

MINUTES

1. **CALL TO ORDER**

Members present: Chair Dan Frasier, Commissioner Kyle Brown, Commissioner Tom McKnight, Commissioner Diana Stewart, Director Rick Tippett, Senior Planner Carson Anderson, Environmental Specialist Jan Smith, County Counsel Joe Larmour, Clerk Naomi Merwin.

Chair Frasier called the meeting to order at 7:00 pm.

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 agendaized for a future meeting. No action may be taken on these matters at this meeting.

No one came forward.

3. **MINUTES** – None

OLD BUSINESS

4. **USE PERMIT AND VARIANCE TO SETBACKS FOR RETAIL STORE**

P-15-14

Public Hearing: Proposed Use Permit and Variance to setbacks for the development of a 9100 square foot retail Dollar General store. Setback variance is from County Road right of way. Located at 7610 State Highway 3, Hayfork. APN 014-140-07. Applicant: Cross Development.

Commissioner Stewart recused herself from the item due to a personal conflict.

Chair Frasier read the project description into the record.

Specialist Smith: Application is for a 9,100 sq. ft. commercial building on a property zoned commercial, however that size building requires a use permit. The building will be too close to Humboldt Street on the back and requires a variance to the setbacks from the County Road. The project is located across Highway 3 from Frontier Fuel, on the corner of Highway 3 and Manzanita Avenue. The environmental study circulated in August and the first public hearing was held at Hayfork High School September 10, 2015; there was extensive public comment at that meeting. The Planning Commission was split 2-2 on deciding whether to approve or deny the use permit and variance. A couple changes made to use permit from the original: Eliminated back entrance from Humboldt Street, and applicant provided plans to retain storm-water onsite.

Additional comments from community include: Bob Mountjoy of the Hayfork Community Planning Committee regarding the fit of the building with the character of Hayfork and the location of the building in hazard zones. The applicant sent an economic study, and wishes to provide an informational presentation should the Planning Commission grant that.

Staff's recommendation is neutral. Staff is only recommending the language that would be adopted should the commission approve the project.

Chair Frasier: Request from Bob Mountjoy to present the Hayfork Community Plan. Will allow Bob Mountjoy to provide his presentation and then allow Cross Development's representative to provide his presentation as well. Then will open to public comment at three-minute maximum.

Bob Mountjoy: Thank you for coming back to Hayfork. To clarify confusion over the vintage of the Hayfork

Community Plan; the 1996 plan is the only one we are referring to. In 2008 a committee appointed by the Board to do an update of the Hayfork Community Plan, the Plan was drafted, and is in the process of being formalized.

Submitted letter recommending denial of the project. Referenced the Hayfork Community Plan: Whenever possible encourage a village character, small scale buildings, related to each other and unified through landscaping and pedestrian circulation. The emphasis is on the village character and the small scale of the buildings. Historic development in Hayfork has resulted in a rural-based mixed-use development, much occurring in the commercial center of the town. A lot of those commercial lots are developed as residential; a true mixed use, which is not undesirable. The key is the compatibility of the mixed use units. Development must encourage the compatibility of these uses. The Hayfork Community Plan encourages economic development, now possible due to the sewer system, but not at a scale that changes the character of the community. New development must be sensitive to the scale and the compatibility with the adjacent, existing development. In this instance there is a size of development issue with the large scale of the building due to the small scale that residential development that surrounds the building. In this site, if used commercially, might be more appropriate for a small scale, neighborhood or community serving convenience store, with less parking and less traffic, with an emphasis on pedestrian use and access. To a Hayfork, rural-scale, of development, 9,100 sq. ft. store is perceived as “big box”. Other markets and buildings fit this smaller scale; the larger buildings are on the sides of town that do not have residential use around it. On that basis I recommend you maintain the 5,000 sq. ft. maximum on this site. If you approve this project at any size, I urge that the community plan guidelines be referenced, specifically areas that talk about forms and materials, the rural, historic character of the community, an acknowledgement of the existing patterns of the community. I want the record to include information on inundation from the dam, should the dam break, in terms of complete disclosure for the developer. They could expect a 5 ft wall of water for 15 minutes directly in the project location. Also wish to advise the developer of the potential hazard posed by the propane facilities across the street. In terms of sound and noise, if the project is to be similar to the one in Weaverville, there might be concerns about the four large heating, ventilating and air conditioning units that would be intruding into the requested variance setback area closer to the community. It would be dependent on the operating times and the level of sound, which could be a possible disturbance to the community.

