

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting
September 12, 2019 at 7:00 p.m.
Trinity County Library, Weaverville

Commissioner Mike McHugh
Commissioner Graham Matthews
Commissioner Diana Stewart
Commissioner Richard Hoard
Commissioner Dan Frasier

MINUTES

CALL TO ORDER

Chair Mike McHugh called the meeting to order at 7:00 p.m.

Commissioners present: Diana Stewart, Dan Frasier, Richard Hoard, Graham Matthews and Mike McHugh.

Staff present: Director Kim Hunter, Associate Planner Bella Hedtke, Deputy County Counsel Joe Larmour and Clerk Ruth Hanover.

PUBLIC COMMENT

Justin Hawkins spoke regarding the Draft E.I.R. for the County's Commercial Cannabis Program. Mr. Hawkins provided written materials to the Planning Commission.

REGULAR CALENDAR

1. MINUTES:

By motion made, seconded (Matthews/Hoard) and carried (3-0), the Planning Commission approved the Minutes of June 13, 2019, as submitted, with Commissioners Frasier and McHugh abstaining as they were absent.

2. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK: Request for an Annual Initial Variance from the required 350' Cannabis cultivation setback from a neighboring residential dwelling [Trinity County Code 17.43.050.A.8.] located at 961 Top of the Grade, Douglas City. APN: 025-530-29/Proposed CEQA Determination: Exempt/Applicant: C. Thao/CCV-19-04/Planner: B. Hedtke. Staff recommends the Planning Commission: (1) Conduct a public hearing; (2) Close the public hearing; and (3) Approve the project based on the recommended findings in the Staff Report.

Associate Planner Hedtke presented the staff report.

Commissioner Matthews pointed out that the letter from the adjacent neighbor says his is APN 025-530-34, but on the map was the comment that 025-530-34 had no comment, and 025-530-30 there was a comment in favor. He asked does that gentleman not know his APN number or did staff make an error? Ms. Hedtke said she could have made an error, but she knows that is his house on the map and verified it with the applicant who was present in the audience.

Commissioner Frasier questioned why one of the conditions for these variances is that all buildings must be permitted, but then it says in here that there are structures on the property that are not in compliance. He then read the Assessor's Office comments from the staff report, asking if the Commission grants the variance subject to these conditions, they still won't have a variance until all the buildings are brought up to code? Ms. Hedtke responded you can make that a condition, she's been out there twice and the applicant has been making progress. Commissioner Frasier said his main concern is we are not granting

a variance that isn't code compliant.

Commissioner Stewart stated surely the staff response to that comment is that they are required to demolish all unpermitted structures.

Chair McHugh opened the matter for public comment.

Comments received from Applicant Chue Thao through translator La Veng who is a neighbor, and Justin Hawkins.

No further comments being received, Chair closed public comment period.

On motion made and seconded (Stewart/Matthews) and carried unanimously, the Planning Commission approves Commercial Cannabis Variance Application CCV-2019-04 that would allow the reduction of the commercial cannabis cultivation setback provision outlined in Trinity County Code 17.43.050.A.8. from 350' to 210' from the residential structure located on APN 025-530-34-00 and 325' from the residence located on 025-530-36-00, subject to the Findings and Conditions of Approval as stated in the staff report.

3. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK:** Request for an Annual Initial Variance from the required 350' Cannabis cultivation setback from a neighboring residential dwelling [Trinity County Code 17.43.050.A.8.] located at 1531 Mad River Rd., Mad River. APN: 018-050-67/Proposed CEQA Determination: Exempt/Applicant: N. Mihailova / CCV-19-33 / Planner: B. Hedtke. Staff recommends that the Planning Commission: (1) Conduct a public hearing; (2) Close the public hearing; and (3) Approve the project based on the recommended findings in the Staff Report.

Associate Planner Hedtke presented the staff report.

Chair McHugh opened the matter for public comment.

Comments received from Agent for Applicant Meshia supporting variance.

