

MINUTES

1. CALL TO ORDER

Chair Stewart called the meeting to order at 7:00 p.m. Members present: Dan Frasier, Graham Matthews, John Brower, Mike McHugh and Diana Stewart. Staff present: Senior Planner Carson Anderson, County Counsel Joe Larmour and Clerk Ruth Hanover. Director Tippet present 7:25 p.m.

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 comments received.

3. MINUTES – April 14, 2016, April 28, 2016, May 12, 2016, July 14, 2016

Upon motion of Commissioner Frasier, second by Commissioner Matthews and carried, approved the Minutes of April 14, 2016 as submitted. Commissioner Brower abstained.

Upon motion of Commissioner Frasier, second by Commissioner Brower and carried, approved the Minutes of April 28, 2016 as submitted. Commissioner McHugh abstained.

Upon motion of Commissioner Brower, second by Commissioner Matthews and carried, approved the Minutes of May 12, 2016 as submitted. Commissioner McHugh abstained.

Upon motion of Commissioner McHugh, second by Commissioner Frasier and carried, approved the Minutes of July 14, 2016 as submitted. Commissioner Stewart abstained

The Chair took Item 5 out of sequence on the published agenda.

NEW BUSINESS

5. REZONE FROM UNCLASSIFIED TO AGRICULTURE

P-16-09

Public Hearing: Proposed rezone two parcels (approximately 28 acres total) that carry an Unclassified (U) zoning and land use designation to Agriculture (A) such that the zoning and General Plan designations are consistent. The current application corrects an error by the County in processing the combined General Plan Amendment/Zone Change request previously submitted in 1980. The application qualifies per the terms of CEQA Section 21080(c)(1). The subject property is improved with residential buildings accessory structures and serves as timberland. No new development actions are proposed. Located at 4060 and 4311 Little Brown’s Creek Road, Weaverville. APN 024-070-24 and 024-070-25. Applicant: Morris.

Senior Planner Anderson presented the staff report. He said the proposal is to rezone two parcels, approximately 28-acres total, that currently have an Unclassified (U) zoning and land use designation of Agriculture (A). He said the proposal is to zone one parcel Agriculture (A) and the other AgForest (AF) such that the General Plan agricultural designation and zoning are consistent with one another. He said we are basically correcting an error by the County some 35 years ago in processing a combined General Plan Amendment and Zone Change request. Anderson said that the applicant had communication with his predecessor, Frank Lynch, who concluded there was to have been a large-scale County rezoning effort that included parts of the county, but apparently this did not

include the area where Bob Morris' property is located. In as subsequent discussion with John Jelichich, the applicant learned that when community plans were drawn up for Douglas City and Weaverville there was an area of sections between the two community plan areas that was left out, which just happens to be the area where the Morris properties are located. He further stated that Bob Morris communicated with him by email back in May to explain another issue related to the property: apparently in the mid -1990s and subsequent to approval of the General Plan Amendment request, boundary changes were made in Section 9 due to a missing 1888 government section corner having been found that had not been located for over 100 years. It moved the section corner 750 feet from where the corner was thought to have been, and decreased the size of one of the parcels from 10 acres to 9 acres. Anderson pointed out this complies with the minimum lot provisions contained in Zoning Ordinance Section 30.3.

Commissioner Matthews stated there seems to be a little confusion on the size of the parcels. He said the 1980 Board of Supervisors Minutes say 22.93-acres, and now we are talking about 9-acres and 19.5-acres. Senior Planner Anderson responded the applicant is present to provide clarification on that point.

Chair Stewart opened the public hearing on the matter.

Comments received from Applicant Bob Morris. Morris responded to Commissioner Mathews question stating that the way the law reads, a government survey that has determined corners, right or wrong always stands unless all parties affected agree otherwise. He said this corner had not been challenged in over 100 years and that's the corner he and his neighbors based their property purchases on, and then the corner was relocated. He added that when you look at his parcel map, Little Browns Creek divides the two parcels and those are the property lines. He said he opted to accept rather than fighting the change of what was 10.35-acres down the hill to become 9-acres and what was 12.5-acres became 19-acres based on the resurvey.