Joe Dell: (Had Power Point presentation). With Cross Development. Not with Dollar General, Dollar General does not have a representative present. I am the developer for the building and Dollar General is my client.

Thank you all for coming tonight. Appreciate the letter from Bob Mountjoy provided by staff. I would like to address some of the things he mentioned in his presentation. First is the zoning of Hayfork. Hayfork is zoned commercial (C1) on highway frontage from Trinity Street to the east to the west past Wiley’s Market. All of the properties surrounding the site are zoned commercial, there are existing houses on it, but it is zoned commercial and at any moment the property owners can apply to have a business. We are within the commercial zoning district within Hayfork, we are not asking for a rezone, or to put a Dollar General in a neighborhood that is zoned for neighborhoods. It is specifically zoned in the general plan for commercial development. At the very beginning we sat down with the county, before getting into a project, talked about requirements the county has; we rely on the internet, county staff, planners, public works, Caltrans, water departments, everyone involved with what development will take place; and discussed challenges, ideas and plans. At no point did the community plan for Hayfork come up. At the last meeting the Commission wasn’t even sure that it existed. It is good that it does it gives us guidance on how to form the project and building around that. We are very flexible in the design of the building and what it looks like. Just finished a building in Weed, and it doesn’t look like a Dollar General because it was made to fit in with the community. We can make the store look like the way it should look like in the Hayfork community. The front of the store could look like a Wiley’s Market with wood siding, put darker colors, that is possible. The question is who guides that design when it comes to what the building should look like and that is where I can’t get a clear answer, and I worked closely with planning staff to come up with a drawing of the building. Showed a color rendering of the building. Metal building, metal façade on back and sides, stone façade, designed the site specifically to avoid truck traffic along Manzanita Avenue and Humboldt Street. The truck enters the site, backs-up on site and does this before the stores operating hours, it will be minimal impact to any traffic in the area.

Another point that is pertinent to the Hayfork Community Plan is that it encourages development, and it

encourages same scale development. Not every development can be 5,000 sq. ft., there is a use permit in place for a reason, there are going to be larger developments to allow development over 5,000 sq. ft. My question is who makes the determination as to what is allowed at what sq. ft.? For example, Wiley's Market is 10,000 sq., Wiley's Market is less than 700 ft. away from this building site. Our building is going to be within the range of buildings in the area. Others will be smaller; Wiley's Market will be bigger. When it comes to the zoning and the 5,000 sq. ft. use permit, I urge you to look at location in general to the other stores, some will be smaller, some will be larger. I drove through town to get a sense of what the community looks like, what the buildings look like. The Hayfork Community Plan was completed in 1996, I'm assuming to encourage development. There doesn't seem to be any consistency with the look of the buildings along the commercial district, other than there are some buildings that have the wood siding and the front porch. We can make the building look like any other building in the community.

I read the reports on hazards. We understand the risk of the hazards in relation to the dam and in relation to the petro-chemical business across the street. We've done our phase 1 environmental reviews. We assessed the hazards and this site works for the development.

We are open to additional recommendations made by the planning commission on how the building should look. Recommendations you make can be enforced by staff to make sure that we are adhering to what the intent of the requirement was of the recommendation.

In the economic report, the key piece is there is a lot of money going out of rural Trinity County going into metropolitan areas. Our economist did a limited study in the time she had, with data from reputable sources, and the data shows that about \$32 million dollars in sales revenue is generated by this area of about 15 miles around Hayfork.

Dollar general is not on hearing here, what is on hearing here is the variance on the set-back from Humboldt Street and the use permit for the size of the building. Set-backs on all corner lots are 40 feet from the center line of the road, Humboldt Street is going to be 20 ft from the centerline, not a 10 ft setback from the edge. This does not create a line of sight problem, there is a full view of the corner.

