

MINUTES

1. CALL TO ORDER

Vice Chair Graham Matthews called the meeting to order at 7:00 p.m. Members present: Dan Frasier, Graham Matthews, John Brower and Mike McHugh. Members absent: Diana Stewart. Staff present: Senior Planner Carson Anderson, Director Rick Tippett, County Counsel Joe Larmour and Clerk Ruth Hanover.

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 comments received.

3. MINUTES – None

The Vice Chair, at staff's request, took Item 5 out of sequence on the published agenda.

Commissioner Matthews recuses himself from Item 5 as he co-owns property at the end of Taylor Street;
Commissioner Frasier acting Chair.

NEW BUSINESS

5. CONDITIONAL USE PERMIT FOR CLINIC EXPANSION

P-16-11

Public Hearing: Proposed Conditional Use Permit for a 7,680 sq. ft. expansion of Medical Clinic and related parking site plan. Located at 31 Easter Avenue, Weaverville. APN 001-040-55-00. Applicant: Mountain Communities Healthcare District (P-16-11).

Senior Planner Carson Anderson presented the staff report.

Commissioner McHugh questioned the one lot that is zoned RO (Residential Office). Senior Planner responded there was a lot merger that was approved back in December that merged three of the lots. He said there are five lots involved here; four of them are zoned Residential Office, and the one on the Garden Gulch side is zoned R1 (Single Family Residential). He said the Zoning Ordinance allows use of the R1 zone parcel for parking if that permission is granted through a Use Permit. That is one of the issues before the Commission.

Commissioner McHugh asked if this plan conformed with the zoning requirements of RO and R1. Senior Planner Anderson responded yes they do. He said there will be further action with the lots that have not been combined if the Planning Commission approves the Conditional Use Permit. He said he is certain there will be action in the future to combine all the lots into one.

Director Tippett pointed out that merging of the lot does not change the underlying zoning, so you can move property lines around but you have to be careful when you have different zones, sometimes you end up with a property that has a split zone classification.

Discussion re setbacks in RO and R1 Zoning Districts.

Commissioner McHugh asked if the justification for the sidewalks with the curb and gutter came out of the

Planning Department or the Road Department.

Senior Planner Anderson responded in the affirmative; that the County, not the applicant, is proposing it stating that the Department of Transportation condition of approval is a reference to the Transportation Plan.

Director Tippett advised that it is County Transportation Plan policy to encourage pedestrian use where possible.

Aaron Rogers, CEO of Mountain Communities Healthcare District, gave an overview of the project. He said some of the concerns he's heard is that the Clinic does not have urgent care, that patients have difficulty obtaining appointments, there is no availability for walk-in appointments, and people are concerned about what is going to happen when the current long term physicians in this community retire. He said those concerns prompted the whole discussion regarding clinic expansion.

Rogers stated they are very sensitive about having the building fit in with the surrounding residential homes. He said the main entrance to the parking lot will come off of Garden Gulch, so the bulk of the traffic will come in that way, as it already has a bike path and walking path.

Lynn Jungwirth, Treasurer and member of MCHD Board of Directors, stated the Board is very excited to be able to expand healthcare services in Trinity County. She stated the community healthcare center approach is what is going to take us into the next twenty years of healthcare.

Aaron Rogers said the current clinic is federally designated a Rural Health Clinic, so by attaching to this address and using this piece of property it falls under that designation and facilitates the reimbursement process and reduces staff duplication. He said their original thought was to have access to Clinic going up Taylor Street, but after hearing the concerns of the residents on Taylor Street they have done a lot to make sure Taylor Street is not overused, and the expectation is that people will go up Garden Gulch.

Michael Novak, Physicians' Assistant and Director of the Clinic, spoke about why the clinic expansion is so important and why the current proposed location in proximity to the hospital is truly crucial. He talked about the difficulty in recruiting physicians, but that recruiting physicians through a clinic setting allows the physician to do their passion, which is to provide healthcare. The Clinic wants to grow draw more providers into the county. He said the clinic expansion is one of the reasons he is still here, and that he is extremely passionate about care of the community and how we are going to take care of our residents.