He said in 1980 it seemed appropriate to change the General Plan designation to Agriculture and he paid for that process. He said he also requested the zoning be changed and was advised at that time that it was illegal for the zoning and general plan designations to be different from each other, and that the County was planning on doing zoning in his area within a year or two so I shouldn't waste my money. He said he took that advice. He said he guessed it fell through the cracks, he assumed it had been done until he went to get a building permit three years ago for a shop he was told it was Unclassified and he was really surprised to hear that so he paid the fee to rectify this oversight by the County. Morris confirmed what Senior Planner stated earlier about his and neighboring properties falling in the crack between the Weaverville Community Plan and Douglas City Community Plan areas.

No further comments being received, Chair Stewart closed public comment on this item.

Commissioner Matthews moved to (1) adopt a finding that on the basis of the whole record before the Commission, including the previously prepared Initial Study/Negative Declaration, and comments received, that there is no substantial evidence that the project will have a significant effect on the environment; and (2) recommends to the Board of Supervisors approval of the request to rezone property identified as 4060 Little Browns Creek Road (APN 024-070-24) from Unclassified (U) to Agricultural (A), and the request to rezone the property identified at 4311 Little Browns Creek Road (APN 024-070-25) from Unclassified (U) to Agricultural Forest (AF) to make the zoning for both parcels consistent with the General Plan Agricultural land use designation. Seconded by Commissioner McHugh and carried. (Vote: 5-0).

OLD BUSINESS

4. RECOMMENDED WATER POLICY CHANGES

Public Hearing: Continued Public Hearing to consider recommendations proposed for supplementing the North Coast Integrated Regional Water Management Plan as well as other desirable revisions to the County's current water resources policies. Such changes could potentially be recommended by the Planning Commission to the County Board of Supervisors to take under consideration for adoption as updates to the Open Space and Conservation Element of the General Plan, Zoning Code and Subdivision Ordinance regulations and/or a stand-alone new Water Resources Element to the General Plan. (Continued from July 14, 2016).

Senior Planner Carson Anderson presented the staff report. He said the Commission is revisiting a subject talked about a few times before, including a presentation from 5Cs at the December 2015 Planning Commission meeting, as well as discussions at the April 14, 2016 and July 14 meetings, and now again with for the sake of providing a little more detail and clarity. He said he's laid out a course of requested actions on the first and second pages of the staff report, and reviewed those recommendations and highlighted the immediate action items as well as other things which clearly the Commission and staff need to think about a bit more – some of them in conjunction with updating the General Plan and Community Plans for the County. Anderson said there is new information emerging, including testimony and evidence gathering connected with the County's Grand Jury Water Committee Report. He said discussions are going on at the Board level, staff actually met with a member of the Board this past week to talk about what we see as ways to address the recommendations contained in the Grand Jury Report, so that has been flagged as something the County will continue to work on. Lastly, Anderson referenced the discussion of the preliminary CEQA findings, citing the strong body of evidence gathered over the last decade, particularly in connection with the work that is going on in the Trinity River by the Restoration Program, the environmental analysis that accompanied that, and continuing modeling studies and assessment guidance that's been developed and try to figure out how to carry forward those programs in a way that will be environmentally appropriate, the work going on with North Coast Integrated Water Management Plan and the bodies that look at those policies and comment on them.

Director Tippet advised he wanted to talk about the Grand Jury comments. He said that work of developing policy is always dynamic, and that we often start a process, get through that process and then discover new information, such that we are tempted to stop and start all over, but what we ought to do is continue and complete the good work already begun, and then go back with new information and incorporate appropriate changes down the road; so while we have the new Grand Jury findings to take under consideration, he cautioned that we do not want to stop what we are doing now and start all over, but rather, move forward with what we have right now, trying to incorporate what we can where we can with guidance from the Board, which will address the matter directly at a later date.