No further comments being received, Chair closed public comment period.

On motion made and seconded (Stewart/Matthews) and carried unanimously, the Planning Commission approves Commercial Cannabis Variance Application CCV-2019-04 that would allow the reduction of the commercial cannabis cultivation setback provision outlined in Trinity County Code 17.43.050.A.8. from 350' to 150' from the residence located on APN 018-050-68-00, subject to the Findings and Conditions of Approval contained in the staff report.

4. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK:** Request for an Annual Initial Variance from the required 350' Cannabis cultivation setback from a neighboring residential dwelling [Trinity County Code 17.43.050.A.8.] located at 590 N. Vista Ln., Hayfork. APN: 014-420-27 / Proposed CEQA Determination: Exempt / Applicant: F. Westfall /CCV-19-37 / Planner: B. Hedtke. Staff recommends that the Planning Commission remove this item from the agenda, the request has been withdrawn.

Director Hunter advises the variance is not necessary. The item was removed from the agenda.

5. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK:** Request for an Annual Initial Variance from the required 350' Cannabis cultivation setback from a neighboring residential dwelling [Trinity County Code 17.43.050.A.8.] located at 1720 Brady Rd., Hayfork. APN:

011-410-19/Proposed CEQA Determination: Exempt/Applicant: P. Yang /CCV-19-38/Planner: B. Hedtke. Staff recommends that the Planning Commission: (1) Conduct a public hearing; (2) Close the public hearing; and (3) Approve the project based on the recommended findings in the Staff Report.

Associate Planner Hedtke presented the staff report.

Chair McHugh opened the matter for public comment.

Comments received from Applicant P. Yang.

No further comments being received, Chair closed public comment period.

On motion made and seconded (Stewart/Hoard) and carried unanimously, the Planning Commission approves Commercial Cannabis Variance Application CCV-2019-38 that would allow the reduction of the commercial cannabis cultivation setback provision outlined in Trinity County Code 17.43.050.A.8. from 350' to 190' from the residence located on APN 011-410-17-00 and 330' from the residence located on APN 011-410-18-00, subject to the Findings and Conditions of Approval contained in the staff report.

6. **DETERMINATION OF SIMILAR USE:** Request for Planning Commission Similar Use Determination for a health campus in the Trinity Alps Business Park Special Unit Development (SUD) zoning district located at 81 Arbuckle Ct., Weaverville. APN: 024-220-53 / Proposed CEQA Determination: Not Applicable / Applicant: Trinity County Planning Department / PW-18-05 / Planner: K. Hunter. Staff recommends that the Planning Commission: (1) Conduct a public hearing; (2) Close the public hearing; and (3) Approve the recommended determination as contained in the Staff Report and Resolution PC-2019-02.

Director Kim Hunter presented the staff report. She stated there is no specific proposal yet, this is only specific to the Trinity Alps Business Park SUD Standards, which require any structure with more than 20,000 sq. ft. of floor area requires a use permit. A health campus or medical clinic are not specifically listed as either a permitted or conditionally permitted use in these SUD standards, but office uses are, or other uses found to be similar in nature by the Planning Commission. She advised that the Redding Rancheria is proposing to locate a 16,000 sq. ft. health care campus in the business park to provide expanded primary medical care services. She said the health campus will be comprised of an office or offices, which are a permitted use; so, staff is asking the Planning Commission to determine whether other uses not listed as permitted, should be allowed in the district without a Conditional Use Permit.

Chair McHugh expressed concern regarding increased traffic in the cul de sac. Commissioner Matthews agreed, stating that's the question, and he doesn't see how the Commission can address traffic concerns without having an estimate of average daily trips, or something. Ms. Hunter reviewed the Uses Permitted subject to a Use Permit to see if anything exceeds 20,000 sq. ft., stating the Performing Arts Center at times can be high traffic, probably not on a consistent basis as a health clinic may be. She said traffic is a valid concern and it is up to the discretion of the Planning Commission to require a Use Permit or even a Director's Use Permit where traffic impacts are analyzed.

