

TRINITY COUNTY PLANNING COMMISSION
Regular Meeting
February 13, 2014 at 7:00 p.m.
Trinity County Library Meeting Room,
Weaverville

MINUTES

1. CALL TO ORDER

Chairman McKnight called the meeting to order at 7:00 p.m. Members present: Keith Groves, Diana Stewart, Dan Frasier, Graham Mathews, and Chair Tom McKnight. Staff present: Principal Planner Frank Lynch.

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

No one came forward

3. MINUTES

Upon motion by Commissioner Mathews, second by Commissioner Groves and carried the Commission approved the minutes of January 9, 2014.

NEW BUSINESS

The Chair elected to move to Item 5 on the published agenda in the interest of convenience to the public who were in attendance.

5. NEGATIVE DECLARATION AND REZONE

P-13-29

Public Hearing: Negative Declaration and Rezone from Rural Residential (RR) to Highway Commercial (HC) of APN 024-010-04. Located within the community of Junction City, lying on the N side of Hwy 299, at the NE corner of its intersection with Rifle Range Road (CR #410), aka 44561 Hwy 299. Applicant: Thomas Mitchell.

Planner Frank Lynch introduced the item noting the intent was to create a location for a small, tourist oriented craft-ware shop. He noted the letter submitted by the applicants for the Commissioner's review.

The Public Hearing was opened.

Ms. Dorothy Pelton, one of the applicants spoke from the audience, clarifying that the intent was a simple project with no plans for expansion.

With no one else coming forward, the Chair closed the public hearing.

There was a small amount of discussion regarding the limit to the commercial area to be created as recommended by staff, with Planner Lynch noting that a map and legal description would be required to define the area to be rezoned, with a recommended maximum of two acres of the 13+ acre parcel.

Upon motion by Commissioner Mathews, second by Stewart and unanimously carried, the Commission recommended approval of the project as recommended by staff to the Board of Supervisors.

6. USE PERMIT TO REPLACE FOUR DWELLING UNITS

P-13-30

Public Hearing: Use Permit to replace a total of four existing dwelling units within an R-2 (Duplex) District. Located within the community of Weaverville, lying on the E side of Mountain View Road, 800 feet S of its intersection with Hwy 299 (Main Street), aka 161 Mountain View Road. APN 024-470-36. Applicant: DC & RG Hodges, Trustees.

Planner Lynch reviewed the project and a letter submitted by a concerned neighbor. The applicant proposes to replace one of the existing units with a new mobile home/modular unit. In time, the applicant may replace other units on the property.

The Commission asked if there was a time frame provided to complete the project, and Planner Lynch stated the initial action would only involve one unit. Other units may be replaced in the future, but the applicant only has a plan for one unit, which prompted the use permit requirement. Lynch also noted that the conditions call for a comprehensive site plan to be submitted to insure that replacement of future units, internal circulation, fire lanes and setbacks were addressed.

Commissioner Stewart asked of in the future, new units would have to comply with other changes in the development law, with Lynch responding that the building code standards, as they may exist at such future time would apply, however, this permit would only address the density issue.

Upon motion by Commissioner Mathews, second by Fraser and unanimously carried, the Commission recommended approval of the project as recommended by staff.

OLD BUSINESS:

4. Safety Element Workshop:

Planner Lynch gave an overview of the Safety Element, noting that was the fourth such workshop on the Draft document. The Commission had continued the item for more background, particularly noting the policies related to Wildfire.

Pat Frost, recently retired Director of the RCD and the principal author of the update introduced members of the audience who he had invited who may assist in the discussion. In attendance were Jesse Cox, Chair of the Fire Safe Council, Duane Heryford, Battalion Chief Andy Reiling, from CalFire, and Nick Goulette, from the Watershed Center.

Mr. Frost mentioned he was aware that the Commission was concerned with, what could be perceived as, reiterating "State Law," e.g. the Fire Safe Guidelines within General Plan level policies, but he equated it to the posting of a speed limit near a school. It provides additional accentuating of the standards

Commissioner Groves acknowledged that but was concerned that State laws evolve and change over time and did not want to get too specific.

