

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting
July 23, 2020 at 7:00 p.m.
Trinity County Library Conference Room
351 Main St, Weaverville, CA

Chairman Dan Frasier
Vice-Chairman Diana Stewart
Commissioner Graham Matthews
Commissioner Mike McHugh
Commissioner Duncan McIntosh

DRAFT MEETING MINUTES

***NOTE:** The public was invited to attend the public hearing via Zoom Link and limited public access for specific agenda items was made available by request and during the public meeting.

CALL TO ORDER:

Chair Dan Frasier called the meeting to order at 7:02 p.m.

Commissioners present: Diana Stewart, Dan Frasier, Graham Matthews, Duncan McIntosh

Commissioners attending on Zoom: Mike McHugh

Staff Present: Planning Director Kim Hunter; Planning Deputy Director, Lisa Lozier; Associate Planner, Bella Hedtke; Administrative Coordinator, Mary Beth Brinkley

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.

John Brower-Wants to remind the commission that class K housing and a processing license type for commercial cannabis should be considered.

Public comment closed at 7:05p.m.

REGULAR CALENDAR:

Item 1: ZONING TEXT AMENDMENT - RETAIL CANNABIS STOREFRONT USES (DEV-20-02):

The Planning Commission will consider recommending that the Board of Supervisors adopt an ordinance amending the Trinity County Code Title 17 to provide for, regulate and establish licensing criteria for the use of commercial Cannabis retail storefront uses in the following commercial zoning districts: Retail Commercial (C-1), General Commercial (C-2), Highway Commercial (HC), and Heavy Commercial (C3).
Planner: K. Hunter (Item continued from June 11, 2020 and July 9, 2020)

Director Hunter presented a Memorandum for the Planning Commission requesting the Item be continued to the August 13, 2020 regular meeting.

Chair Frasier opened the public hearing.

John Brower: Wanted to remind the Commission that many of the comments to date were requesting the some type of farm sales be allowed in the ordinance. Some on-site locations are suitable for farm sales with a conditional use permit with a site specific CEQA document. On-site farm sales would be a good fit for Trinity County and would be beneficial to Trinity County.

Jennifer from Arcata stated she has a downtown storefront in Arcata and spoke about how retail store fronts benefit the community by attracting new tourist to shop in downtown areas.

No other speakers were present in the meeting room. Chair Frasier asked if there were commenters on Zoom.

Public hearing closed at 7:13pm.

Chair Frasier called for a motion on the item.

Motion by Commissioner McHugh to continue Item 1 to the August 13, 2020 Planning Commission meeting. Second by Commissioner Stewart.

Commissioner McHugh - Aye Commissioner Matthews – Aye, Commissioner Stewart – Aye, Commissioner McIntosh – Aye, Chair Frasier – Aye.

Chair Frasier: Motion carried unanimously.

Item 2: ANNUAL INITIAL VARIANCE (CCV-20-12): A request for a variance from the required 350' Cannabis cultivation setback from a neighboring residential dwelling (TCC 17.43.050.A.8). Project site is located at 3071 and 3021 Morgan Hill Rd, Hayfork. Assessor Parcel Number: 017-430-36-00 and 017- 430-37-00. Applicant: L. Buell. Planner: B. Hedtke *(Item continued from the July 09, 2020 planning Commission meeting)*

Associate Planner Bella Hedtke presented the staff report stating that the project had been continued to allow staff to receive and review an updated site plan and review comments provided by the US Forest service. Since the last meeting staff has review additional information and has addressed the US Forest service concerns on the project. No additional concerns have been presented to staff.

Commissioner McHugh asked staff if the Forest Service Comments had been made available for the Commissioners.

Ms. Hedtke stated that the comments had been provided to the Commissioners at the previous meeting.

Chair Frasier opened the public hearing.

Diedra Brower, consultant for the applicant summarized concerns of the US Forest Service which included concerns regarding structures that might be located on Forest Service property. A previous survey had been completed on the property line in question and the Consultant was able to verify the structures were not on US Forest Service property. Ms. Brower discussed speaking with the surrounding property owners to the project site and no objections were raised in regard to the proposed project.

No other speakers were present in the meeting room. Chair Frasier asked if there were commenters on Zoom.

Public hearing closed at 7:17pm.

Commissioner Stewart made the motion to approve agenda item 2, as recommended by staff.

Second by Commissioner Matthews.

Roll Call Vote: Commissioner McHugh – Aye, Commissioner Matthews –Aye, Commissioner Stewart – Aye, Commissioner McIntosh – Aye, Chair Frasier – Aye,

Chair Frasier – Motion carried unanimously.