Aaron Rogers stated there are a couple of issues they would like to address. The first is the neighborhood along Taylor Street, the staff report states is in a potential historical district, and it is not, so these standards should not apply to this project moving forward. Second is the traffic and sidewalk, in the staff report it indicates that there will be no significant impact on transit, bikeway, or pedestrian facilities. He said in the trip generation analysis memo it states there is no important increase in motorized or foot traffic, so they feel the sidewalk is an unwarranted cost to the hospital district. He said an analysis was done by Director Tippett on the traffic and they also had traffic engineer Russ Wenham of Omni Means review it and they concur that small vehicle trip generation will not have a significant impact on the local roads. He said in three of the five letters they received back in November the residents stated "as part of the charm the street is now lined with undeveloped sidewalks and beautiful shade trees." So he believes the residents do not want sidewalks. Rogers then referenced the fact that under Mitigation Measure X-1 it talks specifically about if we add dental services we have to come back to the Planning Commission. He said he would like to change that to "if we go outside our scope of license" for dental, cardiology, orthopedics, etc. All those items are currently within our scope of license.

Acting Chair Frasier opened the item for public comment.

Comments received from Clarence Rose, Sue Corrigan, Kelly Corrigan, Duane Heryford, Matt Hudson, Terry Border, Marlene Elliott, Kevin Cahill, Russ Wenham of Omni Means Engineering Solutions, Margie Watkins and Crystal Krump.

Acting Chair Frasier closed public comment on this item.

Commissioner Brower commented it seems like nearly everyone is in favor of the hospital, it's the sidewalk that is controversial.

Commissioner McHugh asked if staff has looked at the possibility of restricting the Taylor Street access to the parking lot in some way so that it would only be available for emergency access, to eliminate that for patients.

Senior Planner Anderson responded he thinks that's an option that can be looked into in greater detail, and if that is the wish of the Commission we can discuss it further with the applicant.

Director Tippettt stated one thing we discussed earlier would be the potential to make the driveway larger on the Garden Gulch side. He said commercial driveways are typically either 30' or 32', but what you can do is make the Garden Gulch area 36' and the driveway on Taylor Street 24'. He said people already associate Garden Gulch as kind of a way to get to the hospital to access the emergency room and if you had a large driveway entrance there it would reinforce that perception. Also, Garden Gulch doesn't have the congestion that Taylor Street and Court Streets do. He said he thinks there are ways that you can reduce the size of the driveway from Taylor, but he would be hesitant to block off one of the access points.

Senior Planner Anderson stated essentially through design we can discourage traffic going up Taylor Street.

Commissioner McHugh – it didn't come up in any of the discussions so far, but in the report he noticed the applicant is requesting approval for two of the four parking places on-street parking spaces along Taylor Street to be counted toward the required number of parking spaces. He asked whether if disallowed that would that require that they stay in the parking lot only, and asked if staff has seen a plan that would allow sufficient parking on the parcel itself, and if in doing so goes against our discouraging parking on Taylor Street.

Director Tippettt responded he would defer to the applicant because it's their site plan.

Aaron Rogers responded they proposed the on-street parking spaces there for convenience only, but actually looked at parking spaces across the street at their financial building at 131 Barbara Street. He said there are actually parking curbs and 15 parking spaces right there, so we have been looking at other parking options as well. This is not on the site plan the Clinic provided. He said primarily they were going to use those parking spaces adjoining the financial building for staff and they would walk up to the clinic.

Director Tippettt stated it is not an uncommon practice in communities that if you have one facility that has excess parking that they can deed or grant an easement to another building to use that parking, and that is exactly what they are proposing.

Commissioner McHugh said that sounds like a good idea, but it still raises the question of whether there is sufficient parking between that easement accessing another lot and this site so they wouldn't have to count on having these parking spaces on Taylor Street.

