

**MINUTES**

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**1. CALL TO ORDER**

Chair Diana Stewart called the meeting to order at 7:00 pm. Members present: Graham Matthews, John Brower, Dan Frasier, and Kyle Brown. Staff present: Planning Director Richard Tippett, Senior Planner Carson Anderson, County Counsel Joe Larmour, Clerk Ruth Hanover.

Chair Stewart welcomed John Brower as the newest commissioner and asked him to say a few words of introduction. Brower made a correction to information from the supervisor's office describing him as being an employee of SB Labs. He stated that he is affiliated with Mateel Medicinals, for which he serves as a liaison to patients. As a commissioner, he hoped to find areas of common ground with his fellow commissioners in dealing with the sometimes contentious matters before the Planning Commission.

**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.*

Chair Stewart opened public comment, clarifying for the public's benefit that Item 4 under Old Business, regarding commercial medical marijuana, had been pulled from the agenda and would not be discussed by the Commission that evening.

Comments were received concerning commercial cannabis policy matters from David Vang, Adrian Keyes, Liz McIntosh, Terry Mines, Deke Potter, Susan Bower, Duncan McIntosh, Chris Schaefer, Amanda Bereger, Kaisa Ballanco, Ashley Tongs, Tom Ballanco, Tom Fox, Joseph Bower, Mark Shoemaker, Homer Yates, Ryan (last name missing).

Chair Stewart closed public comment.

**3. MINUTES**

Upon motion of Commissioner Matthews, seconded by Commissioner Fraser and carried, approved the minutes of January 14, 2016. Upon motion of Commissioner Fraser, seconded by Commissioner Matthews and carried, approved the minutes of January 28, 2016.

**OLD BUSINESS**

**4. COMMERCIAL MEDICAL MARIJUANA ORDINANCE – PW-16-01**

Director Tippett clarified that the item was tabled in part due to changes needed to the draft staff report.

**NEW BUSINESS**

**5. PROPOSED MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT, REZONE AND TENTATIVE MAP - P-15-23**

**Public Hearing:** Proposed Tentative Map splitting the subject parcel into two lots to separate a business use from a residence, Mitigated Negative Declaration General Plan Amendment, and rezone from Medium Density Residential/Duplex Residential to Commercial. Located at 201 Clinic Avenue, Hayfork. APN 014-070-06 Applicant: Mulvey.

Chair Stewart opened the Public Hearing to the Commission. Senior Planner Anderson provided staff

overview of Item P-15-23.

Chair Stewart asked whether the Commission had questions of staff. Seeing none, Stewart opened public comment.

Applicant Don Mulvey spoke in reference to the conditions of approval included as part of the staff report, stating that the current right-of-way dedication was 15 feet from centerline on one side of Clinic Avenue and 25 feet from centerline on the other side. Because it had prompted a comment from the County Surveyor that was repeated in the conditions of approval, Mulvey noted that the fence placement shown on the Parcel Map exhibit depicts what has been in place for at least 50 years.

Chair Stewart closed public comment on Item 5 and asked the Commission if it had further questions of staff.

In response to questioning, Director Tippett stated that inside easements that deviate from the preferred standard do not usually pose problems for the County and that when Mulvey provides the dedication per his description the County would accept that. Tippett added that 40 to 60 foot dedications have been designated as the County standard but that going to a smaller standard is sometimes doable, and that this is sorted out during the improvements planning and agreement phase.

Chair Stewart requested a motion. Commissioner Brown moved to accept staff recommendation and findings of fact and recommend approval to the Board of Supervisors of the Tentative Map, Mitigated Negative Declaration, General Plan Amendment, and rezone of Parcel 1, per the parcel map exhibit, from Medium Density Residential/Duplex Residential to Commercial.

Commissioner Matthews seconded motion.

Vote to affirm motion was unanimous. Motion passed.

## 6. **PROPOSED TENTATIVE MAP – P-15-25**

**Public Hearing:** Proposed Tentative Map to create three parcels of 0.84 acres each for residential development. Located at 72 Bennett Road, Weaverville. APN 024-430-02. Applicant: Edge

Chair Stewart opened the Public Hearing for Item 6 to the Commission.

Senior Planner Anderson clarified that although the item was described on the agenda as a Negative Declaration that this was an error, and the proposed project met the criteria for a categorical exemption under CEQA as described in the staff report. Anderson then provided an overview of the staff report for Item 6.

Chair Stewart asked whether the Commission had questions of staff. Commissioners Brown and Matthews asked for clarification regarding the proposed road easement and improvements conditions of approval.