No light would be shed beyond the property line onto adjacent property lines. At the last meeting we agreed with the neighbor to the east of us to put up fences to improve security on the east side of the building.

According to the economic report 32 million dollars available in the area, within 15-mile radius, Dollar General will gain about 8% of that conservatively. That is a bigger picture for Trinity County, we want to take into consideration Hayfork, but also Trinity County, and not lose tax dollars. It is more sales, to go to Dollar General and shop rather than shop at the outside cities.

Landscape drawings provided, there will be landscaping on Highway 3, Manzanita Avenue and Humboldt Street.

Chair Frasier opened public comment with three minute maximum.

Jim Bayley: Own Bayley's Lumber and Ernie's True Value. Four points to make:

Also want to address a couple statements stated by Mr. Dell. We were told this was a land use issue, not speaking about Dollar General, so we are supposed to consider zoning, not what the applicant said. Second, what he mentioned about surrounding lots are zoned commercial, except for the front and back, but those have been residences since I've been here. They could be torn down, but we know that is not going to happen, so the reality is a 9,100 sq. ft. building surrounded by residences. Wiley's Market was built in 1962 and the community built around it, there are no residences surrounding it. 5,000 sq. ft. is pretty cut and dry, I understand there are use permits, but this building is double the recommended size for the lot, it does not fit that lot. Next, the setback variance, it's clear the building is too big for this lot, it's being put in with a shoehorn. The variances to the setback prove that, they can't fit the building on the lot. I assume there are setbacks for a reason and it was zoned and setbacks were established for a

reason.

Kenny Wiley: Although zoned commercial there are residences there that aren't going anywhere. We are looking at 250 residences are there on this side of Morgan Hill, they are not going to pull out on the highway to enter Dollar General, they are going to use Humboldt Street, right past all the residences. So when Mr. Dell says there's not going to be any traffic impacts on Humboldt Street from the delivery trucks he's right, but when you have at least 250 residences coming down from the Morgan Hill side, that is going to generate traffic, that is constant traffic from the Morgan Hill side. Pretty clear they are asking for a lot more than is appropriate for that side, 4,100 additional square feet is almost another building. Noise pollution for all these residences that won't be able to sit on their porch without dramatically increased traffic, and a building right in front of their view. It's hard enough as it is to pull out of the High school. People already cheat by using the street, if there is a Dollar General here that will be much easier. 5,000 versus 9,100 sq. ft. is an easy answer let's please realistically abide by what the recommendations are.

Heather Gossman: Respectfully request that you deny this use permit and variance. From the Hayfork Community Plan dated November 1996, Chapter 9.16 under economic development concerning commercial area and the central Hayfork business district: the commercial district extends along both sides of Highway 3 from Hyampom Road on the west to Hayfork High School property on the east, the only exception where you find single family homes is Manzanita Avenue to Oak Street. Mr. Dell was pretty dismissive of people that live in town, and lack of concern about our community. According to the Trinity County Zoning Ordinance Section 31, A.4: Variance should not be adverse to general or specific plan. A variance must be in harmony with the general purpose and intent of the zoning ordinance and cannot adversely affect the general plan or specific plans of the County. This variance is adversely affecting our town. People who live in this area were asking the question whether as part of this project would they be planning on widening Manzanita Avenue. School bus already has a problem turning onto that road.

Melanie Tibideau: Petition to protect the safety and the best interest of our community within the bounds of established law. Developer is here to pursue his best interest by pushing his project through regardless of the cost to our community, which he does not belong to. Your job is to ensure that growth and development take place in a smart and appropriate manner within the bounds of the law and uphold the integrity of the town vision. This project is not in legal compliance of the zoning regulations, almost double the size of that allowed, traffic concerns with Manzanita Avenue, Oak Street and the school. Issue with economic viability study, I would challenge it; to say that people will come from out of the community to shop at Dollar General and other businesses is ludicrous. Lisa Hamel prepared a statement and asked me to read it: Hi, my name is Lisa Hamel, I spoke at the meeting in September regarding the lot at the corner of Highway 3 and Manzanita being used to house a 9,100 sq. ft. business. At the time of the meeting we lived adjacent to the building site, we have since been asked to move from Humboldt Street, which is directly across from the building. The things we brought up are still true.