Senior Planner Anderson stated that the Clinic's parking lot accommodates the required number of parking spaces per the Zoning Code.

Director Tippettt responded it is at the discretion of the Commission whether they go with on-street parking or choose to eliminate this option.

Commissioner Brower asked is the sidewalk required on Taylor Street to make these four parking spaces is part of the project?

Senior Planner Anderson responded no.

Acting Chair Frasier said his question of staff is about the parking lot, the sidewalk with curb and gutter, and the

fullness of the street. He said it seems to him the sidewalk is one of the biggest issues we are hearing. He said if we do as much as we can to limit access from Taylor Street it would cause a lot of the public problems to go away. He said as much as we can, we should encourage all the traffic to be along Garden Gulch. He said he can see where they would have a sidewalk on the property where their goal is pedestrian traffic from the clinic to the hospital. He said even foot traffic, he thinks would be better accommodated if we encourage them to go up Garden Gulch.

Director Tippet responded that things that reduce your perception of where you can drive, such as the width of the area you can drive, have a tendency to reduce the speed of traffic; so when you put a curb, gutter and sidewalk in, particularly on some of the smaller streets of 28', and in residential areas, where you have two-way traffic and parking on one side, you create congestion. He said the byproduct of congestion varies with traffic, and in residential settings, placing sidewalks and paving supports traffic control goals, and that you want to avoid putting a sidewalk on Garden Gulch because what you will do by reducing vehicle width along Garden Gulch is create the perception it is just another small residential street. He said Garden Gulch has a different feel to it than Taylor or Court Streets have that currently better lends itself to motor vehicle and bike usage.

Commissioner Brower stated he likes the traffic route idea of emphasizing the Garden Gulch side and de-emphasizing the Taylor Street side and that the sidewalk seemed to be the only question.

Commissioner McHugh said he had a question on Mitigation Measure V-2 requiring the applicant to consult with the tribal representatives, and the possibility of their requiring an onsite monitor at the site at the applicant's expense. He said this site was mined and subsequently constructed, and he was wondering if this was warranted at the site.

Senior Planner Anderson responded that the mitigation measure is required only if we get a response from the local tribal representatives. In the staff report he indicated that the evidence points to it having been disturbed, so without there having been an archaeological resources survey done that this would be standard practice. Anderson stated that he has already notified the local Nor-Rel-Muk Nation and provided the evidence from the staff report suggesting that the site is likely disturbed, and that there is a low probability of cultural resources being present, but in the event they have any concerns, to advise us. He said that in the event they do have concerns and want a monitor present there that the cost is modest compared to requiring the applicant to do an archeological resources survey report – a standard requirement - which could cost thousands of dollars.

Commissioner McHugh said on Mitigation Measure X-1 that the Commission should go with the recommendation of Mr. Rogers in regard to there being a possible dental clinic component in the future, potentially requiring this mitigation only if they do go outside the scope of their license. He said he didn't understand why dentistry was called out specifically.

Senior Planner Anderson responded this was because we have no details of how that operation would fit in with the rest of the operation, no discussion on something that is basically speculative, and were the dental clinic component to move forward staff would have no information to analyze the potential related effects. So, perhaps in excess of caution, staff thought it best to have the applicant come back and present that information and give us a chance to decide whether it needs to come back to the Commission, or whether at staff level we could navigate the various concerns and figure out another course of action. So in essence, a worse-case scenario is addressed here in the recommended mitigation. In consultation with staff, based on the scope of changes, it might be possible to approve this without requiring an additional Conditional Use Permit. He said we have had a lot of discussion with the clinic over the last 8 or 9 months and have worked with them to shape the project and try and get information to address the community's concerns and he's sure they would be amenable to sitting down with staff and talking about a Dental Clinic and the potential impacts from that.

Commissioner McHugh stated they might do cardiac and other things in their scope and wondered if staff focus on the unknown dental clinic component was somewhat misplaced.

