

MINUTES

1. CALL TO ORDER

Chair Hoard called the meeting to order at 7:00 p.m. Members present: Dan Frasier, Mike McHugh, Diana Stewart, Graham Matthews and Richard Hoard. Staff present: Interim Planning Director Leslie Hubbard, Associate Planner Colleen O'Sullivan, 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 agendized for a future meeting. No action may be taken on these matters at this meeting.

Andy Rieling and Terry Whitehurst of Cal Fire requested a presentation by Cal Fire regarding changes to Title 14, Section of Code of Regulations, and possible amendment of Trinity County Fire Safe Ordinance, be agendized at the next regular meeting.

Comments received from Tom Ballanco.

3. MINUTES – January 11, 2017.

No action taken as Commissioners did not receive a copy of the draft minutes in their packets.

OLD BUSINESS – None.

NEW BUSINESS

4. MITIGATED NEG. DEC. AND USE PERMIT FOR CELL TOWER

P-17-41

Public Hearing: Proposed Mitigated Negative Declaration and Use Permit to allow construction of a cellular communications facility that will encompass approx. 800 sq. ft. of ground and contain equipment shelters, a 96' tall monopole and appurtenant structures. Located ¼ mile north of 1240 Old Lewiston Road, Lewiston. Applicant: AT&T Mobility. APN: 025-520-04. *(to be re-noticed for public hearing on March 8, 2018)*

Associate Planner O'Sullivan advised that staff is requesting continuance because the adjacent landowners were not notified of the hearing.

Chair Hoard opens hearing to public comment. No comments being received, Chair closes public comment period.

Chair continues the matter to March 8, 2018.

5. AMENDMENT TO ZONING ORDINANCE TO ALLOW AUTO SALES C1 AND C2

PW-18-01

Public Hearing: Proposed amendment of Sections 20 and 21 of the Trinity County Zoning Ordinance to allow auto sales under Uses Permitted in Retail Commercial (C-1) and General Commercial (C-2) zones. Located County-wide. Applicant: County of Trinity.

Associate Planner O'Sullivan presented the staff report. Staff is recommending approval with a Director's Use Permit. She said she received comments from the public, John Jelichich, who said he wrote a staff report for a workshop in October or November 2016 regarding use permits and variances, it also had discussion about Director's Use Permits with a list. He said the director was only given authority fairly simple, routine applications, and he doesn't think use car lots fit that category. O'Sullivan said there was a discussion under AgForest Rezone that the Commission had regarding the different uses that either the Director or Planning Commission approve. She said she would like to have discussion and then continue this to the next meeting.

Commissioner McHugh asked if the just of this is from that single comment from the podium. O'Sullivan responded in the affirmative.

Chair Hoard opens hearing to public comment. Comments received from Dick Morris.

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

Commissioner McHugh, for purposes of discussion, moved that no action be taken on the request.
Seconded by Commissioner Frasier

Commissioner McHugh said he saw no justification for the change; he doesn't see any reason to make the change other than someone asked. He said the request is to have auto sales in C1 or C2 simply without a use permit; a use permit is where the public gets noticed and gets to come in and talk about what's going on in that neighborhood, and it allows staff to recommend and the Commission to request conditions, such as lighting, noise, traffic, etc. He said he thinks a use permit is a good thing for an auto sales lot on main street. Commissioner Stewart said she agreed, stating the closest thing to auto sales that she saw was equipment rental yard and you need a use permit for that, and to her this is very similar; she doesn't see any reason to change it. Commissioner Matthews said he agrees.

Chair Hoard called for the vote. Motion carried unanimously.

6. **PROPOSED CLASS K HOUSING ORDINANCE**

PW-18-02

Proposed Class K Housing Ordinance to provide minimum requirements for the protection of life, limb, and welfare of the general public, and the owners and occupants of limited density owner-built rural dwellings and appropriate structures. Located County-wide.
Applicant: County of Trinity.

Interim Planning Director Hubbard advised the goal tonight is to discuss Class K Housing and get staff direction. She advised Commissioner Frasier brought this to us at the January 11, 2018 Planning Commission meeting, and it came up during the last revision to the Housing Element a little over a year ago. She said there have been many requests to pursue it; that's why it's here; staff knows very little about it and we would like to receive some direction about whether or not the Commission wants to pursue it. Hubbard said we would like to know what your questions are, if you would like to approach it in a workshop, if so, would you like us to set that date.