Mr. Frost stated he believed he merely summarized or referenced the standards and tried to keep in at a policy level.

Mr. Frost handed out copies of recently enacted SB 1241, from which many of the policies of concern stemmed. He noted that the legislation mandates some specific items to be included in a Safety Element.

Mr. Reiling noted that the State was also working on implementation of the SB 1241 and would have more specific guidelines in 3-4 months regarding the States review of Safety Elements.

The Commission then began a specific review of the Wildfire related policies with the following comments and changes to be made within:

5.5.1: The original PC concern was that policies E and F should be re-written, however Mr. Frost explained that 50% of the fire starts in the area were along roadways, and therefore the concern was that “treatments” needed to be done along corridors. The word “assure” was removed from Policy F, substituting the word “Encourage.”

5.5.2 Mr. Frost explained that much of the language stemmed from State law, however the Commission thought the words “limit development” was overly broad. Mr. Reiling noted that the State now would require specific wording regarding findings related to fire protection for new subdivisions.

It was agreed to substitute the words “allow development” for “limit development” in the first line of Policy B.

The Commission was concerned that Policy C was a statement that inferred a potential “taking” of private land, however Mr. Frost stated the intent was to influence the U.S. Forest Service to work more locally. He further explained that the “wildland urban interfaces” were identified as part of the County’s Fire Protection Plan. He assured the County was involved in defining those areas and by so designating these locations, it may make them eligible for mitigation funding.

Commissioner Groves questioned who “coordinates” with the Fire Safe Council as mentioned in Policy D. Mr. Frost said the County does participate in the Fire Safe Council and with the Fire Chief’s Association.

5.5.3 Nick Goulette, from the Watershed Center, explained that much of this language is a statement of best management practices.

After some discussion regarding the questioning of the background, implications of the standards, associated responsibilities, and in general, the language of specific Policies, the Commission determined to strike Policies B, C, E, F, and G.

Policy H, by consensus, would be re-written as follows:

(H) Address post-fire responsibilities for natural resource recovery, including watershed protection, fuel load management, reforestation and ecosystem restoration.

- ~~i. Working with US Forest Service and Bureau of Land Management (BLM) to establish a protocol for grouping vegetation and stocking datasets to allow for analysis of fuel conditions.~~
- ~~ii. Develop a methodology for field validation of existing data and oversee field validation.~~
- ~~iii. Designing parameters for spatial analysis of grouped datasets with fire severity for burns from 1987 present (and develop a protocol for updating into the future).~~
- ~~iv. Assist in photo interpretation and field validation of outputs from spatial analysis for interpretation of data outputs.~~
- v. Address resistance to control factors over time that will evaluate future risk and hazard.

5.5.4 After some discussion policies would be edited, by consensus, to state.

(A) ~~Development shall be located, designed and managed to reduce fire risks to life, property and~~

~~natural resources and incorporate adequate fire protection consistent with the General Plan and adopted regulations.~~ New Development shall incorporate the following in a manner consistent with state **and local** regulations:

- i. Fuelbreaks or greenbelts and access to them consistent with topography. ii.

Adequate and accessible defensible space.

