

MINUTES

1. CALL TO ORDER

Vice Chair Groves called the meeting to order at 7:00 p.m. Members present: Dan Frasier, Graham Matthews and Keith Groves. Members absent: Diana Stewart and Tom McKnight. Staff present: Director Richard Tippet 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.

No one came forward.

3. MINUTES

Upon motion by Commissioner Frasier, second by Commissioner Matthews and carried, the Commission approved the Minutes of November 13, 2014 as submitted.

OLD BUSINESS

4. PROPOSED NEG. DEC., PARCEL MAP AND REZONE

P-14-01

Public Hearing: Proposed negative declaration, parcel map to create three parcels ranging in size from 30 to 55 acres, and rezone from Unclassified to Agriculture. Located at 140 Buckwheat Lane, Ruth. APN: 020-490-04. Applicant: D & V Albee and T. D. Felt (*Continued from October 9, 2014*).

At the request of staff, Vice Chair Groves continued the matter to January 8, 2015.

5. PROPOSED MIT. NEG. DEC. & PARCEL MAP TO CREATE FOUR PARCELS

P-13-24

Public hearing: Proposed Mitigated Negative Declaration and Parcel Map to create four parcels, plus a remainder parcel, ranging in size from 7.2+- to 30+- acres in size. Located NE of the proposed alignment of Lance Gulch Road, taking access from Hidden Pond Road which stems N from Browns Ranch Road approximately 750 feet E of its intersection with Highway 3, Weaverville. APN 024-370-06. Applicant: Previte (*Continued from November 13, 2014*)

Director Tippet presented the staff report. He stated the Planning Commission's direction on November 13, 2014 was for staff to meet with the applicant and agents regarding the proposed conditions of approval. He said that has been done and agreement on the proposed conditions has been reached. Tippet commented the biggest issue was the public road issue, and that was due to specific wording of the condition language and the desire to follow what staff understands as the Board of Supervisors' policy direction regarding circulation. He said staff had reduced the width of the roadway easement down to 40 feet. He stated the applicant was concerned about the road being a main thoroughfare, but 40 feet simply limits the development potential of the roadway to a more local, two lane road.

Vice Chair Groves asked if Tippet was still demanding the right-of-way through the property, only smaller. Director Tippet responded in the affirmative.

Commissioner Matthews asked if the right-of-way is only to the cul de sac. Director Tippet responded it is to

the back of the property line; however the improved road for this project was only to the cul de sac. He requested that the map be amended to show the future right-of-way as a dashed line, which was for future dedications if the back property is ever improved.

Vice Chair Groves asked if it would still be a public road from the bottom of Lance Gulch to the cul de sac. Director Tippet responded yes, it is a public road only until the easement, and then it becomes a private road and has a private road sign. He said the County would accept the dedication, but it isn't going to be accepted for the County Road Maintained System.

Vice Chair Groves asked about the rights of the bottom landowner. Director Tippet responded the current landowner only has the rights on the bottom parcel to access for development upon his parcel; he doesn't have rights that go further beyond that. If at the time that the landowner develops on that parcel (the parcel between Lance Gulch Rd. and the subdivision), we would secure those rights at that time. He said as you go through development of the different parcels you secure the rights to what you need for ultimate needs if that whole area is developed out. He stated when the Nilssen parcel is developed we would request that be dedicated to the County.

Vice Chair Groves stated he wants it perfectly clear. The bottom piece has no easement except for the owners of the parcel; you are requesting a public right-of-way to go all the way to the cul de sac, and then a public easement going to TPZ. Tippet responded not at the present time, but we would ask for that in the future if that parcel were to be developed. He said it's more of a notification, but it's when that next property owner goes to develop, we ask for it at that time.

Director Tippet commented one of our dilemmas, particularly in the just recently approved Safety Element, is that the two forms of access is something that we need to think about once we go to develop. He said a good example of where we ran into problems is Brooks Lane.

Vice Chair Groves opens the hearing to public comment.