Chair Frasier read the rest of the letter into the record, "the space is so inadequate that Cross Development had to reconfigure the way the trucks had to pull into the lot and it would be a tight fit, but they could do it. At the time we were told that no traffic studies were done and that traffic wouldn't be affected, but that happened to be an assumption of Cross Development. We talked about bringing a giant building into a neighborhood full of houses, and talked about how it does not fit into the environment; a building almost twice the size of what the zoning allows which is technically too close to the right of way on the road next to where children play, ride their bikes, wait for the bus and where people walk their dogs. Would you build a giant building next to or in front of your house, where your children play? Would you take the word of someone from another state who wants a giant corporation telling your neighborhood that it wouldn't be impacted by vehicle traffic or transient traffic? The building site is inappropriate and creates traffic issues and potential safety issues for the residents of Humboldt Street.

Louise Nordland: In favor of a Dollar General in Hayfork. Not in favor of its location. It will be intrusive to the people who live there and also generate traffic on Highway 3. If you could find another place for it that would be great where there is more room, but not right there.

Donna Wagner: I live near the site. A couple issues: our children in the neighborhood of Humboldt and Manzanita have to stand right at the corner of Dollar General's property to get on the bus every day. The bus has to come through Humboldt and when it turns onto Manzanita, and there is not enough room when it goes across the road. How is that going to work with cars coming in and big trucks coming in. It is already a dangerous situation for our children. There have been many issues with Oak Street and the left turn heading west; cars barreling down Highway 3 are going to ram right into them. There is no left turn lane or signs. There needs to be a serious study on the roads. The residences further down Manzanita are concerned about the overflow of parking when the trucks are backing up and unloading. They are going to park in front of our homes. I have parking in front of my house for my vehicles not for everyone else's'.

Scott Murrison: I own Frontier Fuel. Dollar General is in the top five worst corporations to work for in the US. One lawsuit currently going on is 2,300 managers suing Dollar General. Dollar General treats their employees like dirt, they don't compensate them, they overwork them, it is a bad procedure. Just a scaled down Walmart with buying capacity that no one else can compete with. These stores attract loitering and transient type behavior. Go to Weaverville and you consistently find transients and people loitering in front of Tops and Dollar General, you are putting that into a residential area. I am across the street, and panhandling and loitering is a constant issue. Dollar General runs a skeleton crew; they don't have the capacity to address that. The cars coming down the street are not going to pull out onto Hwy 3 and then turn back down Manzanita, they are going to cut through the residential area and increase it maybe 50 times the volume in that area. I have two entrances into my station, they are 60 ft wide plus a big parking area in front of the building. We still have major traffic issues. There have been three accidents in the last month.

John Brown: I live adjacent to the site. Humboldt St. is barely wide enough for one car now. The road would have to be widened in my opinion. With the proposed heating and the AC units I will have to listen to new noise most of the night. I myself don't want a Dollar General store there.

Adrian Keys: Wondering if anyone knew that the Dollar General in Weaverville has been for sale since the first meeting concerning this one in Hayfork.

Rhonda Rothwell: Manager of a local business. When it comes to one delivery early in the morning, they don't receive only from one supplier. They receive from various suppliers. And they receive that at all hours of the day.

Piper McDaniel: I live in Hayfork and reiterate that it would be a poor decision to allow this variance, and should look at the Hayfork Community Plan. This decision needs to look to the existing codes, and the decision needs to be made in a sound way. Planning Commission needs to look at the impacts on the community good to consider the guidelines in the Hayfork Community Plan, consider the health and the long-term longevity of our communities. Essentially the task of the Planning Commission is to act in a way that benefits the people that you are actually shepherding. This is a really long-term decision, it is going to have long-term impacts and it is important to consider these guidelines as to what will benefit the community in the long-term.

