

MINUTES

1. CALL TO ORDER

Chair Stewart called the meeting to order at 7:00 p.m. Members present: Dan Frasier, Mike McHugh, Diana Stewart, Graham Matthews and John Brower. Staff present: Director Richard Tippett, Interim Planner John Jelichich, Clerk Ruth Hanover and Deputy County Counsel Joe Larmour.

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.

Comments received from Liz McIntosh.

3. MINUTES

Upon motion of Commissioner Matthews, second by Commissioner Frasier and carried, approved the Minutes of November 10, 2016 as submitted.

OLD BUSINESS

4. PROPOSED MITIGATED NEGATIVE DECLARATION AND INITIAL STUDY

PW-16-06

Continued Public Hearing: Proposed Negative Declaration and Initial Study for the construction of a roundabout at the intersection of Lance Gulch Road and State Route 299. Additionally, a new opening to Nugget Lane from State Route 299 would be constructed. The intersection was originally planned as a signalized intersection as part of the East Connector Roadway Project, and the signalized intersection remains the “no project alternative”. Applicant: Trinity County Department of Transportation. *(continued from November 10, 2016)*

Senior Environmental Specialist Jan Smith presented the staff report. She said there are three alternatives and showed two different alternatives for the roundabout stating they are very similar. In the first alternative, the main difference is the connection to Glen Road. She said it wouldn't touch the building housing Radio Shack and U.S. Nails on Nugget Lane, but it is very close and the setback wouldn't be met so the building would have to be partially removed or completely removed in this alternative and that parking would be taken out. She said that is the main difference between this alternative and the one we would prefer. In the preferred alternative, Glen Road is moved over to the east and takes it right through the building. She said the reason for this is the traffic merging from Glen Road onto the highway; a driver can see what is coming around the roundabout from the west, the other one is a tight angle there where they can't see as well. Smith said that is the main difference, it completely impacts the building, but the building would probably be impacted anyway. Smith said the impact on businesses is very similar in both alternatives, in either alternative the access to Nugget Lane from Glen Road would be completely cut off. She said with either of the roundabout alternatives they are proposing to put a driveway onto Nugget Lane, and they had three different locations for that. Smith said originally, they thought they would put it directly across from Burger King driveway which is about mid-block on Nugget Lane (sub-alternative A), now they are thinking put it a lot closer to the roundabout so trucks don't have to back up so much to make deliveries to the businesses on Nugget Lane (sub-alternative B). She said Caltrans and the traffic engineer didn't like the alternative to have the driveway across from the Burger King driveway, as they felt people would start going from Nugget Lane right across the highway to the Burger King driveway actually making another intersection between the roundabout and the intersection at Highway 299 and Martin Road. Smith said in the second sub-alternative, with the driveway across from the CVS driveway, the splitter island for the roundabout is going to be across there, so this access that they prefer. You

can take a right to go in and take a right to go out, you can't take a left going west bound on Highway 299. She said it's a lot less movement, it's downstream from the roundabout so it doesn't really matter if you go out of the roundabout and go in there it's okay, but they don't want people popping out right next to the roundabout when people are coming out of the roundabout. Smith said impact wise wherever the access is, it is going to take about six parking spots on that side of Nugget Lane alongside the highway in front of whatever business that is. She said it is actually Caltrans and County right-of-way, it is not actually owned by the businesses, but they use the spaces for parking, so wherever that access ends up being there's going to be about six parking spots removed from that area. Smith said if we don't want to do the roundabout, with the Lance Gulch Road environmental document, there was supposed to be a traffic signal, it would be a 4-way stop light, regular red light green light. She said that's what we originally intended, that's what we analyzed already, so that is the "no project" alternative. She said if the Commission didn't want to take this action then it would automatically default back to a traffic signal. Smith said with the traffic signal, and this is different than what was analyzed in the environmental document, we can leave Glen Road and Nugget Lane intersection as is, and it will work with the traffic signal. She said none of the impacts she is about to discuss on the businesses would occur with the traffic signal. Everything that is there, the wiring isn't there but as far as what's on the ground, curbs, gutter, sidewalks, roads, road width, is all the way it is going to be, we're not going to be changing anything that is out there right now. We would only be changing the 4-way stop signs to a traffic signal.

