commercial cannabis cultivation can occur without adversely affecting future timber management of the land. Each proposal would need to be reviewed on a case-by-case basis. Since it appears to be the only issue affecting the use, it did not seem to rise to the level of requiring a public hearing before the Planning Commission. Of course, if the Commission determines otherwise, staff has no objection to moving this use to the list requiring a Planning Commission issued use permit.

USES REQUIRING A PLANNING COMMISSION ISSUED USE PERMIT:

Nearly all of the uses listed in this section derive from statements in the land use element pertaining to Resource lands, particularly the encouragement of resort type development in the county. Each of these uses could have impacts, such as access, provisions for domestic water and sewage disposal and similar impacts; and also, since they tend to involve large areas, grading, drainage, erosion control, potential impacts to flora and fauna, disturbance of cultural resources and greater impacts affecting forest management activities.

The listing for trailer camp ties in with forest management activities, but could be for other uses. Clearly, placement could be an issue, as well as water, sewage, access and other issues.

Nursery for raising tree seedlings is listed. Commercial cannabis nursery is not listed because at an earlier meeting the Board of Supervisors was not ready to address cannabis nurseries. Further, clarifying information from the State has been pending.

Winery is listed. This was included because Shasta County included it in their list. There may be sites that would be conducive to wineries that are zoned Ag-Forest. Wineries, like resort uses, attract tourists and contribute to the economy.

ACCESSORY BUILDINGS AND USES:

These are uses that are commonly associated with the main use of the property. For example, a garage is commonly associated with a dwelling.

The Commission will note that “cold frame greenhouses” and “hoop-houses” are listed. These would be commonly associated with commercial cannabis cultivation and would not normally rise to the level of requiring additional review. Large greenhouses, however, may be a use that requires additional review if they could detract from the area or adversely affect timber management.

“One single-family dwelling” is listed to address the need pointed out at the last Commission meeting. We have been issuing building permits for these for many years with the justification that it is tied to management of the land.

YARD SETBACKS:

These are new and quite different from other zoning districts. The goal here was to develop standards that fit the district. The twenty foot setback is the same as “Agriculture.” The 100’ setback for property lines adjoining TPZ land is to provide additional buffer for timber harvesting on those lands. The 100’ setback results from conversations I have had many years ago with Harry Thurston of Southern Pacific Land Company, who gave me a tour of SP lands that had been logged, but had additional constraints due to close proximity of dwellings on other adjoining properties. The 200’ setback from water bodies comes from the Water Quality Control Board setbacks. The 200’ setback may, at times, be more than necessary, depending on the water body. Here, staff is suggesting that the Forest Practice Act, which includes stream classifications and setbacks required for timber operators, may prove beneficial in the Ag-Forest Zoning District.

SETBACK FROM NEIGHBORING DWELLINGS:

This subsection states that in Ag-Forest there would be no dwelling setback required unless the property abuts land zoned for residential use. The presumption is that land owners in Ag-Forest or Agriculture Zoning Districts know that they live in an area devoted to agriculture and forestry use; therefore, inconvenient smell, dust or noise commonly associated with these uses would be expected.

TIMBERLAND CONVERSION PERMIT:

This subsection serves as a reminder to staff and the public that CalFire plays a significant role in any development on forested lands. When processing any permit or license, CalFire needs to be involved in the decision making process.

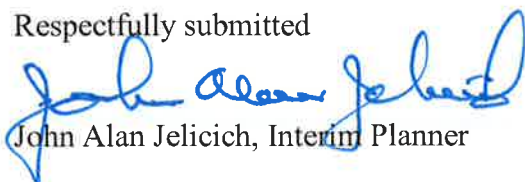
PUBLIC COMMENTS:

No written comments from the public were received prior to distributing the staff reports to the Commission.

RECOMMENDATION:

Staff recommends that, after listening to comments and suggestions from the public, the Commission discuss and provide direction to staff regarding any changes to the draft Ag-Forest ordinance amendment that it deems appropriate. The resulting document will then be evaluated for compliance with CEQA and a public hearing will be scheduled to formally consider the amendments to Ag-Forest.

Respectfully submitted



John Alan Jelichich, Interim Planner

SECTION 14

**AGRICULTURE-FOREST DISTRICT
OR “A-F” DISTRICT**

A. GENERAL DESCRIPTION: The purpose of this District is to identify and set development standards for lands suitable for forestry management, but which are not zoned Timberland Production Zone. This district is consistent with the “Resource” General Plan land use designation.