Chair McHugh opened the matter for public comment.

Comments received from Glen Hayward the Executive Director of Health Services for Redding Rancheria, Justin Hawkins and John Brower all spoke in support of not requiring a Conditional Use Permit.

No further comments being received, Chair closed public comment period.

Director Hunter directed the Commission's attention to Page 3, Paragraph M, of the Trinity Alps Business Park SUD Guidelines, stating there is discussion that projects generating a high ADT may require a traffic analysis and off-site improvements prior to approval. Chair McHugh asked if that would be done at the discretion of DOT? Hunter responded in the affirmative. Commissioner Frasier stated he didn't believe it would generate any more traffic than a restaurant with a drive-through service, retail sales, or community college or technical school, so he believes it would be a similar use. Commissioner Stewart agreed, stating it seems appropriate. Commissioner Hoard stated he was equally encouraged by the similarity of use and the fact that a traffic analysis is required due to development standards and mitigated accordingly, if necessary.

On motion made and seconded (Hoard/Stewart) and carried unanimously, adopts Resolution No. PC-2019-02 finding that (A) Health campus and medical clinic uses are similar to the permitted offices in the Trinity Alps Business Park SUD zoning district, and shall be permitted without a Conditional Use Permit in the Upper Level; and (B) Health campus and medical clinic uses that exceed 20,000 sq. ft. in size are required to obtain a Conditional Use Permit from the Planning Commission. Roll Call Vote: Commissioners Hoard, Stewart, Matthews, Frasier and McHugh-Aye.

- 7. PARCEL MAP EXTENSION OF TIME (ADAMS, P-11-22):** Request for Planning Commission to approve a second one-year extension of time for approved Tentative Subdivision Map. Approval of this map in October of 2012 was granted for the creation of three parcels approximately 40-acres each. The project is located on Van Duzen Road 6.8 miles south of the intersection with State Highway 36 at Scott Glade, Mad River. APN: 018-210-16-00 / Proposed CEQA Determination: Exempt / Applicant: Stephen and Susan Adams / P-11-22 Extension #2 / Planner: K. Hunter. Staff recommends that the Planning Commission: (1) Conduct a public hearing; (2) Close the public hearing; and (3) Approve the project based on the recommended findings in the Staff Report and Resolution PC-2019-03.

Director Hunter presented the staff report, first stating there are two corrections; first, this will be the third extension, there was one granted in 2017 and one in 2018, the Subdivision Map Act allows for six years of extensions to be granted by the County; the second correction, please disregard the "Alternatives" portion of the staff report, that is a carry-over from another report.

Ms. Hunter said that the map is very close to being completed and these folks have been working really hard to get these improvements in. She said it is an approved map, so an extension of time is somewhat ministerial in nature because you're not adding conditions or adjusting, it's just an extension of twelve months. She referred to her memo which just came out this afternoon, stating it contained a lot of information. She gave a little background, stating the applicant originally contacted her hoping for a modification regarding the road standards and condition of the road. This is a complicated matter and she needs a little more time to look into that and to work with CalFire, progress is being made, it's just that expiration date of the map is quickly approaching and she didn't want to take a chance with it. She said it's a huge commitment and investment on the part of the property owner and we want to keep it going and err on the side of caution and recommend an extension for twelve months, in full confidence that it will be wrapped up before that time.

Chair McHugh said he hadn't had time to read the memo, but that's for a future meeting if it comes to us, tonight we are just looking at the extension? Director Hunter responded it does, if it does come to the point and findings can be made for modification, and it's appropriate for modification, then that would come back to the Planning Commission, correct.

Commissioner Hoard said it states in the modification request it states there's no further possibility extensions can be granted and asked if it would be prudent and possible to consider a 24-month extension just in case of further delays? Director Hunter responded yes, although our Subdivision Ordinance is a bit outdated, we look to the Subdivision Map Act, State law, which allows for a

maximum of six years, if something were to happen, then we would come back next year.

