



TRINITY COUNTY
PLANNING DEPARTMENT
 530 MAIN ST., PO BOX 2819
 PHONE – 530-623-1351
 WEAVERVILLE, CALIFORNIA 96093

Ed Prestley, Interim Deputy Director

MEMORANDUM

DATE: Friday, February 17, 2023
 TO: Members of the Trinity County Planning Commission
 FROM: Skylar Fisher, Associate Planner
 SUBJECT: Agenda Item 1-Chair-Vice Chair Election

Trinity County Code Chapter 2.36 and Planning Commission Resolution 1989-05 provide the framework for Planning Commission Chair and Vice Chair terms. Both the ordinance and the resolution are attached. How the chair and vice chair change are in conflict between the two documents, the ordinance stating the change be through election and the resolution stating the change be through rotation.

After consulting county counsel, staff received advice that the ordinance should be followed first, then the resolution. This means that the chair and vice chair positions should be decided by election. As the terms of office expire the first Monday following January 31, 2022, the election should be the first Planning Commission of February.

The recent chair and vice chair positions have been filled by the following districts:

Year	Chair	Vice Chair
2017	District 2	District 4
2018	District 4	District 1
2019	District 1	District 5
2020	District 5	District 3
2021	District 3	District 2
2022	District 2	District 4

Recommendation:

Staff recommends that the Planning Commission vote to appoint the 2023 chair and vice chair.

Attachments:

1. Trinity County Code Chapter 2.36
2. Planning Commission Resolution 1989-05

Chapter 2.36 - PLANNING COMMISSION

Sections:

2.36.010 - Created.

This chapter shall create a planning commission for the county, which shall also serve as the planning agency for the county and the advisory agency as provided for in the Subdivision Map Act of the state and the subdivision ordinance of the county.

(Ord. 174-6 §1(part), 1978)

(Ord. No. 1344, § 1, 4-3-18)

2.36.020 - Membership—Terms.

- A. The planning commission shall be composed of five members. One shall be appointed from each supervisorial district. Each supervisor shall nominate a commissioner who is a resident and voter from his or her supervisorial district.

On the effective date of the amendment to this section, persons serving as planning commissioners who, by reason of redistricting or otherwise, are not residents and voters of the supervisorial district of the supervisor who nominated them, or that supervisor's successor in office, may nevertheless complete the term of office set forth in subsection C of this section, subject to being removed pursuant to subsection D, as the nominee of the supervisor, or successor, rather than the nominee of the supervisor of the supervisorial district of the planning commissioner's residence. Such persons may also be appointed for additional terms of office immediately succeeding his or her current term when nominated by the same supervisor and without the need to be a resident of the nominating supervisor's district.

- B. Each nominee must be confirmed by a majority vote of all the members of the board of supervisors. No person shall be appointed as a regular planning commissioner who is an officer or employee of the county, except in his/her capacity as a planning commissioner.

- C. The terms of office for the respective planning commissioners shall be as follows:

1. The terms of office of the planning commissioners from supervisorial districts 2, 3, and 5 shall expire on the first Monday following January 31, 1993.
2. The terms of office of the planning commissioners from supervisorial districts 1 and 4 shall expire on the first Monday following January 31, 1995.
3. Terms of office after the expiration of the terms as provided in subsections (C)(1) and (C)(2) of this section shall be for a period of four years and shall expire on the first Monday after January 31st upon the completion of the four-year term.
4. Vacancies shall be filled by the nomination and confirmation procedure set forth in subsection B of this section. The person appointed to fill a vacancy which occurs during a term of office shall fill the office for the remainder of the unexpired term.

- D. A planning commissioner may be removed from office by a three-fifths vote of all members of the board of supervisors.

- E. Planning commissioners shall inform themselves upon the planning practice and regulations applicable to the County of Trinity.

(Ord. 1166 §1, 1992; Ord. 174-6 §1(a), 1978)

(Ord. No. 1344, § 1, 4-3-18)

2.36.030 - Officers—Meetings—Duties.

- A. The commission shall elect a chairman and vice chairman and other necessary officers from among its members for a term of one year.

- B. The commission shall hold at least one regular meeting each month and other meetings as may be necessary.

- C. The commission shall adopt rules and regulations for the transaction of business.

- D. The planning commission shall perform such functions and duties and shall have such powers and duties as are prescribed by law, and, in particular, as are prescribed in Chapter 3 of Title 7 of the Government Code of the state, and in addition, the planning commission shall perform such other functions and duties with respect to planning and zoning and other matters as the board of supervisors shall direct.

(Ord. 174-6 §1(b), 1978)

(Ord. No. 1344, § 1, 4-3-18)

2.36.040 - Chairman—Zoning administrator.

- A. The chairman of the planning commission shall also be designated the zoning administrator. The actions of the zoning administrator shall be recorded in the same manner as action of the entire board and minutes distributed to all commissioners.
- B. The zoning administrator shall:
 - 1. Hold public hearings at least once a month to reconsider routine petitions for use permits, rezonings that are consistent with the general plan and minor variances;
 - 2. Make recommendations on rezonings to the board of supervisors which apply only to minor land divisions when the rezoning is accompanied by a tentative parcel map. The planning commissioner from the district within which the property is located has the power to veto the decision within fourteen days after the zoning administrator makes his/her decision. The rezoning fee applicable to this action is waived; and
 - 3. Sit as the planning commissioner's representative on the subdivision review committee.
- C. The zoning administrator may approve or approve with mitigation measures, any negative declaration that accompanies projects for which he/she would otherwise have approval authority.
- D. The zoning administrator may refuse to hear any application which he/she feels the entire planning commission should jointly consider.
- E. Appeals of the zoning administrator's decisions shall be made in the same manner as prescribed for appeals of planning commission decisions.
- F. In the absence of the chairman of the planning commission, by a majority vote of the commissioners, the planning commission may select another commissioner to temporarily serve as zoning administrator.