Rob Oakley: Concerned business owner in Hayfork. At this planning meeting you hear a lot of terms like shoehorn, if you look around this really doesn't fit. It is out of place. The way we do things in Hayfork is different from everywhere else in the world. I do business with businesses, mostly grocery stores, from here to Salyer. I don't do business with Dollar General because they have corporate contracts from somewhere else. The way the business is structured and the way we do business here is different. I don't think it fits and looking at the plan and all I don't think it is going to fit.

Chair Frasier closed public hearing and brought it back to the Commission.

Commissioner Brown: Motion to deny variance and use permit based on findings from the Hayfork Community Plan. 1) Chapter 8 economic development, page 9.12, policy 5.2.e: Avoid locating incompatible land uses adjacent to one another and 2) page 9.34, objective 3.5, policy a: wherever possible encourage a village character, compact small scale buildings related to each other and unified through landscaping and pedestrian circulation.

Commissioner McKnight seconded motion.

Chair Frasier: Have a motion and a second, we can discuss.

Commissioner Brown: I know how I voted last time, but I had a lot of time to reread and the fact that the building is surrounded by residences, even though zoned commercial, it is a defacto residential community. I can't reconcile the size of the building surrounding residences.

Chair Frasier: Hard time denying any logical use of a property within the appropriate zoning. My issue with this project is I can't see it as good planning to allow a use permit that then requires a variance afterwards. I would vote to approve this project if they could keep it within the size limits, but I would vote against the use permit because I don't think it's sound planning to grant a use permit that then would require a variance that then we would have to grant to anyone else on that street that wanted to build a building within the setbacks that we want.

Commissioner McKnight: Big believer that you have the property and the zoning that goes with it, that you should use the property within the boundaries of the law. The use permit process is for projects outside the boundaries. I agree with Chair Frasier, that when you need a variance to accomplish the project, there needs to be a special, significant reason. You can't request a variance just to make a building fit.

Commissioner Brown: Technically it is defined as a hardship.

Commissioner McKnight: Yes, and building size doesn't meet that.

Chair Frasier: Re-read motion and findings and have a roll call vote.

Commissioner Brown: Motion to deny variance and use permit based on findings from the Hayfork Community Plan. 1) Chapter 8 economic development, page 9.12, policy 5.2.e: Avoid locating incompatible land uses adjacent to one another and 2) page 9.34, objective 3.5, policy a: wherever possible encourage a village character, compact small scale buildings related to each other and unified through landscaping and pedestrian circulation.

Chair Frasier: Findings are adequate?

County Counsel Larmour: Yes.

Clerk Naomi read roll call:

Commissioner Brown: Aye

Commissioner McKnight: Aye.

Chair Frasier: Aye.

Motion passed, variance and use permit denied.

Chair Frasier: Called five minute break.

NEW BUSINESS

5. PROPOSED NEG. DEC. AND INITIAL STUDY, COFFEE CREEK ROAD AND RAMSHORN ROAD BRIDGE REPLACEMENTS PROJECT

P W-15-04

Public Hearing: Proposed negative declaration and initial study for the proposed Coffee Creek Road at Adams Creek Bridge 5C-196, Coffee Creek Road at Coffee Creek Bridge 5C-048, and Ramshorn Road at Mumbo Creek Bridge 5C-061 Replacements Project. Applicant: Trinity County Department of Transportation.

Chair Frasier opened the item asked staff to describe.

Specialist Smith: Three bridges in the north part of the county; two on Coffee Creek Road and one on Ramshorn

