

MINUTES

1. CALL TO ORDER

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

Sharron Egelston wanted to discuss use of Retail Commercial property in Hayfork rented to Mad River Towing, and asked that it be placed on next month's Agenda. Principal Planner Lynch advised Mad River Towing has moved into to a property in Hayfork that is zoned C1 and as he understands it is a garage or service station and they want to use it as an impound yard for their towing business. He said the C1 zoning does not permit that use, and in reading through the Zoning Ordinance trying to figure out the proper permit path or a way to make that use feasible, you have to do some interpretation. He said in C1 there is no direct use that relates to it under uses permitted and then there is a "catch all" that says "other uses found to be similar in nature as determined by the Planning Commission." He said one of the mitigating factors is the applicant wants to put everything inside, but had a complaint from the community, they are very concerned that the business could be established and store vehicles outside and they don't think that would be appropriate for the downtown area. He stated his interpretation is that they at least need a Use Permit or they need to Rezone the property and still potentially need a Use Permit. When he received the complaint he contacted the property owner and advised what his opinion was and they were concerned because the business has already moved in and are ready to go. He said he felt at a minimum it needs a Use Permit. The Chair directed the item be placed on the October 9, 2014 Agenda for discussion.

3. MINUTES

Upon motion by Commissioner Groves, second by Commissioner Frasier and carried, the Commission approved the Minutes of August 14, 2014 as submitted. Commission Stewart abstained as she was absent.

OLD BUSINESS

4. PROPOSED NEG. DEC. AND UPDATE TO GENERAL PLAN SAFETY ELEMENT

PW-14-01

Public Hearing: Proposed negative declaration and update to the County's General Plan Safety Element. The Safety Element assesses conditions and provides policies for future decisions regarding the long term physical development within the County. It is intended to reduce risk resulting from hazards such as fires, floods, earthquakes, landslides and other hazards. The Commission will be considering a proposed Negative Declaration and the updated element itself. Their action will be a recommendation to the Board of Supervisors. Applicant: Trinity County Planning. *(Continued from June 12, 2014)*

Principal Planner Lynch presented the staff report. He said staff is recommending adoption of the Negative Declaration. He advised this matter was continued until the State Board of Forestry had reviewed the draft Safety Element. Lynch stated much of the State's concerns are address in either other areas of the document but they didn't make that association, or there could be some minor modifications to recommended policies to address their concerns.

The Chair opened the hearing to public comment. No comments being received, public hearing closed.

Lengthy discussion followed regarding recommendations made by the Board of Forestry.

Commissioner Matthews stated he thinks we should at least respond to the letter from the Board of Forestry. Commissioner Stewart commented the changes suggested are simple but do they really mean anything.

Pat Frost, consultant to the Trinity County Resource Conservation District, who worked on the draft, stated he thinks a response to the Board of Forestry's letter saying thanks but we appreciate your comments but we're not going to make any changes to this group of policies. He said the most significant recommendation they made was that the County adopt a County Fire Marshal, but that is outside the scope of the General Plan

Principal Planner Lynch stated once the Board of Supervisors reviews the project with the Commission's recommendation and makes a final adoption of the document, then we are obligated to respond to the Board of Forestry as to their review and recommendations.

Commissioner Groves moved to make no changes to the draft Safety Element suggested by the Board of Forestry. Seconded by Commission Frasier. Vote Polled: Commissioners Groves, Frasier and McKnight, yes; Commissioners Stewart and Matthews, no. Motion carried 3-2.

Commissioner Groves moved to recommend to the Board of Supervisors adoption of a Negative Declaration, finding that on the basis of the whole record including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that a negative declaration reflects the County's independent judgment and analysis; and recommends approval of the updated Safety Element finding the action to be consistent with the overall goals and policies of the Trinity County General Plan. Seconded by Commissioner Matthews. Motion Carried 5-0.

NEW BUSINESS

5. PROPOSED ROAD ABANDONMENT, FLAGG ALLEY (MILL STREET AREA)

PW-14-03

Review and recommendation to the Board of Supervisors in consideration of road right of way abandonment for an access strip that was never developed, located in the Mill Street area, being a strip of land extending westerly from Mill Street adjacent to APN 002-110-05, aka 266 Mill Street. APN 002-110-08. Applicant: Trinity County Department of Transportation.