Commissioner McHugh, with regard to Recommendation No. 7, concerning deletion of the statement about the County having adequate water, stated that it looks like the Board appeared to already made that change to the General Plan by enacting Resolution No. 2002-022, and asked staff if that was correct? Senior Planner Anderson responded it is covered in the Resolution.

Commissioner McHugh asked on the rewrite of the CWR (critical water resource) Overlay he thinks it says it is to be applied to every new subdivision and it requires significant water studies, if someone for instance had a parcel along the Trinity River and subdivided it into a four way all of which had riparian rights to the river, would they need to do a water study to prove that downstream beneficial uses won't be impacted? Senior Planner Anderson responded he would think some sort of analysis would need to be done, perhaps the scope of hydrologic analysis could be reduced, bearing in mind kind of you have a track record with the extant riparian uses that are established there. He thinks in this case the particular circumstances would be looked at, there is a general direction and we would have to look at something individually and assess that, but what is being provided is general guidance.

Commissioner McHugh asked so the verbiage of the new overlay zone would allow that discretion. He said proof of water shall be demonstrated... these all seem to be pretty mandatory.

Commissioner Frasier said it reads as mandatory. It says "shall", and "hydrological study approved by the Planning Department regardless of water source proposed." That sounds like if you are going to subdivide you will have a hydrological study done, even if you are on a main water source, the way it is written.

Senior Planner Anderson responded Mark Lancaster is here in the audience, and when we open public comment he thinks he can provide greater clarification on this point. Anderson said he thinks what the County wants to do here is provide general guidance, there may be circumstances where we have to look at individual cases, he doesn't think it is the intention of these policies to create hardship for property owners and developers or to require unwarranted studies, but rather, encourage environmentally appropriate development in the county.

Commissioner McHugh expressed support for the spirit of the CWR, feeling that encouragement from the Planning Department to applicants to do best practices is a good idea it doesn't impose unreasonable mandates; he said, however, he would like to see the water studies done when makes sense , and it's not an unreasonable burden on the applicant. He indicated that he was uncertain about how to word this recommendation.

Counsel Larmour stated that as a legal matter, the wording "shall" and "may" are going to be treated completely differently in the court. The court is going to see a statute or regulation that worded as "shall" as mandatory, even if the intent and the spirit was that it be discretionary rather than mandatory.

Director Tippett said, in reference to proving water, is that prevalence today of conditioning seen on projects everywhere in the state, adding that very rarely would you allow a subdivision to be approved without absolutely proving that you can supply water to all those units, and that this basic requirement is already required per the Subdivision Map Act, wherein you must be able to prove that you can produce water to serve a lot that you create.

Commissioner Frasier said he had a question along the same lines as the existing parcels, and wondered to what extent the recommended changes would affect somebody just trying to get a building permit. He said it's just going to add another layer that people will have to go through for a building permit. He said he would have a hard time agreeing with that. If you have property and say you have water, it should be your own problem if you don't. He said he would have a hard time if you have to prove water to build your house. He said he would like to know if that's what they intend for that to say, or if it's one of those things that needs to be reworded so that it will not be interpreted that way.

Senior Planner Anderson responded that his understanding of this proposal is that it is meant to apply broadly, it's meant to apply to all of the applications potentially where there is concern about adequate water supply within reason. He said he thinks the answer to Commissioner Frasier's question is yes, they potentially have to prove water availability if it is not already clearly documented.

Chair Stewart opened the public hearing on the matter.

Mark Lancaster, Director of 5C Salmonid Conservation Program, said he has 20 years' experience planning here in Trinity County. He said that the Commission does not have all of the documents in front of them, and noted that at the last meeting the Commission had asked about groundwater information so he printed out 5Cs draft Subdivision Ordinance recommended changes, which he distributed for the discussion. Lancaster referred to Commissioner McHugh's question, and read Page 72, No 3 – Use of surface water, of this proposed revision to the Subdivision Ordinance. He said we not only anticipated that but if you look at the packet you have and the packet that was presented to the Board, we actually want to encourage a lot more water development adjacent to and along the Trinity and Mad Rivers and other places where you can try to get water, and we want to try and get water diversion out of the tributaries to the extent that can actually be accomplished.