Road. The bridges are on county roads and under county jurisdiction but the construction of the projects will be fully implemented by Federal Highway Administration and the Central Federal Lands Highway Division. County is CEQA lead agency because the county is responsible for the roads. Have done this before at Mad River and Van Duzen Roads; five bridges were built. The funding is different in this case but is the way it is set up is the same. Federal agencies taking full charge of the project are exempt from California Fish & Wildlife (CA F&W) and the California Endangered Species Act. Circulated CEQA document locally and through state clearing house; no comments locally. We didn't receive anything in the comment period, but later received a request from CA F&W asking to come in late. I requested a summary of their concerns. CA F&W wanted more mitigation regarding migratory birds, and the instream work period to be moved to July 1 from June 1 due to potential of frog eggs, also concerned about roosting bats in the bridges to be taken down, wanted more specific mitigation of riparian vegetation. Central Federal Lands responded, they will not do bat mitigation because they say the bats will not nest in the steel bridges because it is too cold and not suitable habitat for bats to roost or nest. They will do more work on migratory birds, changed the mitigation measure, both preventing bird nesting in the bridges and what to do if there are already birds nesting in the bridges; and so they will not work until the bird's nest and fledge. The other issue was the instream work which will start before July 1 but will have a biologist monitoring and will consult with CA F&W; they will have a biologist monitor the site and contact CA F&W if frog eggs are detected and avoid the area. For the riparian mitigation measures, they do have to get permits from the regional water quality board and the US Army Corps of Engineers, so the mitigation measures will be worked out during that process. Being as they don't have to comply with the California Endangered Species Act or CA F&W, they feel that they've done what they can, and are trying to address the measures that came in late; except for the bats because they don't see the potential for bats to be there. No other comments on this project.

Impacts of these projects are typical for bridge construction projects. There will be impacts to water, air quality and wildlife temporarily. Air quality mostly relating to dust. Have mitigation measures in place to address impacts. Noise is not an issue with humans, there are no homes within a mile of these bridges. There are mitigation measures to protect Northern Spotted Owl. In this case there is no use permit required. The Planning Commission just needs to hold a public hearing and decide if they want to adopt the mitigated negative declaration and the revised version of the mitigation and monitoring problem. Any questions.

Chair Frasier opened public comment.

Kenny Wiley: Wiley's Market here in Hayfork. Is this on the way up to the vineyard? Is this on that road?

Staff: No. Bridge is on Hwy 3 north of Trinity Center about five miles, the one that goes over to Castella, Castle Crag, and the other one goes up to the Trinity Alps Wilderness area toward the Salmon headwaters.

Chair Frasier closed public comment. Questions for staff? Replacing with one lane bridges, will one lane be sufficient at all times on those roads in the future?

Director Tippett: One of the things you look at when trying to decide with bridges is how many cars you have going over; volume, use, and sight distance coming up to the bridge and length. If you have a short bridge and few people, it's ok to go with single lane. A single lane doesn't mean that you only have 12 feet, actually these bridges will actually be 20 feet with 2 feet of rails and you have a 16 feet span, could almost fit two cars through. Meant to allow pedestrians and vehicle traffic shared use. Very rarely would anyone ever have to wait, sight distance is acceptable, the length is only 20-40 feet. The conflict is not that great.

Chair Frasier: Doesn't sound like this is in an area of expected growth or traffic?

Director Tippett: In the wilderness, even though there is the dude ranch up there, is not going to see a whole lot of growth without permission from the USFS, I don't see a lot of growth.

Chair Frasier: Works for me.

Commissioner Brown: I'll make a motion, do I need to specify the November 18 amended mitigation, monitoring and reporting program?

Staff: Yes.

Chair Frasier: Item 5, proposed negative declaration and initial study for the proposed Coffee Creek Road and Ramshorn Road bridge replacement project. Proposed negative declaration and initial study for the proposed Coffee Creek Road at Adams Creek Bridge 5C-196, Coffee Creek Road at Coffee Creek Bridge 5C-048, and Ramshorn Road at Mumbo Creek Bridge 5C-061 Replacements Project. Applicant: Trinity County Department of Transportation.

Commissioner Brown: Move to accept initial study and mitigated negative declaration from November 18 and adopt the mitigated negative declaration mitigation, monitoring and reporting finding that on the basis of the whole record before the commission, including the initial study, comments received and mitigation, monitoring and reporting program that there is no substantial evidence that the project will have a significant effect on the environment and that a negative declaration reflects the commission's independent judgement and analysis.

Commissioner Stewart: Second.

Chair Frasier: Discussion? Vote.

Clerk Merwin held roll call:

Commissioner Brown: Aye.

Commissioner McKnight: Aye.