Applicant Dominic Previte commented the public road thing has pretty well been beaten to death. He stated there were two things he wanted to go over. One is under Roads, Page 9, paragraph 6; there is a second parcel (024-400-03) that should be included in that paragraph because it is relative. The second thing is on Page 6 under Future Development, the Development Agreement; he would like to ask the Commission to consider leaving it at 10% per parcel and dropping the second half of that where it says "a minimum of 25% of the road shall be paved per subsequent subdivision." He said basically that is just setting up where if someone wants to make one parcel they can pave a quarter of the road, which would be about 3700 feet of road, as that seems cumbersome. He said he doesn't have an issue with the 10% as that is reasonable. He said Parcel 4 and the remainder are the two that would be affected by that.

Vice Chair Groves asked the applicant if he was fine with the public road part. Mr. Previte responded he felt he made it clear at the last hearing where his heart lies with that, he doesn't particularly agree with it. He expressed that it is tempered by not having it across those bottom two parcels (024-400-03 & 04), but it was a concession he made during our meeting with staff trying to be amicable.

Vice Chair Groves asked Director Tippet to explain if they go to subdivide again when does it come cumulative to a major subdivision. Tippet responded that part of the intent of the development agreement was to be clear about the future, incremental improvement of the road that would be required.

No further comments, public hearing closed.

Director Tippet clarified that we chose 25% because if you subdivide, two lots require 20% paving. We ask for another 5%, trying to not make it look like a bunch of 10% patches or 10 different types of pavement going up the hill.

Discussion ensued regarding cost of paving.

Vice Chair Groves stated he wanted to come back to the public part of this. So you have non-public, public, and then no access to the TPZ land, which is what we asked for last time. He said he understands what Director Tippet is saying, but sometimes people just want to live on their own private road.

Director Tippet again explained the incremental approach to road improvement that is being sought. He said it is very common in the areas where you have development to have an expectation that things are going to happen sometime in the future and you want to make sure you put provisions in place now today to allow for that to happen in the future.

Vice Chair Groves stated the other side of this is he thinks Tippet plays both sides to the middle here. Let's say we make it a public road and then you don't want the responsibility for it. Tippet responded actually after the discussion we had at the last meeting, after the new Board is seated there is going to be meeting between the Planning Commission and the Board so we can talk about these kinds of things. He said one thing that has come out on a lot of these private roads is when we have a disaster, such as flood or fire, etc., if there is damage to the road – if it's a private road all you get is what the homeowner is insured for. The only way you can get reimbursement on the road is if it's damaged, by the County being owner of that road, so it would be in the County Maintained System. One of the things we are going to be talking about in the future is dedicating the main road into the subdivision as a public road and build it to public road standards. If it was a public road he gets all kinds of assistance from the government to go back in rebuild that public road.

Vice Chair Groves stated this becomes more philosophical at this point. He said to him it's either a public road maintained by the public or it's a private road.

Vice Chair Groves stated he understood, but they don't want the public road, you want the public road and you are looking at long term future which is good, but it's the County that wants the public road not the applicant. Director Tippet responded he believes he is following the desire of the Board; that is why we are having the joint meeting after the new Board and new Planning Commission sits so we can work through some of those things. He said in Weaverville there are two things that staff looks at, conductivity is important and paving is important. The Weaverville Community Plan says all roads should be paved in the district. Is it the right thing? He doesn't think it always is, but that is what it says in the Community Plan. He said here where we are trying to do the agreement, that is where we are trying to accommodate and not burden that particular owner.

A lengthy discussion ensued regarding public vs. private road.

Commissioner Frasier stated his question is still the same as the last meeting. If he is supposed to build the road and he is supposed to maintain the road, why would it be a public road. How can you expect someone to build and maintain something that you expect to be a public road. He said he thinks that the County should be responsible for maintaining it.

Director Tippet responded it is more back to connectivity. . . . If you limited all your roads to within that subdivision essentially anybody that is behind that subdivision has no access. He said that's why when these subdivisions come along you are looking to make sure that you have access to the back so that you can continue on with an orderly process of subdividing. What we do is secure roads under public access or public road utility easement, and that doesn't necessarily mean that it's a publicly maintained road, it can be a privately maintained road but it still has public access for the future.

Commissioner Frasier stated he still has a hard time with having public access but not public maintenance.