Smith talked about some of the impacts on the businesses with the roundabout, which is the biggest issue we have. First of all, they did have a discussion yesterday with Ricky who owns the Weaverville Market and Rob Stinger, the Operations Engineer for Caltrans, because before we were talking about the market would like to have a new driveway pretty much across from where the Coldwell Banker driveway is, it's right on the property line of the Behavioral Health building and the market, right there onto 299. She said they didn't think Caltrans would let them do that but then he came out and looked at it and determined that if we do the roundabout it would be okay to add this driveway, and all movements would be allowed, left, right, in and out. She said the good thing about that is, with that we would propose, and the Board would have to approve this, but the County owns this right-of-way, this whole Nugget Lane, which is effectively just a parking lot, and we would like to abandon that and give it to the property owners. She said if they add that new driveway, it would be a through road not a dead-end road, and we can abandon Nugget Lane and Weaverville Market can have this whole area to do his layout, because what he wants to do is add some fuel pumps in there, and he doesn't have the room now and he wouldn't have it any other way, he can't fit them in there. She said if we abandon that he has a driveway out here and he has this whole area, he would still want to put a driveway onto Glen Road and that would be way back by Coast Central Credit Union. He would still have a driveway coming out of there, he can take this whole area here and lay out his gas pumps in such a way that people could still drive through, but he would have a lot more flexibility.

She said with a signal, ironically, now that we were out there with Caltrans and looked at this, the signal has actually greater impacts to the Market's plans than the driveway. With the signal, there is going to be a traffic que that backs up here across the new driveway, a line waiting to go through when the light is red, Caltrans doesn't want this driveway here in that case. For one thing traffic will back up across it and because people tend to slow down when they are entering a roundabout but they tend to speed up when they are approaching a traffic signal if it is yellow, so they don't want somebody popping out right there under that scenario. She said the down side of that is, the County road has to be a through road, so this will have to stay a public county road and it would come out on Glen Road right here where it's at, which is good because he has all this space back here, but it's a County road, there is a 40-foot setback from the centerline of the County road, plus an additional 10-foot setback for buildings, so he wouldn't be able to put his pumps until it's like 50-feet back, which is almost half way back to the middle of his lot, so he would have only the back half of the lot for his pumps. Smith said it's going to make things difficult for him to put in the gas pumps in there either way.

Smith said another issue they had is that the building that has the Nail Salon and the Radio Shack is probably just going to have to be completely removed and potentially there might be a little bit of a piece in there where they could build a really small business, but it's questionable whether they would have the required number of parking spaces available to them at that point; so it's possible, but it's going to be difficult, we can't really guarantee that that would be feasible, but it's possible.

She said on the other side of the highway, where the CHP is, there were several issues with this. One was they have a driveway up top, onto Highway 299, that's the DMV up top and some of the CHP park up there, the rest of the CHP have a new driveway in the back that goes right on to Lance Gulch Road, but there are some CHP vehicles that park up top. She said we were proposing not to allow a left turn out of there, but again Rob Stinger from Caltrans looked at that too, and our traffic engineers have looked at that, and we determined that it was feasible to let the CHP take that left turn out onto the highway; otherwise, they would have to take a right turn, make a U turn, and that's going to delay their response time significantly as well, and all the DMV customers would have to do the same thing, there would be a bunch of people making a U turns or cutting through parking lots or something to get turned around, so, it's actually preferable to let them make the left turn out of there and go the way they want to go. Smith said there is a little strip on the side of highway in front of the CHP building where they have their truck inspections stations, it's a place where a truck can pull over and be inspected and that is going to have to go. She said it is in Caltrans' right-of-way anyway and there is really nothing they can do about that, they will have to find another way to inspect trucks.