(Ord. 174-8 §1, 1979; Ord. 174-7 §1, 1979; Ord. 174-6 §1(c), 1978)

(Ord. No. 1344, § 1, 4-3-18)

2.36.050 - Compensation.

Members of the planning commission shall be compensated or reimbursed only as follows:

- A. Each member of the planning commission shall be entitled to receive the sum of one hundred dollars for each such regular or special meeting of the planning commission at which he/she is in attendance.
- B. Each member of the planning commission shall be entitled to the sum of fifty dollars for each duly called field trip of the planning commission in which he/she participates.
- C. The zoning administrator shall receive the sum of one hundred dollars for each zoning administrator public hearing that he/she conducts and forty dollars for each subdivision review committee meeting that he/she attends.
- D. Each member of the planning commission shall be entitled to mileage at the rate set forth in the current county salary ordinance necessarily traveled in attending each meeting or field trip for which compensation may be claimed under this chapter, and any conference for which prior authorization had been received from the board of supervisors; provided, however, that no mileage shall be allowed for travel in the course of a field trip unless a county-owned car or bus is unavailable. In addition, any member required to obtain lodging or meals because of his/her attendance at such a meeting or field trip is entitled to reasonable reimbursement therefor.
- E. Each member of the planning commission shall be entitled to reasonable and necessary expenses, other than mileage, which is compensated for by subsection D of this section, incidental to the attendance of any planning conference, for which prior authorization to attend has been obtained from the board of supervisors at the same rate as general county employees.

(Ord. 174-9 §§1, 2, 1979; Ord. 174-8 §2, 1979; Ord. 174-6 §1(d), 1978)

(Ord. No. 1344, § 1, 4-3-18)

2.36.060 - Appointment—Oath.

The planning commission shall be legally constituted and have jurisdiction to proceed to act as provided by law upon the appointment of the members thereof by an order of the board of supervisors duly entered in the minutes and upon each of the members taking and filing oath of office as provided by law.

(Ord. 174-6 §2, 1978)

2.36.070 - Duties as advisory agency.

- A. The county planning commission shall act as, and carry out the duties of the advisory agency, as defined in the Subdivision Map Act of the state.
- B. All tentative subdivision maps shall be filed with the planning commission and the planning commission shall report its action on such maps direct to the subdividers.
- C. Procedures in connection with the making of any subdivision, and in carrying out the duties of an advisory agency, shall be in full and direct accord with the provisions of the Subdivision Map Act of the state, and penalties for violations thereof, or of this section, shall be as specified therein.

(Ord. 193 §51, 2 and 3, 1948)

(Ord. No. 1344, § 1, 4-3-18)

RESOLUTION NO. PC-89-05

ADOPTED BY THE PLANNING COMMISSION
ON JULY 13, 1989 SETTING
FORTH POLICIES RELATIVE TO PLANNING
COMMISSION PROCEDURES

WHEREAS, On June 8, 1989 the Planning Commissioner discussed the desirability of formally adopting Commission procedures; and

WHEREAS, the Planning Commission has determined that it is in the best interest of the Commission to adopt such procedures;

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the County of Trinity that the Commission does adopt the following policies;

1. The rotation schedule for chairmanship of the Planning Commission is Districts 1,5,3,2 and 4.
2. The rotation schedule for chairmanship of the Subdivision Review Committee is Districts 1,5,3,2 and 4.
3. The Commission's regularly scheduled meeting shall be the second and fourth Thursday of the month, except for the months of November and December when the Commission shall meet only the second Thursday.
4. The Chairman of the Planning Commission shall, at the start of each meeting review the meeting process for the benefit of the general public.
5. In order for the Chairman to call a meeting to order three members must be present.
6. The minimum votes necessary to approve, or recommend approval, of land use entitlements shall be as follows:
 - a. Use Permit and variances; simple majority
 - b. Appeals of the Director's decision; simple majority
 - c. Environmental clearances; three votes
 - d. Rezones; three votes
 - e. Resolutions; three votes
 - f. Plan Amendments; three votes
 - g. All other entitlements; three votes
7. In order to fully evaluate the merits of proposals brought before the Commission, it is the Commission's policy to request all written information to be submitted to staff the Friday before the Commission hearing date.

Although the Commission will make every attempt to review all written material as well as verbal presentations made at the Commission hearing, it may be necessary to continue such matters when a preponderance of new information is submitted.

8. In the absence of adopted policies or ordinances in regards to procedural matters, it is the policy of the Commission to follow Roberts Rules of Order.

PASSED AND ADOPTED by the Planning Commission of the County of Trinity, State of California, at a regular meeting of the said Commission, held on the _____ day of _____, 1989, by the following vote:

AYES:

NOES:

ABSENT:

CHAIRMAN - Joseph Bower
Trinity County Planning Commission

ATTEST:

Thomas Miller, Executive Secretary