

MINUTES

1. CALL TO ORDER

Chair Stewart called the meeting to order at 7:02 pm. Members present: Diana Stewart, Dan Frasier, Graham Matthews, John Brower. Staff present: Senior Planner Carson Anderson, Director Rick Tippett, Clerk Naomi Merwin. Others present: Mark Lancaster and Sandra Perez with 5C.

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.

No one came forward.

3. MINUTES – February 11, 2016.

Upon motion of Commissioner Matthews, seconded by Commissioner Frasier and carried, approved the minutes of February 11, 2016 as submitted.

OLD BUSINESS

4. WORKSHOP RE FOLLOW-UP DISCUSSION ON RECOMMENDED WATER POLICY CHANGES

Workshop re: Follow-up Discussion of the Specific Water Resources Policy Change Recommendations to County Codes, Community Plans, and the General Plan as proposed by the Northwest California Resource Conservation and Development Council (5C).

Chair Stewart opened Item 4 to the Commission.

Senior Planner Anderson provided an overview of the Staff Report for Item 4. The Staff Report referred to the Butte County water element and Humboldt County Draft Water Resources Element. Regarding Item 4 of the Staff Report advised that the mention of the Regional Water Quality Control Board of discharge best management practices is there as side bar information; it doesn't preempt the process from CEQA and required analysis. Regarding Item 7 water diversions and screening criteria, advised looking at the recommendations from 5C. Regarding Item 9 & 10 advised after years of analysis water experts have an idea of what our thresholds are; and concur that we are close to those thresholds due to the use of water and impacts from the drought. Regarding Item 11, the critical water resources overlay, advised 5C has defined what it could look like in its final form.

Chair Stewart requested that Senior Planner Anderson repeat for the Commission the purpose of this discussion is not to take action.

Senior Planner Anderson advised there are additional items that were not treated in the power point given December 10, 2015 and the accompanying Staff Report, and for that reason recommends deferring formal action at this meeting. Advised to treat this meeting as a discussion workshop to review policies.

Sandra Perez advised the back-up documents of policy recommendations is the bulk of what 5C would like to present to the Commission. The Staff Report references the concepts and not the specific policy changes found in the back-up document. Can address the concepts now and delve into policy at the next meeting.

Mark Lancaster advised that in the 2009 report 5C determined that some watersheds are not meeting beneficial uses of water, others are at risk of not meeting beneficial uses of water. In the 2014 study there were significant changes in the county; primarily rapid colonization of existing parcels. The 2009-2014 reports went from recommended actions and generic goals to recommended actions with very specific targeted outcomes; many areas have already hit the threshold of cumulative impacts.

Sandra Perez went through the Staff Report:

1. Develop a Water Resources Element as part of the General Plan:

Advised the bulk of the policy changes are the immediate focus. Much of 5C's work done to this point can be incorporated into the Water Resources Element. Further advised that co-opting other counties general plan elements has drawbacks, many elements of the current general plan originated from that tactic and it often creates problems because the guidelines don't translate well to Trinity County as a region. Furthermore, advised that cannabis did not create our water resources problem, it exacerbated it; 5C policies do not target specific types of water resources, but rather, addresses impacts.

2. Storm Water Catchment

Advised that this was intended to be an educational tool to incorporate those practices.

3. Greywater Use

Mark Lancaster advised California has adopted a graywater code. Of the 1.7 million graywater systems in California, less than 10,000 graywater systems have been permitted due to restrictive code and expensive permitting. Newly adopted California code allows you to install a clothes washing system without a permit. Counties should pursue graywater; the tools are already partially there, so the County can help craft discretionary permits.

Director Tippett advised that the County's Environmental Health Department does support graywater use; there are discussions about bringing that in because of the inability to draw or bring water into some areas.

Commissioner Brower questioned how to gain access to the full 5C water policy document.

Sandra Perez advised it's available on the Trinity County Board of Supervisors archived agenda page for August 4, 2015.

Commissioner Brower questioned how much the greywater permits cost.

Mark Lancaster advised it's more than the cost of materials to install the system.

Sandra Perez stated rainwater capture doesn't necessarily require a permit; However, what is done with the discharge may require a permit.

Mark Lancaster advised storm water capture is not related to forbearance.