B. LIST OF USES PERMITTED IN AN AGRICULTURE-FOREST DISTRICT:

- Agricultural uses on Site Class IV or V timberland (Dunnings scale).
- Commercial Cannabis Cultivation on Site Class IV or V timberland (Dunning scale), and subject to meeting all local and state cannabis licensing requirements (see also Section xxxx).
- Christmas tree farm.
- Firewood storage, processing
- Forestry.
- Grazing.
- Low-intensity recreational uses which involve only minimal improvements (e.g.: non-motorized fishing or hunting club that does not provide food service and/or lodging facilities).
- Portable sawmill, chipper and similar equipment.
- Watershed management activities.
- Wildlife and fisheries habitat improvement.
- Other uses found to be similar in nature as determined by resolution adopted by the Planning Commission (ref Section 30.A).

Bb. USES PERMITTED SUBJECT TO FIRST SECURING A PLANNING DIRECTOR ISSUED USE PERMIT:

Uses considered under this subsection shall require a Registered Professional Forester (RFP) to find that the use will not negatively detract from the ability to grow and harvest timber and timber products as part of the use permit application. The RFP shall provide all supporting documentation to the Planning Department. The RFP’s report will be considered by the Director when determining if the proposed use is compatible with timber growing and harvesting.

Cell tower (40’ or less in height) and accessory building/uses.

Guest house, if located in close proximity to the main dwelling to minimize conflicts with timber management activities on the remainder of the site.

Commercial Cannabis Cultivation on Site Class I, II or III timberland (Dunning Scale), when located in a manner to minimize conflicts with timber management activities on the remainder of the site and not interfere with future logging operations (e.g.: location on an established log landing would be discouraged), and subject to meeting all local and state cannabis licensing requirements (see also Section xxxx).

Temporary labor camp(s), less than one year in duration, accessory to harvesting or planting operations.

C. LIST OF USES PERMITTED SUBJECT TO FIRST OBTAINING A PLANNING COMMISSION ISSUED USE PERMIT:

Uses considered under this subsection shall require a Registered Professional Forester (RFP) to find that the use will not negatively detract from the ability to grow and harvest timber and timber products as part of the use permit application. The RFP shall provide all supporting documentation to the Planning Department. The RFP's report will be considered by the Planning Commission when determining if the proposed use is compatible with timber growing and harvesting. 7

Bed and Breakfast facility.

Campground.

Cell tower (exceeding 40' in height) and accessory buildings/uses

Logging contractors yard when located in a manner to minimize conflicts with timber management activities on the remainder of the site.

Mining.

Nursery for raising tree seedlings.

Processing facility (e.g.: sand and gravel screening,

Recreational Vehicle Park.

Sawmill.

Resort.

Trailer camp (permanent placement) for laborers.

Winery when located in a manner to minimize conflicts with timber management activities on the remainder of the site.

Other uses found to be similar in nature as determined by resolution adopted by the Planning Commission (ref Section 30.A).

D. ACCESSORY BUILDINGS AND USES: The following accessory uses are deemed to be compatible with Agriculture-Forest related uses provided they do not significantly detract from the use of the property for, or inhibit, forestry uses:

Cold frame greenhouse(s) and/or hoop-house(s). (Must meet setback standards in this section)

One single-family dwelling per parcel and normal residential accessory uses (e.g.: garage, shop). (Must meet setback standards in this section)

Recreational use such as walking, hiking, picnicking, swimming, boating, or fishing.

Roads, landings, and log storage areas integral to the growing and harvesting of timber.

E. MINIMUM PARCEL AREA:

The minimum acreage for subdivision purposes shall be 10 acres for Site Class IV or V timberland; and 40 acres for Site Class I, II or III timberland (Dunning scale).

F. BUILDING HEIGHT: The maximum building height shall be forty (40) feet.

G. FRONT YARD SETBACK: The front yard shall have a minimum depth of twenty (20) feet; provided, however, that the setback shall be 100 feet, if the yard abuts lands zoned Timberland Production Zone; and, in addition, the setback shall be either not less than 200 feet from any water body, or comply with waterbody setbacks in the California Forest Practices Act as determined by a registered professional forester.

H. SIDE YARD SETBACK: Each side yard shall have a minimum depth of twenty (20) feet; provided, however, that the setback shall be 100 feet, if the yard abuts lands zoned Timberland Production Zone; and, in addition, the setback shall be either not less than 200 feet from any water body, or comply with waterbody setbacks in the California Forest Practices Act as determined by a registered professional forester.