Commissioner Stewart said this is something she would like to see pursued. There are many dwellings in Trinity County and she especially likes people having three years to have their property approved under the K Class. She said it is a path to being legal and compliant with the Building Code in Trinity County, they would be able to get insurance, it increases their property value, and she thinks it's a really good idea. Chair Hoard said he agrees, it is an excellent opportunity to bring this forward the issue and start brainstorming on what is proposed and what can be tailored to fit Trinity County. He wants to use this opportunity to move forward with it. Commissioner Frasier said the agenda doesn't say public hearing,

but he thinks we should take public comment so we can get some public input on how we want to move forward with this.

Chair Hoard opens the discussion to public comment.

Comments received from Clarence Rose, John Brower, Allen Hall, Jake Grossman-Crist, Liz McIntosh and Tom Ballanco.

No further comments being received. Chair closes public comment period.

Commissioner Matthews asked if Commissioner Frasier could give a little background on how the proposed ordinance was developed, it looks like it follows the Code of Regulations. Commissioner Frasier responded when he started this he looked at a lot of neighboring counties and fell more on Mendocino County because they had the ordinance that seemed to fit Trinity County the closest and was the easiest to understand, plain and concise, so he patterned off Mendocino County who patterned off the Code of Regulations. He said he didn't do this to try to push through his ordinance, he wanted something to start the process so we can craft something that fits Trinity County, because you can see it is something the public is interested in, especially the public at large in his area. Commissioner Matthews asked what would be his approach, a workshop? A workshop requires quite a bit of discussion. Commissioner Frasier agreed, stating more than we can do in one night. He said the Code of Regulations seemed like a pretty good template. Commissioner Stewart said she thought a workshop is a good idea, because then we can take it go through it line by line or section by section so we have some kind of a format to follow when we can discuss it and come to some type of agreement on what we want to recommend. Commissioner Matthews said clearly, we need feedback from staff about concerns they may have about implementation; obviously there's a lot of flexibility in this kind of ordinance, which means more burden on staff to interpret and come up with alternative solutions, which is good, but there probably needs to be some sort of side bars or constraints on how far we can go. Commissioner McHugh agreed, stating he would extend staff to mean Building Department, everyone who touches this type of project, Fire Chiefs, he would like to hear from them, and he commends Commissioner Frasier for bringing it forward and doing the homework in other counties, but he would like to see a draft document from other counties. He knows that other counties apply different size acreage, or maximum square footage, should we look at that? Whether it's new construction or an addition; zoning, does it apply in any zone? The dangerous stuff, the gas and electric, they're not required, but if they are there, given the waivers of inspections that are required on these, we should discuss that. The safety stuffs. He wants to hear from the experts. He said he might suggest we shuffle the order of this thing if we come back with a draft, there's definitions throughout the document and maybe they can be collected and put in a definitions section. You don't want a house that fails.

Commissioner Frasier said you can change it however you want, like he said, he didn't do this to get his name on a bill, he just wanted something to put forward so we can start this. He said we first talked about this two years or more ago in Mad River while doing the Housing Element Workshop and it was a reoccurring theme. Commissioner Stewart said same thing in Hayfork. Commissioner McHugh said he thinks we are all in agreement, and either one or multiple workshops and get this right the first time. Director Hubbard asked if they wanted it on a normal commission night as she thinks it may be a little more time consuming and might make for a long meeting. Commissioner Frasier said all of our meetings are long.

Chair Hoard said he wanted to add a couple of more items to be noticed, also size and number of stories, and to reference codes, specify if International Building Code or some reference code so that whoever wants to endeavor this type of license can inform themselves and have some point of reference so they can study up on what works for them.

Commissioner Stewart said we need to be careful, in speaking about trying to bring some of the existing ones into compliance, we have to hold them to the same standard but maybe they don't have the same square footage, acreage size, etc. for the existing dwelling than you do for a new one. Commissioner Frasier said one of his main ideas in bringing this up is trying to let people who want to build their homes, on their own land, using their own material, there should be some way to do that without having to have fire resistant siding, fire sprinklers, energy calculations, and like in his area the Building Inspector shows up on Fridays, if he's not on vacation, and sometimes you have to wait a week for the Building Inspector to get there before you can do the next step of your building and stuff like that. It's like let people take responsibility, provide their own house and they are responsible for what they have. He said he understands you don't want people to build unsound structures, but his idea is to keep it as simple as possible, but provide for safety and sanitation. This isn't for developers, this is designed for someone who wants to build their own home and plan on living in it for a while, long term. Chair Hoard said staff has a lot of homework and asked staff to put a workshop on the calendar.