Smith stated the last thing, they were concerned about vehicles backing up on Lance Gulch Road waiting to get into the roundabout. The CHP come out of the back driveway onto Lance Gulch Road, so they were concerned about traffic trying to get into the roundabout and there is obviously more traffic on 299 so there could be a delay for a person to get onto 299, not as much delay as a signal obviously, but it would be a slight delay while they are waiting for people to get into the roundabout. She said if the CHP come out of the back driveway onto Lance Gulch Road and they are waiting behind these cars, there is probably only going to be one or two, because the traffic in the roundabout is continuously flowing, it's not like they have to stop for a traffic signal, but they were concerned about that so we had proposed a mountable center island so they could get in there and go around the cars waiting. She showed a picture of one in Bend, Oregon that was near a fire station. They can get up on the mountable curb and go down the center of Lance Gulch Road, pass the cars that are waiting and enter the roundabout. She said there was concern about the crosswalk, and with the roundabout one of the things is you have the islands for refuge so that you cross half way, you only have to deal with one-way traffic, then you have refuge on this island and then you can cross the other half. She said if a CHP is on the island he's going to drive right across that cross walk on the mountable island. Smith said there was also a concern about the waiting cars, if someone was coming along and if the CHP uses the mountable curb, they may not be able to see a pedestrian crossing in the crosswalk in front of the waiting cars. She said that is a concern, it's a safety issue that we have to decide if we want to allow this or not. She said the delay for CHP to enter the roundabout is not really a significant impact and the document doesn't call it a significant impact, the left turn out onto 299 was a significant impact, but this, the delay is so small that it's not really going to happen that often, it is not considered a significant impact, so we don't have to do the mountable splitter island, if we decide it is too dangerous. She said another way they can do it is just make one side of the curb mountable, a rounded curb on the CHP side, and they go around whoever is stopped in the way there and then they would have to come out before the pedestrians' crosswalk, so they would come up here, almost to the crosswalk, get around these guys and then they would have to merge back in. So, they still have to merge and if there is a car there they are going to have to wait for it. You would think people would either get out of the way, or if they pull over there is not enough room, people pulling over to the right they are not going to have much room, so they would have to get on this island and if they could merge back in before they got to the crosswalk then they wouldn't be driving across this part of the crosswalk. That's something we should probably put a lot of thought into, she thinks it could go either way. Smith said just to point out too, that with a signalized intersection, if Lance Gulch is red and they come out of the back CHP: driveway and they hit their signal preemption device where they can turn the signal in an emergency, the green on Highway 299 is going to have to go yellow and clear the intersection before it goes to red, and if there are any cars in there waiting for that red light the CHP is going to have to wait until all of those cars get out of there before they can go anyway, so it's actually a longer delay with the traffic signal even if they have that device where they can change the signal light green. She said therefore it's not really that significant of an impact of the project because the "no project" has a slightly worse impact. Smith said there is a mitigation measure in there that states that we would put the mountable center island in, but if the Commission is not comfortable with that because of the pedestrian issue, you could take that out, or recommend the Board take that out of the document without creating a significant impact, and not jeopardizing the legality of the CEQA document. She said questions also came up about this left turn that we are allowing out of DMV, that it would be hazard because

we looked at the cost benefit of the roundabout and in that analysis, we compared the existing condition at the time, which was a 3-way intersection without Lance Gulch. She said those are the data we used to show what the accident history of the site was, because we didn't have a four way intersection or a traffic signal to compare it to in reality and we didn't have a roundabout to compare it to in reality, so we had to take what we did have, accident history on the 3-way intersection, so there was a concern that allowing these CHP trips to take a left we are invalidating our whole cost benefit ratio because there were two accidents involving a left turns out of the CHP and conflicting with left turns out of Glen Road, so there is a two-way center turn lane in here and some guy comes out of Glen Road turning left and someone coming out of the CHP turns left and they are in the same lane and they hit each other, and that has actually happened twice. Smith said with the roundabout, there isn't anybody going to make a left turn out of Glen Road because they are going to go through the roundabout, go around and come out heading west, besides the CHP driveway is moved down further away. She said allowing a left turn doesn't make the roundabout less safe because that whole situation is gone, we remedied that whole situation, there is no two-way center turn lane, there is no left turn out of Glen Road, so we still have mitigated for these accidents by putting in the roundabout. She said it's not like putting in that left turn is going to create more accidents because the whole situation is totally different now.