Senior Planner Anderson responded that the County did not get detail from the Clinic of what their operational plan is and all the components of what the clinic does that it could use to assess the level of potential impact and

determine whether another use permit is warranted. There is only a general statement in the Commission's packet providing only a rather broad overview description of what their goal is for this project, but no details concerning how the Dental Clinic component would operate, and not knowing the components that are part of this line of services.

Commissioner McHugh moved to approve the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan based on evidence before the Commission, and amend Mitigation Measure X-1 to change the condition to require the applicant to return to staff for further discussion about whether a new conditional use permit only if the applicant wants to go outside their scope of license of what they are allowed to do today. He said he would also change Mitigation Measure XVI-3 to remove the requirement for sidewalk, curb and gutter along Taylor Street south of the parcel in question to Court Street. Seconded by Commissioner Brower, and carried. Vote:3-0.

Commissioner Brower moved to approve the Conditional Use Permit for the subject property subject to the conditions noted as part of the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Plan; and finds that the project, as conditioned, is consistent with the County's Zoning Ordinance, General Plan and with the Weaverville Community Plan (1990, 2001 update), died for lack of a second.

Discussion with Counsel regarding amending the prior motions.

Commissioner McHugh moved to amend his previous motion approving the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring Plan based on evidence before the Commission, and amend Mitigation Measure X-1 to change the condition under which the applicant must return to staff for further discussion about whether a new Conditional Use Permit as required only if the applicant wants to go outside their current scope of license. He also moved to revise Mitigation Measure XVI-3 to remove the requirement for sidewalk, curb and gutter along Taylor Street south from the Clinic property to Court Street; and further moved that the plan include parking lot design features that will discourage traffic entering on Taylor Street, such as widening the entrance on Garden Gulch and other changes that might be found appropriate in meeting the goal of discouraging traffic on Taylor Street. Seconded by Commissioner Brower, and carried. Vote: 3-0.

Commissioner Brower moved to amend his previous motion to approve the Conditional Use Permit for the subject property subject to the conditions noted as part of the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring & Reporting Plan; finding that the project, as conditioned, is consistent with the County's Zoning Ordinance, General Plan and with the Weaverville Community Plan (1990, 2001 update). Seconded by Commissioner McHugh and carried. Vote: 3-0.

Discussion regarding the four proposed parking spots on Taylor Street.

Acting Chair Frasier stated he was having a hard time understanding if action by the Commission was required to amend the Mitigation Measures or the use permit for the parking spaces, because he has a hard time supporting on-street parking as part of a Conditional Use Permit that goes with the property. He doesn't think that on-street parking should be counted as part of their total parking count.

Senior Planner Anderson stated that this specific matter was to be considered as part of the Conditional Use Permit. Director Tippett agreed.

Commissioner Brower moved to amend his previous motion to approve the Conditional Use Permit for the subject property subject to the conditions noted as part of the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan as revised by deleting the four Taylor Street parking spaces and references to "on-street" parking on the project's circulation/parking plan; and found that the project, as conditioned, is consistent with the County's Zoning Ordinance, General Plan and with the Weaverville Community Plan (1990, 2001 update). Seconded by Commissioner McHugh and carried. Vote: 3-0.

Commissioner McHugh moved to make a friendly amendment to the just offered motion, finding that the project, as conditioned by the Commission, is consistent with the County's Zoning Ordinance, General Plan and the

Weaverville Community Plan (1990; 2001 update), and read Findings of Fact 1 through 3 as contained in the staff report as part of the motion. Commissioner Browner accepted the amendment and seconded. Motion carried.
Vote: 3-0.

Acting Chair Frasier called a five-minute break. Meeting reconvenes at 8:55 p.m.

Vice Chair Matthews presiding.

OLD BUSINESS

4. RECOMMENDED WATER POLICY CHANGES

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

Senior Planner Anderson presented the staff report.

Commissioner McHugh expressed concern about whether the proposed policy changes are going to meet the shifting regulatory changes coming the County's way or whether the County was going to still be behind and would then need to make substantial additional changes.