Commissioner Matthews asked for the specific legislation related to the recession for extensions. Hunter responded there were several legislative actions taken, they're through State law, they're automatic. Commissioner Matthews said the issue that Commissioner Hoard brought up about the 24 months vs. 12 months, he's a little concerned about setting precedence if that's not really the Commission's prevue.

Deputy County Counsel Larmour advised the issue of special legislative act, that was State law usually overrode all the local laws, the intent of that was during the recession there were maps which were approved, but couldn't be acted on. That was essentially a tolling agreement with the State for those who had active maps after the recession. He said the Planning Department is convinced that twelve months is enough and you're entitled to that, based on this tolling you may be entitled to 24 months, but he can't answer that; but thinks you can conditionally approve 12 months with 24 months approval if staff can verify [inaudible].

Chair McHugh opened the matter for public comment.

Comments received from Forester Cameron Holmgren who is a partner with Steve and Susan Adams, Justin Hawkins and John Brower.

No further comments being received, Chair closed public comment period.

Commissioner Stewart said she was concerned with the 12 months with winter coming up and the condition of Highway 36 which isn't going to be improved by winter, she thinks an extension is warranted, but she would prefer to see it with the additional 12 months if staff can verify the additional time is allowable.

On motion made and seconded (Stewart/Frasier) and carried unanimously, adopts Resolution No. PC-2019-03 extending the life of the map for an additional 12 months with a new expiration date of October 11, 2020, as amended, with an additional 12 months allowed if staff can verify the additional time is allowable. Roll Call Vote: Commissioners Stewart, Frasier, Hoard, Matthews and McHugh-Aye.

8. **AMENDMENT TO THE PLANNING COMMISSION PROCEDURES:** Amendments are proposed to the Planning Commission Procedures, or "Bylaws," which were last updated in 1989 by Resolution PC-89-05. The proposed amendments to the Bylaws include provisions to allow the Chair (or Vice-Chair in the absence of the Chair) to cancel meetings when it is determined that a majority of Planning Commissioners will not be attained for a meeting or if there are no agenda items for consideration. Planner: K. Hunter. Staff recommends that the Planning Commission approve the proposed amendments and restate the Planning Commission Bylaws as set forth in Exhibit "A" to Resolution PC-2019-04.

Director Hunter presented the staff report. She said this item is just putting something before the Commission in the way of draft By Laws to consider. There is a noticeable contrast between the By Laws last done in 1989 and the draft presented tonight, and there is a different statutory environment as well from 1989. She said this is just to start the discussion and get some progress made toward formalizing and she does expect this to take a few meetings.

The Commission reviewed the 17 proposed rules line by line, discussing each and suggesting minor changes to some.

Chair McHugh opened the matter for public comment.

Comments received from Justin Hawkins, John Brower and Dero Forslund.

No further comments being received, Chair closed public comment period.

On motion made and seconded (Stewart/Frasier) and carried unanimously, continues item to the October 10, 2019 meeting to give staff time to revamp the proposed By Laws for further review by the Commission.

PLANNING COMMISSIONER REPORTS

Commissioner Hoard disclosed that he recently began employment with Trinity Valley Consulting Engineers and he has perceived that it might be a conflict of interest since the company reviews a lot of the discretionary matters that we see before the Commission, so in the interest of transparency he has submitted a formal request to the FPPC this week seeking counsel from them. He will advise the Commission when he receives its response.