- iii. At least two (2) ingress-egress routes to a public roadway, if practicable or alternative routes accessible to emergency response equipment.
- iv. Access routes sufficient to accommodate evacuating vehicles and emergency response equipment.
- ~~(B)~~ **v.** Adequate water supply, including fire hydrants where appropriate, for fire suppression shall be provided for all new developments, as determined by the local fire district, California Department of Forestry and Fire Protection, Trinity County Subdivision Ordinance, and the Trinity County Fire Safe Ordinance 1162.
- ~~(C)~~ **vi.** New development shall meet all federal, state and local regulations for fire protection; including the encouragement of upgrading existing structures to adopted standards.
- ~~(D)~~ **vii.** Development of property not served by a community water system shall maintain sufficient water supplies on site to be used for fire protection **consistent with State and local regulations.** ~~Water supplies may be stored in the form of ponds, storage tanks not less than 2,500 gallon, or other means acceptable to the affected agency responsible for fire protection.~~
- ~~(E)~~ **B.** Encourage the establishment of a water source identification system (signage and mapping).
- ~~(F)~~ **C.** Fire Resistant Building Materials. The exterior of residential units shall be composed of fire resistant materials ~~and designed to reduce fire vulnerability within high and very high fire hazard areas~~ as required by state and local building codes.
- ~~(G)~~ **D.** The County supports effective and economically viable fire protection and emergency response provided by fire protection agencies.
 - i. Encourage fire protection organizations to determine and report capabilities to adequately serve existing and potential development
 - ii. Work with fire protection providers (i.e. CAL FIRE, USFS, BLM, local fire protection organizations) to ensure development is compatible with fire protection capabilities.
 - ~~iii. Work with fire protection organizations to achieve funding stability necessary to maintain adequate fire protection services.~~

- iv. ~~Collaborate with fire protection organizations, land managers, private landowners and others to improve fire management strategies for reducing the impacts of wildfires on communities and natural resources.~~
- iii. Work with fire protection organizations to achieve funding stability necessary to maintain adequate fire protection services. Collaborate with fire protection organizations, land managers, private landowners and others to improve fire management strategies for reducing the impacts of wildfires on communities and natural

Section 5.5.5 was reviewed to include the following changes, by consensus:

5.5.5 Objective-Pre- and Post-Fire Fuels Treatment

Reduce potential impact of catastrophic fire through fuels reduction programs.

Policies

- (A) Encourage agencies, landowners and land managers to coordinate with the Trinity County Fire Safe Council to **implement** the strategies and projects identified in the ~~most current~~ Trinity County Community Wildfire Protection Plan (CWPP).
- (B) ~~Consideration shall be given to~~ visual and economic impacts of fuel breaks and hazard fuels reduction projects.
- (C) ~~The County shall~~ Coordinate with Federal, State, and local agencies and other partners to develop a long-term plan to maintain the CWPP-identified fuel breaks and fuels reduction projects.
- (D) Collaborate with the Trinity County Fire Safe Council to **identify**, develop, and secure funding to **implement** the CWPP for neighborhood fire/fuel reductions programs and landscape-scale fuels treatments.
- (E) ~~County Coordination.~~ The County shall assert its legal standing and formally request coordination with all federal and state agencies on matters pertaining to forest health and; therefore, public safety associated with catastrophic wildfire pursuant to Trinity County Board of Supervisors Resolution 2009-058 and federal laws governing land management, including the Federal Land Policy and Management Act, 43 USC§ 1701, and 43 USC§ 1712, regarding the coordinate status of a county engaging in the land use planning process.
- {F} ~~The County shall exercise its authority as adopted in Ordinance No. 1300 pursuant to management and the recognition that some vegetation is a public nuisance and require that landowners reduce the concentrations of vegetation to a level that reduces the public nuisance. Title 8 County Code, Chapter 8.68 pertaining to Health and Safety for Vegetation.~~

The County recognizes that excess vegetation is a public nuisance and should coordinate with landowners and land managers to reduce concentrations of vegetation to levels that reduce the public nuisance in accordance with county codes. (Title 8 County Code, Chapter 8.68) pertaining to Health and Safety for Vegetation.

The Commission concluded their review and discussion focused on how the project would then proceed.

Staff advised that the revisions would come back to the Commission for their final review prior to it being assessed for compliance with CEQA. Per the new State legislation, SB 1241, CalFire would also have a separate review process. The completed project would then come back as an action item for the Commission to make a recommendation to the Board of Supervisors.

7. **MATTERS FROM THE COMMISSION**

None

8. **MATTERS FROM STAFF**

None

9. **ADJOURN**

The meeting was adjourned by the Chair at 9:23 pm.