In response to other questions posed, Lancaster stated Trinity County doesn't have major subdivisions, and that parcels of 4 parcels and a remainder, or less, account for 95% of all subdivisions in Trinity County. There are probably less than 10 major subdivisions in this county, so the problems we face are the piecemeal cumulative effect of 4 parcel subdivisions over the last. He remarked that this county started implementing the Map Act in about 1974, and that in 1982, the County finally adopted the Subdivision Ordinance. He said it is not credible to argue that those small 4 parcel subdivisions are not having an impact. The proof of water standards that are required in the Map Act have been in place in this county since 1974 and they have failed miserably. That's why there are so many parcel that had to have water trucked in long before the cannabis issue. He said the entire Little Browns Creek watershed and downstream that people chronically have to truck in water every year. Democrat Gulch is also one of numerous areas where there is inadequate water for these 4 parcel subdivisions, and currently less than half of the potential parcels are developed. He said we are already drying up all Weaver Creek, and have had fish kills in Weaver Creek, East Weaver and Little Browns Creek every single year in order to meet the beneficial use of residents. He said this phenomenon is very well documented. The same thing is true in Summit Creek, parts of Hayfork Creek, and in numerous creeks in this county. Lancaster stated the County's General Plan calls for meeting all beneficial use of the water. We're not even able to meet half of the beneficial uses, and

that is under the existing Subdivision Map Act one of the requirements we have. He said that the 2009 assessment done by 5Cs went to the Board and to the Planning Commission, and that analysis indicated that the county critically low on water in some watersheds, that you're good on water in some watersheds, and you are in challenged in others. 5Cs took a look at the existing undeveloped parcels and looked the existing developed parcels and we ran three scenarios: If you do nothing; if you do ministerial development, which ironically at that time we thought was very low level development, then you get a lot of subdivision development. In 2009, we identified Weaver Creek as already failed; and we identified portions in Junction City, Douglas City and Lewiston as at risk. We made recommendations to the Board that could help head off this water problem. In 2014 we reassessed that same area based on the land use patterns that occurred between 2009 and 2014. What we found is ministerial development had exploded, a lot of it was just people moving on to land and starting basically marijuana gardens. The effect, however, was tremendous, and 5Cs documented a number of creeks that were drying up, and with fish mortality issues. Those discoveries actually matched 5Cs projections of rapid growth for the next five years. Lancaster said that is where we find ourselves today. So in 2016 we are making some pretty significant "asks" of the public here. He said one of them is expanding the critical water resources overlay to conform to the actual watershed boundaries. As you may know, when they did the CWR it tended to stop half way up several of the watersheds based on section boundaries and that approach didn't make sense, and it would increase the testing required of landowners within those watersheds, but it does include some additional water conservation measures even for ministerial activity such as building permit. They are not onerous but they do reflect the fact that in the summer there is a far-reduced amount of water in those areas. He said he can't emphasize this enough—that even Weaverville does not have enough water to serve its uses, and comply with state and federal law.

Commissioner Brower asked proof of water supply requirements would be for property owners within the Critical Water Resources Overlay Zone compared with requirements in the rest of the county, and whether surface water can or cannot be used to meet need. Lancaster responded that in CWR you are not allowed to use surface water as a proof of water, as that's already existing, so it would expand that proof requirement, including water studies as needed, well restrictions, etc.

Commissioner Matthews stated for existing parcels, he doesn't read it to say there is a proof required, they basically have to provide water storage of 2,500 gallons and it needs to be appeased, so that is a little bit different from requiring proof of water. He said the one thing that is interesting to him is under 2B it says "sufficient stream flows will be ensured at all times and are defined as those that meet all downstream riparian water obligations and beneficial uses set forth in the California Constitution and the Porter-Cologne Act." He asked how people would know what those numbers are. Lancaster responded that no one in the world knows what that is or can define it; what they would tell you is when you grossly exceed it and that's all they can do.