4. Surface Water Diversion Assessment

Sandra Perez advised 5C recommendation is to have clear written guidelines for development that are consistently applied. Disconnect in terms of what has been deemed a hydrological study from department of Environmental Health versus what 5C and the State would consider to be an adequate hydrologic study. The report describes what 5C is proposing and the requirements to meet the objectives for a hydrologic study.

Mark Lancaster reported that the County is understaffed and can't accomplish its functions. Currently in the county there is a system in place to account for entitlements, that system has been in place since 1984. That system is not working and the proof is the water shortage Trinity County has; the rate of surface water supplies being provided by trucking supports this, as well as the depletion of water in streams. This document is to assist the County to help offset some of the problems of development in the last 25 years.

6. Amend Zoning Ordinance Regarding Riparian Buffer Zones

Mark Lancaster advised that in the general plan it says the primary function of streams is to protect water quality, fisheries and wildlife. Trying to update the general plan based on that vague guideline; using a qualitative objective not a numeric one to assess.

Mark Lancaster recommended that the County adopt Cal Fire's standards; that way the County embraces the most stringent standards and gains the law enforcement regulatory authority support from the State.

Commissioner Brower asked what the setback numbers are.

Mark Lancaster responded that ephemeral streams have a 50-foot setback of no grading or development and landowner can remove 70% of canopy; seasonal streams have 75-100 foot setbacks, and allows landowners to conduct fuels management/reduction; anadromous streams are 150 feet with a reduction in the amount of material that can be removed.

7. Encourage use of Trinity River water

Sandra Perez advised that this a concept but beyond the scope of 5C's ability to develop policy; politically a difficult issue.

8. Water Resources Stewardship & Education

Sandra Perez advised that 5C developed a water resources web map that the County posted on the Planning Department's website; the remaining aspect is to reach out to the development community to educate on standards.

11. Critical Water Resources Overlay Zone

Sandra Perez advised 5C proposes existing CWR section and standards of the zoning code be applied to the entire county. In essence, remove the label and apply CWR to a new set of standards that would be applied to specific watersheds that are challenged in terms of water resources. The current geography for what a CWR impacted zone is based on section lines, 5C recommends changing it to align with watersheds. Further advised that there is a map at the end of 5C document that shows the recommended boundaries.

12. Amend County Subdivision Ordinance

Sandra Perez advised that currently the County default is to require testing during dry weather, but the planning department has the ability to extend that testing beyond the dry period. 5C recommends removing the extension option.

Sandra Perez advised that the final version of the amended policies can be provided, including the strikeout version with proposed changes and track changes.

Commissioner Matthews suggested take a few easy issues and one complex one in the same meeting.

Mark Lancaster suggested tackling ordinances as well; work on the subdivision ordinances, or work on the zoning ordinance. Further advised that more important right now is the zoning ordinance. The bulk of the impacts are ministerial, occurring at the permitting stage, not at the map stage.

Chair Stewart asked if groundwater exportation has been addressed, expressed serious concerns.

Director Tippett advised that exporting is not a legal use of water. When water is pumped out of the ground the landowner must use it for beneficial uses on the property, it cannot be exported without a license.

Chair Stewart asked staff how licensing for water export works.

Director Tippett advised that the County does not provide that permit, that it is a Water Board issue.

Chair Stewart asked if there is a County ordinance.

Director Tippett responded that it is a state law in a recent groundwater bill; usually applies to counties with large aquifers.

Chair Stewart stated that even if the State has a law, the County should state something specific as well.

Sandra Perez advised that part of the standards of the CWR addresses the effects of well drilling on neighboring parcels.

Commissioner Matthews stated the Commission should add another ordinance; ban the sale of water.

Commissioner Frasier stated that the report covers the main-stem Trinity River and downstream of Ruth Dam. Are the Eel River and Van Duzen Rivers left out?

Mark Lancaster responded from the consumptive use, the same problems occur with dams, no dams, fish, no fish. 5C's recommendations are intended to provide for the people of the county to have reliable, safe water. Only difference is where the CWR is overlaid on a watershed. Everything that is proposed is intended to be applied county-wide.

Commissioner Frasier questioned, the Eel and Van Duzen Rivers aren't salmon rivers but are cold water fisheries, how do they fit in?

Sandra Perez responded that 5C's work is inspired by fisheries, but it is intended to apply to whether or not there are Coho involved.

Commissioner Brower asked how to get legal access to main stem Trinity River water if the Board is not issuing permits; permits have been requested and not granted for years.