Chair Frasier: Aye.

Commissioner Stewart: Aye.

Motion passed, project approved.

County Counsel: Customary for chair to go last in terms of voting, not required.

6. **PROPOSED MITIGATED NEG. DEC. FOR THE PROPOSED JORDAN ROAD AND EAST FORK ROAD BRIDGE REPLACEMENTS PROJECT**

P W-15-05

Public Hearing: Proposed mitigated negative declaration for the proposed Jordan Road at Little Creek Bridge 5C-187, and East Fork Road at North Fork of East Fork Hayfork Creek Bridge 5C-157 Replacements Project. Applicant: Trinity County Department of Transportation.

Chair Frasier read the item into the record.

Specialist Smith: This is similar to the project just discussed. Trinity County bridges, but will be implemented by Federal Highway Administration and Central Federal Lands Highway Division They will again be advertising and contracting the work and supervising construction and permits. They did NEPA and provided the county they study so we could prepare the initial study. Trinity County is the CEQA lead agency and will acquire the right of way and take back maintenance of the bridges. We have worked with this agency before several times. Circulated CEQA document. Received two comments locally: this was a little different for two reasons: a lot closer to residences and within the range of anadromous Coho salmon. Comments received locally were from Sierra Pacific Industries, concerned about the many forks bridge and the detour. Currently we have a temporary bridge over the top, that won't hold their equipment, downstream there is a low water crossing they have been using for heavy equipment and during the fires. They cannot cross with a loaded log truck, but can use a log truck on the temporary bridge. They can use the temporary bridge for a log truck, problem is we will take temporary bridge and put in detour low water area, so Sierra Pacific will not be able to get their heavy equipment across. Up to the contractor on how to handle that situation, could install a culvert at the low water crossing instead.

Director Tippett: Looking for direction from county.

Specialist Smith: Central Federal Lands has not committed to that yet we should probably direct them to install a culvert so all heavy equipment, including fire equipment can get through. We will provide that direction.

On the Jordan Creek Bridge that is close the home of the LaFeins, their home is located at the northeast corner of the bridge, very close to the road and bridge. My concern for this one is there are a lot of folks up there; close to about 15 residences up that road. It's the only way in and out. We were talking about putting in a 2 lane bridge, there is some potential for development and there is fairly dense development. We wanted to put a two lane bridge in that location. The LaFeins are concerned about two-way bridge driving faster by their house, wanted one lane bridge or mitigate speeding. They would like to move the bridge further away from their house, in addition they have an instream water intake, surface diversion with pump house, longstanding water right. We will have to take the pump house out and relocate the water intake. Spoke with them last week, talked about moving bridge over, at least 12 ft from its current location, clear on the other side of the existing road. They liked that idea. The contractor would have to move their water intake, critical because CA F&G letter about water intake. If the contractor relocates the water intake, there wouldn't be a permit for that, otherwise there would be. I'm concerned about their water rights being maintained and interfering with that. The other comment LaFeins had, is they want landscaping or something for the road noise, to isolate the road noise.

Director Tippett: We're ripping old road out so they didn't want to leave it that way, they wanted landscaping.

Specialist Smith: On this project received same letter from CA F&G after the comments period closed and received the formal letter yesterday. We made the same exact changes to the mitigation and monitoring plan, but this one also had a Coho salmon issue. They added fairly onerous measures I've never seen before: Central federal lands response is they are working with National Fisheries and Marines, the federal agency who listed the Coho, and will do what they require. To ensure absence and take is avoided CA F&W recommends that the work window for instream or percussive work be limited to periods where the stream channel is not flowing, preferably dry or the average maximum water temp is above 25 centigrade to avoid impacts to salmonids. If the average maximum water temperature is not above 25 centigrade by the start of the instream work the project proponent shall consult with CA F&W to ensure take of Coho will not occur. I've been doing this for 15 years and I've never seen this before, usually we operate between June 15 and October 15 to avoid fish activity in the waters. In this case we can probably ignore this because they are not bound by CA F&W and CA Endangered Species Act; but they are bound by National Fisheries and the federal Endangered Species Act which they are complying with. I think this is something that they will have to fight. Have modified mitigation, monitoring and reporting program to deal with CA F&W comments; except the bat one again, and not the Coho one. All you need to do is hold public hearing and adopt the mitigated negative declaration and the modified mitigation, monitoring and reporting plan.