Smith said they did a new cost benefit ratio, because that was another question, but the only thing we changed in it was the cost, because we have updated costs now, but we really didn't change the number of accidents or the reduction in accidents because it doesn't really work to use this data to compare, so they just changed the cost only, and obviously, the roundabout takes a lot more money to construct, now it's slightly less to maintain than signal, but comparatively they only look at the construction cost, the initial cost; and one or better is good, less than one is bad, the roundabout got a 1.71 and the signal got a 6.24 and that is basically because it costs so much less to construct.

Smith said the Commission asked for additional studies from our Roundabout Engineer, Kittelson & Associates. She said one was kind of an overview of roundabouts in general, particularly with regard to pedestrians and why they are safer, pedestrians and bicycles. The other was a safety analysis of this particular intersection, functioning in the future as a signalized intersection compared to functioning as a roundabout, based on statistical predictive modeling. They tried to predict how many accidents there would be with a signal and how many there would be with a roundabout, and they averaged them out per year. She said with a signalized intersection they estimate 1.06 crashes per year, and fatal and injury crashes per year of 0.36 crashes per year; with the roundabout, they estimate 0.48 crashes per year and 0.08 fatal and injury crashes per year.

Smith said the Commission's role is to make recommendations to the Board, typically on a negative declaration the Commission makes the final decision, but the Board wants the final say on this one. If you do so, you would recommend to the Board that they find the Initial Study and Negative Declaration was completed in compliance with CEQA, and the Commission would recommend an alternative and staff's recommendation is Roundabout Alternative 2 and sub-alternative B which is the one closest to the intersection for that access to Nugget Lane from Highway 299; the Commission would approve Mitigation Monitoring Program. She said if you want to make a change to that mitigation measure to take out the mountable splitter island you would have to recommend amending that mitigation monitoring program as well.

Commissioner McHugh asked if the Nugget abandonment is dependent on the roundabout or is it that available with the signalized version. Director Tippett responded the problem is with the signal you can't have a driveway onto 299 there because of the operations of vehicles. Commissioner McHugh asked what driveway. Tippett responded an additional driveway approved by Caltrans that would straddle the Behavioral Health and Weaverville Market property line. Tippett said he wanted to remind the Commission one of the things that was big about Lance Gulch this whole time was the attraction to Lance Gulch Road because the intersection with Highway 299 would actually be controlled. Commissioner McHugh asked what is the objection to the driveway in the signalized model, the output from Nugget on the Floor Store side of Glen Road is exactly the same, it goes right out to the intersection. He said that is right at the intersection, the other one a portion of a block down across from Coldwell Banker, not sure why no driveway down there. Tippett responded the speeds in that area are 40 miles per hour. McHugh stated there are driveways all along Highway 299. Tippett responded they have a concern about the higher speed, it also has a higher traffic volume, and there is a wider area that you have to traverse, Glen Road is rather condensed in that area; also, the signal, the operations

probably rest more green on Highway 299 than on Glen Road, so the signal operations at Glenn Road would probably be red more times than not. He said it's easy to maneuver in and out of that, particularly if you are making a left from Glen Road you only have 12' to go to make a left turn. He said where the other one you are making a left turn at that other driveway, without the roundabout you have to go through the bike lane, the shoulder and then in the center turn lane, it's a longer distance.

Tippett stated he wanted to touch on the CHP curb issue, when looking through the literature it pointed out that emergency vehicles that approach the intersection is that one of the things about roundabouts is its yield, it's non-stop, so people are continually moving through the intersection; whereas a signalized intersection, you have people that are stopped and you have a que that stopped behind them, you will see sometimes a police car will be in the back with sirens going but everyone freezes in the front line. He said we are expecting there will only be two cars, the police officer will pull up behind them, it's most likely that person will go, they might be able to make the first right they can to get out of the way and pull over, but we believe more times than not they would be clearing out that intersection very quickly. Tippett said we could try putting in a flat center island or something less than a little curb instead of maybe trying to put in a little bit more of a solution in it than needs to be or that creates other problems that are more significant that you had before. He said concerning the truck inspections that the CHP does, that is a problem whether it is signalized or a roundabout. Caltrans pointed out that's not really where they should be inspecting trucks, they should have something like they have in Douglas City, which is a very large paved apron area for the trucks to pull off.