Mark Lancaster responded that there is a 25-year backlog on appropriated water right actions. State Water Board and F&G are working on it. you can file a form called a change in point of diversion, landowners can also file forbearance agreements on the current location. 5C hopes to help with models down the line.

Commissioner Brower asked if the trinity already considered over-allocated.

Mark Lancaster responded there is an allocation within the Trinity River for watersheds of origin, and a 50,000-acre-foot allocation for Humboldt County. There is no number put to Trinity County's allocation; there are a lot of pre-1914 water rights out there that have no allocation to them. The

burden falls on the owner of that water right to demonstrate what they have been using historically.

Commissioner Matthews stated Weaverville CSD was able to access Trinity River water. There should be a diversion on the main-stem and put in a CSD in Browns Creek.

Sandra Perez suggested, or expand the Weaverville CSD boundaries.

Commissioner Matthews stated it could result in using more of the Trinity County water allocation; there are many who have to conserve because there is no water.

Commissioner Matthews asked can the Commissioner take action in the sense of selecting a few issues to consider at the next meeting.

Director Tippet responded the Commission can provide general direction to staff with what the Commission would like to see and staff will provide the Commission with something to take action on.

Chair Stewart asked if staff has direction on what the Commission should work on first?

Senior Planner Anderson replied the ordinances, subdivision and zoning, and an update of the conservation element or creating a separate water resources element of the general plan; other items, including number 4, could be put into ordinance format. Guidance on greywater.

Chair Stewart opened public comment, no one came forward, the Chair closed public comment.

The Commission desired to begin with amendments to the zoning ordinance. Requested that recommended amendments be brought back to the commission as well as the edited and final versions of the 5C report. Furthermore, the Commission requested more than one week to review the document.

Director Tippet advised he will take the work plan back to the board for approval.

NEW BUSINESS

5. ELECTRIC VEHICLE READINESS PLAN IMPLEMENTATION PROJECT

Redwood Coast Energy Authority Electric Vehicle Readiness Plan Implementation Project (Survey of Trinity County for potential electric vehicle charging locations). Requested statement of support.

Chair Stewart opened Item 5 to the Commission.

Senior Planner Anderson introduced Item 5 to the Commission. North Coast Plug in Electrical Vehicle Plan is pursuing grant funding to expand electric vehicle charging stations throughout the region. They have identified potential locations for charging stations, including the Weaverville Library and the Hayfork Post Office. Looking at level two type technology. Staff wanted to make the Planning Commission aware and invite comments.

Commissioner Brower expressed support for everything about the plan except there is no provision to help pay for roads that are being used by these vehicles. These areas on the coast create epicenters, it would be nice to get some money for roads out of it.

Director Tippet advised a member of the California Transportation Commission is coming in to look at the road charge tax. Road charge pilot program was developed to measure what happens in rural counties so implementation follows the intent; vehicle miles traveled tax is what is coming.

Senior Planner Anderson advised the scope of this project is very limited in what this covers; it is merely

infrastructure planning to apply to plug-in vehicles.

Commissioner Matthews asked who pays for the costs.

Senior Planner Anderson stated that the costs will be borne by the RCEA and California Energy Commission, not the County; added that the PUD's are supportive.

Commissioner Matthews stated that Weaverville should focus on having a fast power station. It could provide a noticeable increase in tourism. The type two don't work as well for tourists. Do we need a motion to support?

Chair Stewart called for support for the RCEA Grant Application for exploration of a fast power station, adding that it would encourage RCEA exploration of a fast power station.

All Commissioners supported.

Chair Stewart opened public comment

Comments received from Keli Gant.

Chair Stewart closed public comment.

6. MATTERS FROM THE COMMISSION

Chair Stewart asked staff when the commercial marijuana policy recommendations will go to the board.

Director Tippett advised he will contact the Planning Commission with the date, likely in May.

7. MATTERS FROM STAFF

Senior Planner Anderson provided two staff items:

1. Directors Use Permit was issued for Sharp Electric. Advised there has been a lot of removal of trees and old buildings and the property has been cleaned up. Applicant will have conditions of approval regarding lighting and noise.
2. Planning Commission training. Currently, no training opportunities; encouraged Commissioner Brower to look at the Planning Commissioners/Planning Board link on the American Planners Association website.

Director Tippet advised that Commissioner Brown has resigned his position. Supervisor Groves will appoint a new Commissioner.

8. ADJOURN

Chair Stewart adjourned the meeting at 8:39 pm.