Item 3: ANNUAL INITIAL VARIANCE (CCV-20-14): A request for a variance from the required 350' Cannabis cultivation setback from a neighboring residential dwelling (TCC 17.43.050.A.8). Project site is located at 150 Whispering Pines, Hayfork. Assessor Parcel Number: 019-290-12-00. Applicant: P. Dobo. Planner: B. Hedtke. *(Item continued from the July 09, 2020 planning Commission meeting)*

Associate Planner Bella Hedtke presented the staff report.

Memorandum for the Planning Commission requesting the Item be continued to a date uncertain to consider relocating the cultivation site on the property.

Chair Frasier opened the public hearing. No other speakers were present in the meeting room. Chair Frasier asked if there were commenters on Zoom.

Public hearing closed at 7:20pm.

Commissioner Stewart made the motion to continue Item 3 to a date uncertain as requested by the applicant and staff.

Second by Commissioner McIntosh.

Roll Call Vote: Commissioner McHugh – Aye, Commissioner Matthews –Aye, Commissioner Stewart – Aye, Commissioner McIntosh – Aye, Chair Frasier – Aye,

Frasier – Motion carried unanimously.

Item 4: PROPOSED ZONING TEXT AMENDMENT (TBD): A request by the Planning Director for the Planning Commission to adopt a resolution to initiate an amendment of Chapter 17.17, Duplex Residential District (R2) District, to correct the omission of uses permitted within the R-2 zoning district. Currently all uses allowed in the R-2 zoning district require a conditional use permit.

Director Hunter presented the staff report. Staff is requesting the Planning Commission direct staff to bring forward a text amendment for the Duplex Residential District R-2 district, Section 17.17 of the Trinity County Zoning Code. The issue is that there are no uses are allowed by right. Staff research shows that the allowed uses were omitted from the Section 17.17 during the previous Housing Element update. Currently, Section 17.17.020 allows uses after obtaining a use permit which is a long and expensive process and places a burden on the construction of multi-family housing. Staff is requesting direction from the Planning Commission to revise the R-2 district to include uses permitted by right. Section 17.35.030 allows the Board of Supervisors or the Planning

Commission to adopt a resolution to direct staff to prepare amendments to the Zoning Ordinance. A Resolution 2020-07 has been provided for your consideration.

Commissioner McHugh questioned Director Hunter about the proposed changes as the Resolution presented for review did not include recommendations for the change. The Ordinance as it was previously written included one-family dwelling, duplexes single structure. Is that what staff is considering putting back in the ordinance.

Director Hunter is proposing to modify the language to include one-family dwelling, duplexes, and triplexes single structure for 17.17.010. Director Hunter stated that staff is open for suggestions and the Ordinance would be brought back before the Commission for consideration.

Commissioner McIntosh asked staff to clarify the difference between a single-family structure and a single-family dwelling.

Director Hunter stated that they were the same. Director Hunter also discusses that providing two separate single family homes or even three separate, detached single-family homes was also an alternative the Commission could consider.

Commissioner McHugh stated that during the last Housing element update that the state mandated that second homes should be allowed on many single parcel and that change was unfortunately omitted. Opening the possibility of adding a third or additional houses could create a situation where additional CEQA review would be necessary.

Commission Stewart also stated that the original change was made to follow state law.

Chair Frasier opened the public comment time.

Dana Ryan stated that he had brought the item to staff attention and he owns several lots currently zoned R-2 and it is difficult and expensive to develop the lots. And it takes a substantial amount of time to due to lack of staffing to complete the necessary process. It is easier not to develop these lots. Local developers are choosing to develop single family homes and the community needs more multi-family homes.

Chair Frasier closed the public hearing.

Chair Frasier asked staff to clarify that staff is requesting direction to bring an ordinance to the Commission for review and that no language is being proposed for decision.

Director Hunter stated that a simple change would be brought forward but current state law would also be considered.

Chair Frasier asked for a motion.

Commissioner Stewart motioned that the Commission direct the Planning Department to initiate the process of making changes to Zoning Code Chapter 17.17 as recommended in Resolution 2020-07.

Motion Second by Commissioner Matthews.

Roll Call Vote: Commissioner McHugh – Aye, Commissioner Matthews –Aye, Commissioner Stewart – Aye, Commissioner McIntosh – Aye, Chair Frasier – Aye.

Frasier – Motion carried unanimously.