Chair Stewart opened the hearing to public comment.

Comments received from Nick Goulette, Kyle Julio, Sandra Perez, Christian Nagel, Dale Kaz, Kay Graves, Samantha Chilcote, Everette Harvey, Scott White, Megan Marshall, Laura Feldmiller and Ross Molyneus.

No further comments being received, Chair closes the hearing to public comment.

Commissioner Matthews moved to recommend that the Board of Supervisors (1) adopt the Initial Study/Mitigated Negative Declaration finding that, on the basis of the whole record including the initial study, comments received, and Mitigation Monitoring and Reporting Program, that there is no substantial evidence that the project will have a significant effect on the environment and that a mitigated negative declaration reflects the Board's independent judgment and analysis; (2) recommend the Board of Supervisors select the "no project" alternative. Seconded by Commissioner McHugh. Motion carried 4-1.

Recesses 8:09 p.m., reconvenes 8:21 p.m.

NEW BUSINESS

5. CONDITIONAL USE PERMIT FOR CONSTRUCTION OF BIKE PARK P-16-16

Public Hearing: Conditional Use Permit for construction of a Bike Park featuring a pump track and basic bicycle skills building area on less than one acre within Lowden Park. Located at 101 Park Avenue, Weaverville. APN 001-183-01-00. Applicant: County of Trinity.

Interim Planner John Jelich presented the staff report. He said the County is working with a local volunteer group to build a pump track and basic bicycle skills-building area. The volunteer group will be seeking grants where possible and rely on volunteers to help organize and develop the facility.

Chair Stewart opens the hearing to public comment.

Comments received from County Facilities Operations Superintendent Tony Miller, Don Bradbury, Ross Molyneus,

No further comments being received, Chair closes hearing to public comment.

Commissioner McHugh asked what about this triggers the need for a Use Permit since it's a public facility.

Jelicich responded it is a modification to the park, the park is over 1-acre. Director Tippett stated there were visibility and parking concerns, that when you add something significant to that type of facility, he doesn't feel comfortable approving something like this without seeking the Commission's advice and input to have direction. Interim Planner Jelicich stated there are minor impacts but not enough to trigger CEQA.

Upon motion of Commissioner Matthews, seconded by Commissioner Brower, approves the Conditional Use Permit to allow development of pump track facilities and basic bicycle skill-building area, with bike racks, on approximately one acre within Lowden Park, Weaverville, based on Findings-of-fact A through C and subject to conditions of approval 1 through 4, as set forth in the staff report. Motion carried unanimously.

6. **AMENDMENT TO ZONING ORDINANCE RE ACCESSORY DWELLING UNITS** **PW-16-08**

Public Hearing: Amend Section 30.D.3.c.2 (zoning districts allowing second dwelling units) of the Zoning Ordinance to comply with revised Government Code Section 65852.2 as amended by AB 2299 and SB1069, which removes any local requirement for a use permit to establish an "accessory dwelling unit" (ADU). County-wide. Applicant: County of Trinity. *(to be withdrawn from Agenda and readvertised for a later date)*

Interim Planner Jelicich advised he thought this would be simple but when he got into and compared to our ordinance it became clear that there are additional changes required. Requests item be withdrawn and readvertised at a later date.

7. **TENTATIVE MAP TIME EXTENSION** **P-09-26**

Consider and/or take action to grant a one-year time extension of tentative map approval to create four parcels and a remainder varying from one acre to 17 acres. Located at 281 Carrville Loop Road, Coffee Creek. APN: 007-740-40-00. Applicant: Hollister.

Interim Planner Jelicich presented the staff report. He stated we have had several of these over the last few months, this is just another one that is stringing along with the legislative extensions. Staff is recommending approval and the new expiration date will be October 8, 2017.

Chair opens the item to public comment. No comments being received, Chair closed public comment.

Commissioner McHugh moved to grant a twelve (12) month time extension for the Hollister subdivision, APN 007-740-40-00, setting a new expiration date of October 8, 2017. Seconded by Commissioner Frasier. Motion carried unanimously.