Principal Planner Lynch presented the staff report. Lynch stated he has found out two things since writing the staff report. (1) that there is an easement that exists along the back of the property perpendicular to Flagg Alley, and (2) the water district has a pipe that goes down Flagg Alley. He said the water district doesn't care if the public right of way is abandoned, but they want to retain or establish an easement for their pipeline.

The Chair opened the hearing to public comment.

Lance Floerke stated he is terminating his opposition to the abandonment as he has an agreement with the property owners.

Diane Turney stated they are working with the neighbors to resolve the public easement issue.

Ed Turney spoke about the use of Flagg Alley, problems with transients, etc., and stated he wants to fence it off.

Lance Floerke commented 90% of people use Flagg Alley without legal access.

No further comments, public hearing closed.

Commissioner Stewart asked about the needed easement for the water district. Planner Lynch responded that it doesn't affect the abandonment of the public right of way for vehicular pedestrian use. That the district would have to work out their easement with the property owner based on their prescriptive easement and memorialize it.

Lynch stated the Commission would need to consider, since there is that other easement there, the needed circulation component for future development of that property. He said Department of Transportation has said we don't need it and has recommended approval.

Commissioner Groves moved to recommend to the Board of Supervisors that the project be found to be Categorical Exempt from CEQA (Class 12), that the proposed project is consistent with the applicable goals and policies of the General Plan, and that the right of way would not be useful as a pedestrian, bicycle, or equestrian trail, and that the Applicant would need to grant an easement to the water district. Seconded by Commissioner Matthews. Motion carried.

6. PROPOSED ROAD ABANDONMENT, YOUNG FAMILY RANCH/CEMETERY

PW-14-02

Review and recommendation to the Board of Supervisors in consideration of road right of way abandonments for roads that were never developed, that are located in the general area between Odd Fellows Avenue and Oregon Street, more specifically traversing the cemetery and in between the cemetery and the Young Family Ranch, a non-profit public benefit trust in partnership with the Trinity Trust and the Humboldt Area Foundation. APN 002-110-08. Applicant: Trinity County Department of Transportation.

Principal Planner Lynch presented the staff report. He stated it his understanding this is County land, the Young Family Ranch has been utilizing a portion of the property and a portion is used as a cemetery. He said the Young Family Ranch has been working with the County to have the County abandon these right of ways; however, there is a Cemetery Board that manages the land and may have some concerns about how the land would be released from the public right of ways.

The Chair opened the hearing to public comment.

Jerry Hurlbert, member of Weaverville Cemetery Commission, spoke in favor of the abandonment. He gave a history of the subject property and known easements. He said he did not know if the water lines are County owned or privately owned by the Young Family Ranch.

Commissioner Groves asked if water districts automatically have a right of way through county land. Planner Lynch responded not that he is aware of.

CAO, Wendy Tyler, commented it was her understanding that once we dealt with the vacation issue of the roads, that the land transfer be handled by a lot line adjustment. She said that was the thought process when she last spoke with Director Tippet about this, in terms of insuring that the land was adequately divided up between Young Family Ranch and the County of Trinity on behalf of the Cemetery Commission. She said the County would certainly grant utility easements. She said we do actually have an agreement between the Weaverville Cemetery Association through the County and Young Family Ranch which talks about the need to do a lot line adjustment or a vacation, so this has been in the process for years.

Commissioner Groves was concerned that the Cemetery Commission hasn't met and stated he would like to see this continued for a month to ensure that they are in agreement, and to get the water and sewer commitments from the Young Family Ranch unless there is a time issue that he is unaware of. His biggest concern is that the utility right of ways are not left open ended

Planner Lynch responded it has been noticed for the Board of Supervisors, but if the Commission feels there need to continue, it can be continued by that Board.

Commissioner Groves moved to continue the matter, seconded by Commissioner Matthews, and carried unanimously.

7. **MATTERS FROM THE COMMISSION** - None.

8. **MATTERS FROM STAFF** - None.

9. **ADJOURN**

The Chair adjourned the meeting at 8:10 p.m.