Senior Planner Anderson stated that the policies being proposed are in alignment with general emerging trends at the state level but that they mark only a beginning set of actions envisioned as part of a longer process.

Vice Chair Matthews opened the public hearing.

Comments received from Terry Mines, Everett Harvey and Mark Lancaster. Mines commented that medical marijuana will have implications that will change the state and local regulatory environment and asked the Commission to hold off, that there was a lot of information to digest at one time. Everett and Lancaster urged the Commission not to defer action, Lancaster adding that what is proposed is consistent with the thinking occurring at the state level.

Vice Chair Matthews closed public comment on this item.

Vice Chair Matthews stated most of the proposed changes are policy changes only and expressed concern about there not being much provided about implementation.

Commissioner McHugh referenced the text changes proposed to Sections 29.2 and 30 of the Zoning Ordinance as major changes and wondered whether there has been adequate public input and whether the discussions before the Planning Commission have been publically noticed.

Senior Planner Anderson responded that the Commission held three workshops on the subject, including on December 10, April 14 and tonight, and that Board held at least one public meeting in August 2015 on the matter now before the Commission. He added that all such meetings have been publically noticed.

After brief discussion, Commissioner Brower moved to continue the matter to a future date. Motion died for lack of a second.

Commissioner McHugh moved to take up some of the policy changes tonight. Motion died for lack of a second.

Commissioner Matthews clarified that what was brought back to the Commission tonight reflects the Commission's input to staff to focus action on more easily achievable policy changes that can be implemented in the short term.

Commissioner Brower moved to continue the matter to the September 8, 2016 meeting.

Vice Chair Matthews invited comment from Lancaster.

Lancaster stated that the Board is likely more interested in groundwater issues at present but that 5C thinks the zoning, subdivision and open space and conservation element changes being proposed are quick, easy actions needed when things on the ground are changing so rapidly; that is because the policy changes would address daily ministerial actions. He ended by stating that delay is not good policy action, and that cumulative effect thresholds for environmental impacts have already been reached. Lancaster stated that outreach to the public about the ministerial changes being considered is a good idea, but that the Board is expressly seeking Commission input.

Director Tippett stated that any such recommended changes can be mentioned as part of the Director's Reports at two upcoming Board meeting to provide a further opportunity for public input.

Commissioner Mc Hugh noted that new well permit requirements are bound to be controversial and need to be vetted with the public.

7. MATTERS FROM STAFF

Update re: Floodplain development permitting for Trinity River Restoration Project Bucktail Channel Rehabilitation Project. In connection with his discussion of Bucktail, he advised the new 2016 FEMA Flood Maps go live July 20, 2016, and indicated that they contain more accurate flood zone information and they now also contain flood way information.

Director Tippett advised we have received an application for an RV on a small lot with a house already on it; he advised he will not issue a Directors Use Permit for RVs on those parcels without new direction from the Commission to do otherwise.

Director Tippett advised he has not been issuing Director's Use Permits when there is a cannabis violation on the parcel.

Director Tippett advised the Board of Supervisors passed a moratorium on the 3-Acre Conversions and they will be extending it at the next meeting of the Board.

6. MATTERS FROM THE COMMISSION

Vice Chair Matthews extended greetings to Commissioner McHugh and welcomed him as the newest member of the Commission.

Commissioner Brower enquired as to the status of the Planning Commission recommendations to the Board of Supervisors on the Commercial Medical Marijuana Ordinance.

Director Tippett responded that the Board wants to appoint an ad hoc committee for the Commercial Medical Marijuana.

Commissioner Brower asked if it was appropriate for a Planning Commission Member to be on the ad hoc committee. Director Tippett responded no, per County Counsel.

Director Tippett referenced a "planning school" training opportunity for the Planning Commission members that will be coming up in March 2017 and stated that the County will make arrangements to send those of the Commission who wish to attend.

8. ADJOURN

The Vice Chair adjourned the meeting at 9:51 p.m.