8. **TENTATIVE MAP TIME EXTENSION** **P-07-27**

Consider and/or take action to grant a one-year time extension of tentative map approval to create two parcels of approximately 2.5 acres each. Located at 60 New Road (off Union Hill Road), Douglas City. APN: 015-440-39-00. Applicant: Marlin (filed under Lane).

Interim Planner Jelicich presented the staff report. He said staff is recommending approval and the new expiration date will be August 9, 2017.

Commissioner Brower moved to grant a twelve (12) month time extension for the Marlin subdivision, APN 015-440-39-00, setting a new expiration date of August 9, 2017. Seconded by Commissioner Matthews. Motion carried unanimously.

9. **MATTERS FROM THE COMMISSION**

Commissioner Brower asked for an update on the commercial cannabis program. Director Tippett responded we have received seventeen applications, our first permit will probably be issued tomorrow. He said he thinks about two-thirds of the permits will be provisionally issued. We have some that will be Variances and with proper noticing we are looking at hearing them on January 19th. He said we have about 30 applications right now, we are hoping as permits go out that more will apply. He said he is going to point out that the people that do get their

permits this year, the renewal process will be relatively easy and expedient, that puts them quite a bit ahead for next year. We want to be thorough but also be accommodating in processing the permits. He said the biggest issue right now when we go through and address it, there is not a dwelling unit on site or there's unpermitted buildings; but he wants to emphasize that through this process, it was directed early on by the Board, that we want to correct those issues, but also give them time to correct those issues.

Chair Stewart asked if there is going to be a special meeting on December 15th. Director Tippet responded no.

Commissioner Matthews asked if the workload has been different than anticipated (with the commercial cannabis applications), were you expecting to get more applications that it would be overwhelming. Director Tippet responded in the affirmative, but at the same time he has to say we would like to see a lot more, but the flow has allowed us to take some time to address questions more effectively. He said he feels much more ready to take in applications than he did three weeks ago, He said there will be a special Board of Supervisors meeting December 21st to talk about some of the issues, one of them is mixed light which was unintentionally omitted from the ordinance and they want to get that back in there, and he would like to see things like better definition. He said they also want to talk about now we have ALMA on top of MRSA, and then there are some other things that have come up that they might want to have discussion on.

Tippet stated at last meeting we talked about some potential issues where we want to have use permits being issued, one of them was he talked about Agriculture on Industrial zoned property. He said after going back and reviewing what is applied for, he has made the determination as Director, that the impacts that are spelled out for use permits would be required are not present in that application. Therefore, he believes that it is a use that is allowed without a use permit, so we went ahead and are going to permit that property down in Hayfork.

10. MATTERS FROM STAFF

Director Tippet advised we have an environmental consultant on board for the commercial cannabis, we talked to him today about some of the things that he will be measuring as far as environmental impacts and will have a map towards the end of the year that will allow us to take a look at some of the densities of marijuana cultivation that we have with existing zoning.

Commissioner Frasier asked if that will be addressing cumulative impacts and stuff like that. Tippet responded in the affirmative, stating it's meant to start giving us better answers. One of the things that we want to be ready for as we move forward is if we make changes in the ordinance he needs to have a better handle about what those environmental impacts might be so that we can have the appropriate environmental actions take place and have the appropriate documentation. He said that is part of what the intention of an interim ordinance is, is to go identify that, it gives you time to go back and do research to get those answers, and that is exactly what we are doing, and now we have a consultant on board to help us with that.

Commissioner Brower how many permits are expected to be issued by the first of the year. Tippet responded probably 20, it depends on how many applications we receive between now and then. He said he believes we can handle permits fairly expeditiously now.

Commissioner McHugh asked how are we doing on recruiting. Tippet responded the Board is going to be discussing the Planning Director position at the next meeting. McHugh asked aren't we also recruiting for a Senior Planner. Tippet responded not right now because we are waiting for the new salary information through the salary survey before we go out for recruitment. He said looking back at the knowledge and depth that Frank had, is what we need in the future person, because we have the General Plan Update to have a component about marijuana and the marijuana permitting system is providing funds to have that update, we have code enforcement other than the marijuana program, the Zoning Ordinance needs to be updated, and we have all the other Planning matters.

11. ADJOURN

The Chair adjourned the meeting at 8:55 a.m.