I. REAR YARD SETBACK: The rear yard setback shall be a minimum of twenty (20) feet; provided, however, that the setback shall be 100 feet, if the yard abuts lands zoned Timberland Production Zone; and, in addition, the setback shall be either not less than 200 feet from any water body, or comply with waterbody setbacks in the California Forest Practices Act as determined by a registered professional forester.

J. SETBACK FROM NEIGHBORING DWELLINGS: There are no setback requirements for forestry or agricultural cultivation, including cannabis, in this resource oriented zoning district; provided, however, that if the parcel abuts property zoned primarily for residential use, then the neighboring dwelling setback established in Section xxxx, shall apply.

K. TIMBERLAND CONVERSION PERMIT: A timberland conversion permit issued by CalFire may be required prior to establishing any use other than forestry.

SECTION 14. AGRICULTURAL FOREST DISTRICT OF AF DISTRICTS

Subject to the provisions of Section 30, none but the following uses, or uses which in the opinion of the Planning Commission are similar in nature will be allowed. See Section 30.A.

- A. **USES PERMITTED:** Management of land and forest for the production and harvest of trees and other natural resources (including tree farming), management of land and forest in a manner designed to provide protection from fire caused either by man or nature, insects, diseases, or other catastrophe, logging, primary wood processing plants and operations, and accessory buildings and uses.
- B. **USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT IN EACH CASE:** Other uses which are incidental to the primary purpose of "A- F" district including, but not limited to a permanent wood processing installation.
- C. Reserved.
- D. Reserved.
- E. **FOR SUBDIVISION PURPOSES, THE MINIMUM PARCEL SIZE REQUIRED:** A corner and an interior lot - 10 acres. (315-200)
- G. **MINIMUM LOT WIDTH REQUIRED:** No requirement.
- I. **MAXIMUM ALLOWABLE LOT COVERAGE BY ALL STRUCTURES:** No requirement.
- J. **MAXIMUM ALLOWABLE HEIGHT:** No requirement.
- K. **MINIMUM FRONT YARD REQUIRED:** Twenty (20) feet. (Ord. 315-722)
- L. **MINIMUM SIDE YARD REQUIRED:** (Interior and Exterior lot lines) Twenty (20) feet.
- M. **MINIMUM REAR YARD REQUIRED:** Twenty (20) feet. (Ord. 315-722)
- N. **GENERAL REQUIREMENT:** Any petition to establish, reclassify or amend, the agricultural-forest classification shall state that the minimum duration of such classification shall be 5 years. Upon the termination of the original or subsequent 5 year period, either the owner or the Trinity County Planning Commission may petition for reclassification of any portion of any ownership so classified. Unless such petition is filed either by the owner or by the Planning Commission within 120 days preceding the date of termination and provided that notice of such

petition is delivered to the signatories within 120 days proceeding said termination date. Extension of the five-year exclusive use classification shall be automatic.

~~c. Further village development which can best be described as "rural sprawl" occur and the rural character of portions of Trinity County are needlessly jeopardized.~~

Natural Resource (NR), General

Resorts that are otherwise consistent with Open Space, Resource, Agriculture, or Rural Residential will be allowed in these designations. However, the theme of any new development in these areas must emphasize and enhance the Natural Resource area in which they are located.

Open Space and Conservation designations identify those areas in Trinity County that are essentially non-developed and most appropriately used for resource production, protection of natural values or rehabilitation. Sparse residential development requiring minimal public services is also appropriate in limited areas.

Recreational developments such as campgrounds, recreational vehicle parks, marinas, boat launching ramps, picnic area, resorts, and small businesses serving recreationists should be permitted, to the extent that they do not damage sensitive environmental resources or significantly interfere with the utilization of natural resources of commercial value. Specific land use designations in this category include:

Open Space

Open Space areas are designated to indicate "natural areas" to be protected for scenic, wildlife habitat, and watershed values or for resource rehabilitation. Resource rehabilitation areas should be viewed as interim designations designed to be used for one of the other Natural Resource designations upon rehabilitation. Also included in the Open Space designation are areas of important natural processes, such as unstable areas, floodplain, and other natural hazard areas. Trails, unimproved camps, small mining operations and the like may be compatible on a case-by-case basis.

Resource Land

Resource lands are those areas designated for the production of the variety of natural resources that occur within Trinity County. Natural resources include timber production, mineral production, and important grazing areas. Activities necessary for the production of the various resources are encouraged in this area, and can include industrial development sited adjacent to the resource base being used (timber, ore, etc.) if adequate transportation facilities and access are available and if an acceptable low level of environmental impact can be maintained.