Chair Frasier opened to public comment.

No public comments.

Chair Frasier closed public comment.

Commissioner Stewart: Move to adopt mitigated negative declaration and modified mitigation, monitoring and reporting program of November 18, 2015, finding that on the basis of the whole record before the commission including the initial study, comments received and the mitigation, monitoring and reporting program that there is no substantial evidence that the project will have a significant effect on the environment, and that the negative declaration reflects the commission's independent judgement and analysis.

Commissioner Brown: Second.

Chair Frasier: Motion and second. Discussion?

Commissioner McKnight: Roll call used to be by district, 1-5.

Clerk Merwin held roll call:

Commissioner Brown: Aye.

Commissioner Stewart: Aye.

Commissioner McKnight: Aye.

Chair Frasier: Aye.

Motion passes, project approved.

7. MATTERS FROM THE COMMISSION

Commissioner Brown: Whatever happened to downriver towing?

Director Tippett: There was the potential of coming back with a new application so they can incorporate that yard, and at this point staff has not received any revised application, we have contacted them, but have not heard back. It is still pending.

Planner Anderson: We have received nothing; they have not responded.

Chair Frasier: Regarding housing element. I have had contact with people and there is a lot of interest in owner built permitting process. People can't build their own housing because the permitting is too strenuous. Call it K housing or whatever, there are a lot of people interested. I know there are a lot of people that have built houses that would like to get them permitted. Many of them are built to code except for fire sprinklers. I'm not sure what the direction of that would be.

Director Tippett: Type K housing was discussed by the board a few years ago about Type K and yurts. The board took no action to revise code at that time. At this time, staff could approach the chair and ask her or the commission could send a letter to the board asking if they want to reopen that. Because it was a recent action, several board members have been at the meetings and heard the discussions regarding Type K housing, but I haven't received a request to reopen it. In my opinion the board took action by not approving something, in order to not discuss further.

Chair Frasier: What do I tell my constituents? Do I tell them to go to a board meeting and ask the board?

Director Tippett: It would be appropriate to go to the board meeting and raise it during public comment, or even better write a letter asking them to take it under consideration.

Chair Frasier: Ever since that meeting before, Paul Lewellyn is into it and other people have approached me that they want to build a house on their land but they can't afford to.

Director Tippett: We have had other people mention it in their housing element public workshops.

Commissioner Stewart: I have had questions about it as well.

Chair Frasier: When you own a sawmill and own timberland you can't use that wood, because in California you have to have a lumber grader, that is the kind of stuff that people want us to deal with. I will direct them to the board.

Director Tippett: A letter to the chair will likely have the most effect. The board cannot comment on public comment, but a letter provides them opportunity to think, pass it on, raise it and provide direction.

8. MATTERS FROM STAFF

Director Tippett: County counsel has been helping us with procedures. One thing I would like to mention is when leaving the chambers after a meeting, I would avoid making any type of comment. You can listen to what people have to say, but you want to be careful saying anything on an item, especially if it is going to be acted on in the future. I wanted to advise the Planning Commission to limit the discussion if you can, but don't make any comments about your feelings on the project.

County Counsel Larmour: I would definitely suggest that.

Director Tippet: The board at their meeting Tuesday requested county counsel return with the personal grow ordinance with modifications that make it aligned with the new state law. There are some things that don't quite align. They are going to bring that back, talk about it, and then send it back to the planning commission. We are still looking at the commercial grows, but we will see a focus on the personal grow ordinance in January. It will be a short period that we discuss it. There is a March 1 deadline, we do have the regulatory outline in place through existing codes, but the board wanted to have a skeleton ordinance in place to allow us to work towards taking care of commercial. The goal is to have control over the renegade grows.

9. **ADJOURN**

Chair Frasier adjourned the meeting at 8:54 pm.