7. **AMENDMENT TO ZONING ORDINANCE TO REGARDING DISTRIBUTION OF CANNABIS**

PW-17-08

Public Hearing: Proposed amendment to Section 28 of Zoning Ordinance No. 315 pertaining to distribution of Cannabis. Located County-wide. Applicant: County of Trinity.

Interim Planning Director Hubbard presented the staff report. She said this has come before the Commission twice before, was approved by the Board on January 17th, and now the Board of Supervisors has asked the Commission to reconsider allowing distribution in AgPreserve and AgForest. Hubbard said she waffled on this before she wrote it, and since she wrote it, she's waffled a little bit more. She said looking at the Zoning Ordinance some of the uses that are allowed would justify what she can see as activities associated with distribution, she thinks that does pan out, but looking at the contractual nature of the Williamson Act lands is a little more complicated. Hubbard said she looked at neighboring counties and some have done it, Sonoma does allow cannabis cultivation and different activities, including processing, on Williamson Act lands. She didn't find distribution, but they almost made it sound like distribution was included. She said she put her feelers out to other county planning departments just to see how they handled it, but hasn't heard anything back. She found nothing in Humboldt County. She put a question out to County Counsel as well, but hasn't heard back yet, so she feels like the recommendations she made in the staff report are somewhat premature. She wants to be clear about the contractual nature of AgPreserve land and allowing distribution on that land. AgForest, not so much. She feels that some of the uses allowed in AgForest, she doesn't see that as being as problematic. Hubbard said her recommendation now is AgForest looks like it will work, Ag Preserve, she would like to do a little more research.

Chair Hoard opened the hearing to public comment.

Comments received from Mike Rourke, Liz McIntosh, Clarence Rose, Lisa Wright, Jake Grossman-Crist, Nicholas Holiday, Paul Dzur, John Letton, Everett Harvey, Tom Ballanco and John Brower.

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

Commissioner McHugh stated TPZ was left out because of the tax advantage, and he feels that also applies to AP, so he can't support Distribution in AP.

Commissioner Stewart said she feels like she doesn't want to shut down AP until Director Hubbard can do more research.

Motion of Commissioner Stewart to table action on Preserve to the next meeting, died for lack of a second.

Commissioner Frasier said he would like to see the Commission limit the size so not to have big distribution centers. Commissioner McHugh said the existing language in the ordinance allows transportation only.

Commissioner Matthews said it completely makes sense that the cultivator distributes their own product because it's tied to the material produced on the parcel. Commissioner Stewart agreed, stating they should be tied together.

Commissioner McHugh said a new license type needs to be defined for the ordinance. Commissioner Frasier asked how many times are we going to amend the ordinance.

Commissioner Stewart said the alternative would be if they want distribution in AP they have to apply for a conditional use permit.

Motion of Commissioner McHugh to not update the ordinance to add AgPreserve and asks staff to come back after staff has more information to present to the Commission and they can consider and tailor it to add self- distribution. Seconded by Commissioner Stewart, and carried unanimously.

Chair Hoard moved on to AgForest.

Commissioner Stewart said she feels AgForest fits for distribution.

Commissioner McHugh said using the same logic as AgPreserve on AgForest, he cannot support it.

Commissioner Matthews said he was comfortable including AgForest.

Commissioner Frasier said if we can maintain the wording, like in the Commercial Cannabis Ordinance, "Site Class I, II or III timberland (Dunning Scale) as determined by a Registered Professional Forester", then he would be okay on AgForest because it's not Williamson Act, and it is not taking away from the forest.

Commissioner Stewart moved to recommend AgForest be included as an allowable zoning district for distribution with a Conditional Use Permit. Seconded by Commissioner Matthews, and carried 4-1 with Commissioner McHugh voting No.

8. MATTERS FROM THE COMMISSION

Commissioner Matthews said he had a question for staff regarding setbacks and variances. He said it looks like staff is putting a dot in the center of the residence and measuring from there, when it should actually be measured from the edge of the residence. Commissioner Stewart agreed.

Associate Planner O'Sullivan responded that she can refine her maps to show distance from the side of the building, rather than in the middle of the residence.

Chair Hoard advised he will be absent on February 22, 2018.

9. MATTERS FROM STAFF

Interim Planning Director Hubbard advised that the department is staffing up. Beginning March 1st, we will be hiring four more people and we have an offer out for a Planner in the Cannabis Division.

10. ADJOURN

The Chair adjourned the meeting at 8:46 p.m.