Commissioner Frasier advised he is constantly getting questions about K Housing, especially since former Planning Director Rick Tippet said it would be done with the Housing Element. He asked when the update to the Housing Element will begin. Director Hunter responded our 2014-2019 Housing Element expired on August 31st, not only is it important to have a Housing Element and get it updated. She said there are funds available through Senate Bill 2 funding that was earmarked for counties, so it's available to have our Housing Element updated and certified. She said she's unaware of the connection of the Class K Housing to the Housing Element, and wanted to remind the Commission that the direction does come from the Board of Supervisors on these matters and so Class K would have to come from the Board of Supervisors directing Planning staff to create an ordinance and start addressing the issue which would then come before the Commission. Commissioner Frasier said what we ran into before when we talked about a Class K Ordinance, and actually did some work on it, then when it came back to the Commission Director Tippet said at that time that it should fall under the Housing Element, it shouldn't be its own ordinance. Director Hunter stated it should be an amendment to the existing ordinance; it could be a program; it could be touched upon in the Housing Element and the County would explore the feasibility of Class K Housing and set goals for that.

Commissioner Stewart stated while we recognize the direction comes from the Board of Supervisors, we also can send recommendations to the Board of Supervisors that they consider Class K Housing. Hunter responded typically no, not unless it's before the Commission to make a recommendation on something; it's an advisory capacity, not where policy and direction are created, the Planning Commission is advisory. Commissioner Stewart stated that's not what we've been told in the past. Commissioner Frasier said when this first started people were directed to bring it to the Planning Commission, then we actually said we would do something and once we did, we were told we were out of line to do that, the Board has to direct you to do that. He said there's a lot of people waiting for it. Hunter said she realizes there were mixed messages in the past, she wants to get the Planning Commission back in the role that it should be, as advisory; as Planning Director that's her job. Chair McHugh suggested Commissioner Frasier should have folks contact the Board.

Chair McHugh said he has a minor item that he has brought up three times. Title 17 of the County Code that is published under the Municipal Code on line, is missing a number of ordinances, such as TPZ, Marijuana Manufacturing, Microbusiness, Non-Storefront Retail or Self Transport for growers. Deputy Director Hubbard responded the Muni Code is updated twice a year and should be updated within the next two months, and the CAO's Office is the one that coordinates with Muni Code to do that.

PLANNING DIRECTOR'S REPORT

Director Hunter said the link to the CEQA Workshop Power Point and link to the You Tube video are available on our website.

Ms. Hunter advised there is a second meeting on September 26th, for a public meeting, a no action item, on the Cannabis Program Draft EIR, to be held in Hayfork. There will be a follow up meeting with the Board of Supervisors in Weaverville on October 16th, that is our target date, but needs to be confirmed.

Ms. Hunter stated the meeting time of 7:00 p.m. is a bit late and wondered if the Commission would entertain moving the meeting on September 26th up 5:30 or 6:00 p.m. Commissioner Stewart stated the reason Planning Commission meetings are at 7:00 p.m. is so the people that work can make the meetings. She said we've talked about making these meetings earlier in the past and the Commission has said not to because of that issue. She said personally, she wants people to make it there and be able to talk and say the things that count, that were not counted at the last one. Commissioner Frasier said he didn't like changing the meeting time. The other Commissioners didn't have a preference. Ms. Hunter said the meeting will be at 7:00 p.m. then. She explained what would be covered at the meeting, stating the intent is to get feedback on the top controversial issues, she believes there are about fifteen. Deputy Director Hubbard stated there are six main issues that have surfaced as we've received public comment, so the idea is to air out those six main ones, and of course people can provide comments on other issues that are of concern to them, and then we as staff will give you an idea of our general response to those main issues. She said other issues that people raise, we may not have a response to those. Commissioner Stewart asked will those comments matter? What's the point of them making comments, if they make no difference? Will they be part of the record or not? Director Hunter responded the comments will be considered, they're just not part of the record.

Chair McHugh asked when does the CEQA come to the Commission for that determination, where in the process? You have a meeting in Hayfork, maybe one other Board of Supervisors meeting, then what? Hunter responded then we take a step back and consider the feedback that has been given and make a decision how to move forward. Chair McHugh said we've never had a discussion here where we've given our input on the document. Commissioner Matthews stated he hoped the Commission has a summary of those six topics before the meeting on the 26th.

ADJOURN

The Chair adjourned the meeting at 10:14 p.m.