Commissioner Matthews enquired whether basically if people come in for a ministerial or a discretionary permit they would have to put in a 2,500-gallon water storage tank, if they don't have one already, and they would have to do some or all of these BMPs (Best Management Practices), which include greywater systems, storm water collection, trickle fill and other approved methods. Lancaster responded for existing parcels you need to do BMPs, but do not need to provide proof of water. Commissioner Matthews asked how a property owner would decide what to do. For example, whether to do greywater alone, a rooftop water collection system, or both. What is going to be required and whether they had a choice, and whether the language should read "may" as opposed to "shall." Lancaster responded like all things in land use, the County will struggle with that with the applicant and make a finding to refine what works and what doesn't. It's hard to prescribe the specifics for each parcel, there will be negotiation between the landowner and the County, probably more the landowner and the landowner's spouse or partner. Commissioner Matthews said it sounds like the implementation of this language is going to be challenging and that criteria would be needed, and it's probably going to be up to staff to do that.

Commissioner Frasier indicated that he still has some problems with the language and asked Lancaster how he would interpret the language: "greywater systems for approved greywater use on-site to the maximum extend practical and feasible. Greywater systems must be in place prior to the final approval of a building or septic tank permit?" He asked what is feasible and who is going to determine what's feasible? Lancaster responded that's the kind of language you try to put in to give the people the flexibility to figure it out themselves vs. trying to write an actual strict definition. He said he has done this for 30 years in the county and they've struggling to give

the people the most flexibility to design systems themselves, so the term “feasible” in that case is intended to let everybody figure it out vs. having a statement like you shall have a minimum of recapture of 30% of the household greywater, or something along that line. He said ironically when we wrote this that was in itself becoming better defined because the State of California has provided exemptions from building permits, for greywater applications for washing machines, which accounts for something like 27% of all greywater in the home. He said the State is actually helping define it for us because it made it much easier for people to do greywater.

Chair Stewart asked if there were any other comments from the public.

Comments received from Terry Mines, Liz McIntosh and Ben Lingemann.

Mark Lancaster said he wanted to mention that a lot of the members of the cannabis industry are actually doing a lot of this stuff already to be in compliance with their Water Board certification, including rooftop rainwater catchment, the storage collection, all that, adding that there are a lot of models out there that this is already being implemented in this county. Lancaster said to the issue of water going down the CVP, there is a very large watershed of origin water right that exists already in the Trinity River. He said we are nowhere near tapping that watershed water right... there is plenty of water in the Trinity River for people to use that is flowing down the Trinity River as part of that water right, they just have to apply for it and go through the process to document their use of it.

Commissioner Brower stated that he has heard of instances where people have had their applications pending for 10 or 15 years on the Trinity and still have not been able to secure appropriate water rights. Lancaster responded when he sat on the State Coho Recovery Team, the head of the State Water Rights Division was another member of the team, an informed them of that some of the pending water rights applications date back 25 years and that you’re not going to see that backlog cleared up any time soon. He said he sat on that committee between 2002 and 2009, so it doesn’t surprise him that people on the Trinity are waiting 15 years for their water rights application to go through.

Commissioner Brower stated that if we want to reduce water use in the tributaries and pull more out of the main stem, it’s pretty tough if it takes 15 or 20 years to get State approval. Lancaster responded 5Cs is actually pursuing that right now and he would like to talk with the Commission about it in exactly one year. He said they are currently in the process of relocating tributary water systems to the main stem in Salyer, and asked to come back to the Commission to discuss some refinements of that effort next year.

Commissioner Brower asked whether now that medical cannabis is considered an Ag crop by the State, as MMRSA kicks in, what Lancaster’s thoughts are on the medical cannabis production being considered a beneficial use, as a basis for the County being able to claim more of CVP water for that beneficial use. Lancaster responded beneficial use is defined in the Porter-Cologne Act, and that agriculture is already considered a beneficial use and is one of those 35 categories called out in the Act, so it doesn’t matter what type of agriculture it is, that it is looked at it as one of the beneficial uses. Senior Planner Anderson also added the California Department of Conservation has clarified that they consider cannabis an agricultural use, so it’s not a bar to a Williamson Act contract.