Vice Chair Groves stated he thinks we all understand the issue. Rick is looking at from a transportation big picture and we are looking at it as a landowner issue.

Director Tippet touched on the issue of gates. He said gates are not allowed on public roads, there are a lot of gates in the county, and the County does not pursue issues related to gates across public easements that are on

private roads. That is for the people who use that road

Vice Chair Groves reopened the public hearing in order for the applicant, after hearing testimony, to respond regarding the benefit of having public vs. private road.

Dominic Previte stated he would prefer a county maintained road, but it is his understanding that it is a private road with public access.

No further comments, hearing closed to public comment.

Vice Chair Groves said but with a public easement on an existing road that is not maintained by the County, the public still has the right to drive on that. Tippet responded on a public easement, yes. Vice Chair Groves said so the public gets the benefit and the private owner pays the price. Tippet responded yes, but the owner makes the decision to do (construct it as a private road during the subdivision construction), it as a private road and request it. He said you put it in as a public easement so that there is public right-of-way easement and you also make a public utility easement so reasonable access can be given to the guy that is behind him. If you don't do it then only the parcels that are close to the main road are the ones that have potential for development.

Commissioner Matthews stated in this case SPI has plenty of land to provide connectivity and if they want to do a major subdivision they can create a road that works very well. He stated he doesn't see enough to burden this minor subdivision with a public road easement.

Director Tippet posed the alternative that the Board of Supervisors and Planning Commission will get together in about a month and a half and this is going to be discussed. He said if direction were to be given contrary to the way we have the conditions we can come back and have that particular condition revised down to the lower standards.

Upon motion of Commissioner Matthews, seconded by Commissioner Frasier, approves the tentative parcel map to create four parcels and a remainder parcel from APN 024-370-06 as recommended in the staff report, based on the findings of fact and conditions of approval as contained in Resolution PC-2014-02, as revised, deleting Paragraph 5 under "Roads" requiring an on-site 40 foot wide public road and utility easement for Hidden Pond Road, and amending Paragraph 6 to include APN 024-400-03. Roll Call Vote: AYES: Commissioners Matthews, Frasier and Groves; NOES: None. ABSENT: Commissioners Stewart and McKnight. Motion carried.

NEW BUSINESS - None

6. MATTERS FROM THE COMMISSION

As far as Chair rotation for next year, Vice Chair Groves stated it would be the future Commissioner Brown's turn to Chair next rotation, but since he doesn't have experience Groves recommended passing the rotation of Chair to Commissioner Frasier, who would be next in line.

Commissioner Groves thanks staff for assistance during his twelve years on the Commission, as in January he will become a member of the Board of Supervisors.

7. MATTERS FROM STAFF

Director Tippet advised there is a Planning Commissioner Academy March 4-6, 2015 in Newport Beach and he has budgeted for two new commissioners to attend.

Director Tippet advised it was determined the other day when the Dollar General Store was developed in Weaverville it actually required a Use Permit when the structure was over 5,000 sq. ft. He said it was actually an oversight on staff's part, but we had a lot of processes that they had to go through that required conditioning

of certain things to happen such as storm drainage pre-project. He said it was unfortunate that it didn't come before the Planning Commission and apologized for it. Tippettt stated part of the reason it comes up is because we have another similar Dollar General facility that wants to go in Hayfork, and that particular use will come before the Planning Commission and there will be questions why the Weaverville one didn't come before Commission and now this one does have to come before the Commission.

Director Tippettt stated we will have a joint meeting between the Board and Planning Commission after the new Board is seated, because we have a lot of stuff in the General Plan and some of the specific plans that have come up to question where ideas come from the Commission and direction from the Board. He said he wants to make sure that staff, the Commission, and the Board are all on the same page. That is what the intent of the meeting is.

Director Tippettt advised we are recruiting for a new Planner and feels it would be a good idea to have a Planning Commission member on the interview panel which would be sometime in February so we can possibly hire in March.

Joan Carr asked at such time as there is a joint meeting between the Commission and the Board of Supervisors could that meeting include local surveyors. Chair Groves advised it would be an open public meeting where anyone can attend.

8. ADJOURN

The meeting adjourned at 8:11 p.m.