PLANNING COMMISSIONERS REPORT:

Commissioner McHugh stated that in regard to the requested changes that he had also submitted a number of typos and changes to staff to update the Zoning Ordinance including restructuring portions of the ordinance for clarification. He asked staff if those changes were being considered.

Associate Planner Hedtke stated that those changes are included in a master data base spread sheet ready for when the process to change the ordinance begins.

Director Hunter stated that the changes to the Zoning Ordinance will be done with the General Plan update.

Commissioner McHugh expressed concern that the TPZ zone district had been completely dropped from the Zoning Ordinance.

Director Hunter stated that yes, at one point the TPZ had been dropped, but it was currently in the Code.

Commissioner McIntosh asked for clarification of the August 13, 2020 Planning Commission meeting and the expectation of having the Retail Store Front Ordinance and also the Smith Tailing Mine would be on the agenda.

Director Hunter stated that those items would not be presented at the August 13, 2020 meeting.

Commissioner McIntosh asked for clarification if the Cannabis EIR was going to be scheduled for the August 13, 2020 Planning Commission meeting.

Director Hunter stated that those items would not be presented at the August 13, 2020 meeting agenda.

Commissioner Stewart discussed a nuisance problem on a property with illegal trailers, junk and broken down vehicles. Complaints have been made regarding the property. Commissioner Stewart offered to supply the address to the property and requested that staff address the problem.

Director Hunter stated that she would have the code enforcement staff check into the issue.

Commissioner Matthews addressed Director Hunter in regard to an attachment received by the Planning Commission with letters received by staff for the Retail Store Front Ordinance. The letters predated the meeting by a couple of weeks and Commissioner Matthews asked about the policy for distributing letters to the Commission. He also expressed that he did not like receiving items on the day of the meeting and would like to discuss a process for receiving information in a timelier manner.

Director Hunter agreed that it would be more appropriate to provide information to the Commissioners earlier specifically in this case. She also stated that there are times that staff is unable to avoid providing information at the last minute, particularly letters are submitted just prior to the Planning Commission meeting.

Deputy Director Lozier stated that it is difficult for staff when letters and other items are submitted to staff just

prior to the Planning Commission meetings. Many times providing large volumes of information just prior to the meeting is used as a stalling tactic to force a continuance on projects that may be contentious in nature. Staff would be glad to take direction if the Commission would like to enforce a deadline for review of documents.

Chair Frasier stated that staff could enter letters or other documents in the public record and provide them to the Commission at the meeting, but the Commissioners may not review those items to cut down on stalling tactics.

Deputy Director Lozier recommended language on the Agenda specifically stating the deadline for submitting comments to the Planning Commission.

Commissioner Stewart stated that a memo had been prepared in the past to address the cut off time for submitting information to the Commission.

Commissioner Matthews stated that he would be in favor of choosing and enforcing a deadline if the Commissioners could agree on the time.

Chair Frasier asked if that was an item that should be agendaized and voted on or if staff could be directed to make it so.

Director Hunter suggested that staff could prepare something in writing to share with the public explaining the time frame for submittal of documents.

PLANNING DIRECTOR'S REPORT:

Director Hunter stated that she had multiple requests to place the Smith Pit Mine project on the Agenda for review. She stated that a staff member is currently compiling complaints regarding the project and the operator of the site had requested at least a month prior to the item placed on the agenda in order to review complaints and be prepared to address the issues. It takes time to make the appropriate preparations and staff did not make the August 13, 2020 deadline. Staff will get that item on the agenda as soon as possible. The particular issues are: noise, traffic, incompatible land uses, materials brought on the property.

August 13, 2020 meeting will include license appeals and river restoration project and Trinity County as the lead agency for the project will be bringing a CEQA document for the Commission to consider. The Cannabis EIR is coming up probably in September.

Deputy Director Lozier discussed the status of the Grocery Outlet project which had been approved by the Planning Commission in June. The project was appealed to the Board of Supervisors, and presented to the Board on the 21st of July. The attorney for the Trinity County Small Business group brought three concerns to the Planning Commissioners: 1 The General Plan was not available to the public for review; 2 Potential Urban Decay; 3 and the original posting for Mitigated Negative Declaration was not sufficient. The Board discussed the items and staff addressed and refuted each of the claims. The Board ultimately voted unanimously to uphold the Planning Commission approval. The next step for the opponents would be to go to court if they choose.

There were no additional items to discuss.

ADJOURNMENT:

The Planning Commission adjourned at 7:46 pm.

Submitted by: Deputy Director, Lisa Lozier



Kim Hunter, Planning Director
Secretary of the Planning Commission