Chair Stewart closed public comment on this item.

Commissioner Matthews asked, regarding the 2002 Resolution, whether the language in the Open Space and Conservation Elements was actually amended based on this resolution, and whether those elements reflect the language. Senior Planner Anderson responded that the language is not directly incorporated into the Elements and expressed some surprise when he picked up a copy that had this resolution attached as the front page of the document, and so the intent is to read it as such, but he thinks unless this is reflected on the County web site and in a consistent way in all paper copies of the document so the public knows this, then it’s basically buried language that needs to be bolstered.

Commissioner Brower, in reference to Board Resolution 2002-002, asked who would cover the cost of analyzing

the carrying capacity of these watersheds. Senior Planner Anderson responded unfortunately this predates both Director Tippet and himself, and he would have to look at the policymaking record of what went before the Board and Planning Commission to see what the discussions were and then he can bring that information back to the Commission, but he didn't have an answer right now.

Chair Stewart enquired whether tonight the Commission is supposed to tell staff which ones we want to recommend for approval and which ones we want you to rework. Senior Planner Anderson responded that is correct, there are a set of things that we think might be easy fixes which you can recommend for adoption by the Board or not, there are items that you may want staff to study further and bring back more detail.

Chair Stewart asked for motions on the various staff recommendations.

Commissioner Matthews moved to recommend amending Zoning Ordinance Section 29.2 ("Critical Water Resources Overlay Zone") as proposed in Attachment A of the staff report. Seconded by Commissioner Frasier.

Commissioner Brower stated he would like to see "shall" for the best management practices, and "may for some of the proposed policies. He said something like this could really slam the brakes on for a lot of people. Commissioner Matthews stated that there are clearly quite different requirements for subdivisions vs. community parcels that are coming in for discretionary or ministerial permits. He said the only studies that are required are on subdivisions, ministerial permits have to provide 2,500-gallon water storage and do some component of BMP which is not well defined, it says may include, that's the flexibility that Lancaster was referring to. He said in his mind that part should potentially be defined better, and maybe that's a role that staff would have to develop as they implement this specific set of revisions to the Ordinance.

Chair Stewart stated she agrees that the provisions should apply to new subdivisions that she's fine with recommending approval.

Director Tippet said that the requirements should be interpreted to mean when practical and feasible.

Commissioner Frasier stated that he is okay with the proposed requirements for new subdivisions but that he has a problem with BMPs being described as "shalls" for existing users, as he considers that burdensome and that as an end-run, people will not get permits.

The reverse condemnation issue was raised with Counsel Larmour, who stated that the issue is not generally pertinent for a new owner. There is presumption of a riparian grant to water for existing a beneficial use under the provisions of existing law but that there are cases concerning infringement on riparian rights before the California courts currently.

Lancaster added that there are exemption clauses in the Zoning Ordinance. Director Tippet added that if a policy is unachievable in a specific case that the Planning Director makes a determination on how to proceed.

Commissioner Matthews said greywater is straight-forward but that rainwater catchment can be expensive and asked how staff would determine what the criteria would be for what is adequate.

In response to Commissioner Matthews, Lancaster responded that he has commonly seen water storage ranging from 2,500 to 40,000 gallons, and that 431 gallons is the average consumption for home uses. In response to concerns expressed by other commission members he stated that the County got into the shape it is today due to optional "may"-type regulatory language and agreed with Tippet that the phrase "where practical and feasible" could be inserted into the motions.

Chair Stewart called for the question offering adding the wording where practical and feasible to the motion before the Commission.

Commissioner Matthews moved, per Recommendation No. 1, to recommend amending Zoning Ordinance Section 29.2, as proposed in the staff report. Seconded by Commissioner Frasier. Motion carried. Vote: 4-1(Frasier-No).

Commissioner Matthews moved, per Recommendation No. 2, to recommend amending Zoning Ordinance Section 30.D.7 and Section 30 H, as proposed in the staff report, and clarified that the wording where practical and feasible be part of the motion as it seemed to follow up what was proposed in the previous motion. Seconded by Commissioner Frasier.