In response, Director Tippett clarified that the conditions were sent over to Planning with different numbering than used in the staff report. Tippett stated that there is 22-foot road outside the property so that the new conditions match the existing conditions in the surroundings. Tippett stated that private roads have public access but are privately maintained; that having an improvements agreement on file is a safety measure. He clarified that the use of a driveway to serve three properties is precluded by County road improvement standards, and that a private road easement is therefore required.

Chair Stewart opened public comment.

Civil Surveyor Dave Hunt spoke on behalf of applicant Darwin and Mary Jane Edge. Hunt asked for clarification in reference to the condition of approval item 4. Director Tippett responded that the 8-foot wide shoulders need not be paved.

Chair Stewart closed public comment and brought Item 6 back to the Commission and requested a motion.

Commissioner Matthews then moved to accept staff recommendation and findings of fact and approve the Tentative Map.

Commissioner Fraser seconded motion.

Vote to affirm motion was unanimous. Motion passed.

7. **PROPOSED USE PERMIT TO ALLOW REFURBISHING OF A NON-CONFORMING POLE SIGN P – P-16-04**

**Public Hearing:** Proposed Use Permit to allow the refurbishing of a non-conforming pole sign. Project includes new architectural finishes, LED-lit letters and an electronic message center sign face. Located at 7250 State Highway 3, Hayfork. APN 014-130-11. Applicant: Wiley's Supermarket.

Chair Stewart opened the Public Hearing for Item 7 to the Commission.

Senior Planner Anderson provided an overview of the staff report for Item 7 and indicated that the applicant was in attendance and wished to make a presentation to the Commission.

Chair Stewart asked whether the Commission had questions of staff. Seeing none the Chair invited the applicant to the podium, and opened public comment.

Applicant Kenny Wiley, Wiley's Supermarket, described the proposed project and showed photo exhibits showing the subject pole sign appearance, including various angles of view depicting the sign on the property. Wiley showed the minor revisions to the proposed sign design treatment made in response to input received from Bob Mountjoy.

Commissioner Brown stated that although the architectural treatment being proposed was agreeable to him he needed an explanation as to why, given Mountjoy's comments about avoiding flashing or animated signs, a sign upgrade incorporating the electronic message reader component was being proposed.

Wiley explained that this was an important marketing need for the supermarket but that having a highly animated sign treatment was not a desirable thing in his opinion. Wiley added that only periodic changes would occur in the electronic messaging and that the market viewed speed of change as a possible distraction that was not desirable based on either traffic safety and marketing needs. Wiley also indicated that he was open to adjusting the messaging as needed to address issues of concern. In regard to shut-off timing, Wiley stated that the sign would be turned off at near the time the store closes each day, adding that the LED lighting would be precisely directed/programmed to avoid spill light impacts.

Commissioner Matthews asked the applicant about potential Caltrans requirement that the sign be moved out of the Caltrans right-of-way. In response, Wiley stated that movement of the sign out of the right-of-way would be unworkable as it would place it in the middle of the parking lot where it would be a hazard to motorists entering and leaving the supermarket. He added that he spoke with the local Hayfork Caltrans representative who felt a strong case could be made for retaining the sign in its existing location based on existing precedents along the adjoining highway corridor.

Chair Stewart asked whether members of the public wished to speak on the matter.

Homer Yates spoke in favor of granting approval, stating that the sign would not be an eyesore and that he thought the community would stand up to Caltrans in support of the sign based on prior issues the community opposed Caltrans on, such as sidewalks in central Hayfork. He commented that Caltrans does not follow its own policy regarding sign placements.

Chair Stewart closed public comment and requested a motion.

Commissioner Matthews then moved to accept staff recommendation and findings of fact and approve the use permit.

Commissioner Brown seconded motion. Vote to affirm motion was unanimous. Motion passed.

**8. MATTERS FROM THE COMMISSION**

Commissioner Matthews expressed confusion about where the Commission's commercial medical marijuana process was leading.

In response, legal counsel Larmour stated that the Commission's role was to provide input on key land use concerns. Larmour, however, cautioned that the Board of Supervisors may choose to act or choose not to act upon the recommendations set forth by the Commission.

Commissioner Brower asked for clarification on whether the County was embarking upon the preparation of an emergency ordinance.

Legal counsel Larmour responded that the County was no longer preparing an emergency ordinance, in large measure because the March 1<sup>st</sup> deadline had been removed by the state legislature.

**9. MATTERS FROM STAFF**

Senior Planner Anderson reported that he has been checking the American Planning Association (APA) website for commissioner training workshop opportunities but that he has not identified anything taking place in the near term. He directed the Commission to the APA website's "Planning Board" membership link to learn about educational opportunities and subscriptions to *Planning Board Briefs*.

**10. ADJOURN**

Chair Stewart adjourned the meeting at approximately 8:30 pm.

NOTE: Minutes prepared by Senior Planner Carson Anderson in the absence of Clerk Ruth Hanover.