Commissioner McHugh enquired whether the intention was to address “natural” streams and ponds only. Lancaster responded that County action should be guided by the Forest Practice Act, which includes manmade as well as natural, and that it is desirable to have one rule across all levels of governments.

Motion carried unanimously.

Commissioner Matthews moved, per Recommendation No. 3, to recommend amending Subdivision Ordinance Sections 16.08 and 16.08.195 (adding a definition of “Surface Water”), and 16.48.123 (“Public Water Supply”) and 16.48.124 (“Individual or On-Site Water Availability”), as proposed in the staff report. Seconded by Commissioner McHugh, however prior to passing the motion, the Commissioners then stated that they could not find all of the strike out text as part of their packets, and on the revised motion of Commissioner Matthews, seconded by Commissioner Frasier, continued the specific motion to the September 8 meeting. Motion carried unanimously.

Commissioner Matthews, per Recommendation No. 4, moved to recommend revising the overall watershed-related objectives on page 56 of the Open Space Element and page 31 of the Conservation Element of the County General Plan, inserting a new recommendation as follows: “...Protect streams and surrounding habitats to maintain and improve all beneficial uses of water for present and future generations, as well as a new set of related Policies numbered 5.1 through 5.4. Seconded by Commissioner McHugh. Motion carried unanimously.

Commissioner Matthews moved, per Recommendation No. 5, to recommend revising Page 56 of the Open Space Element and Page 32 of the Conservation Element to read as follows: “Assist water districts, mutual, water companies and other water purveyors in developing capital improvement plans that are realistic and based on sound planning and development patterns, and that will ensure reliable water supplies for present and future generations, accompanied by a new set of policies 2.1 through 2.3 related to Recommendation 2 as updated, as proposed on page 4 of the staff report. Seconded by Commissioner Brower. Motion carried unanimously.

Chair called for a motion on No. 6 to amend Part III (Open Space Considerations) Section G Page 28 of the Open Space Element of the General Plan by deleting the assertion “water supply is more than adequate to take care of both agriculture and domestic requirements for the foreseeable future.”

Commissioner McHugh suggested that this item is moot based on the 2002-022 Resolution of the Board. Senior Planner Anderson stated that staff concurs.

In reference to growing concerns regarding groundwater supply, Commissioner Matthews moved to recommend that the County take action consistent with Board Resolution No. 2002-022 “Resolution Approving Amendments to the Open Space and Conservation Elements of the Trinity County General Plan,” which defined the beneficial uses associated with groundwater in our county and call for

sustainable groundwater management practices, carrying capacity analysis, and establishing well water quality and quantity testing protocols, consistent with 5C guidance. Commissioner Frasier seconded.

Staff reported that a groundwater ordinance is required to proceed. The Planning Commission will see this again after guidance is provided from the Board.

Lancaster stated that the larger water purveyors were purchasing water rights to draft and export south. Regulations are needed, in part, to govern inter-basin water transfers.

Commissioner McHugh moved to seek guidance from the Board on which ways they want the Planning Commission to look at policy and mechanisms for implementing Resolution # 2002-022. Clarify item and bring back to the Commission, taking all of motions as a package to the Board. Seconded by Commissioner Matthews. Motion passed unanimously.

6. MATTERS FROM THE COMMISSION

Chair Stewart stated she was not present at the last meeting to welcome newly appointed Commissioner Mike McHugh.

7. MATTERS FROM STAFF

Senior Planner Anderson advised that in addition to the more intensive planning commissioner training coming up in March, that there is a one-day UC Davis Extension class coming up in Sacramento on Friday September 9, 2016 which basically discusses the overall planning framework in California. He added that Director Tippet has offered to fund the class for those who would like to take it.

Anderson advised that legal counsel mentioned to him the desire to have all the commissioners to have a dedicated email address for all their county business to protect their privacy.

Anderson announced that he has accepted a new position in Sacramento, he will be the Senior Planner in the Community Development Department there.

Director Tippet stated the Board met regarding marijuana policy the other day and they first acknowledged the hard work that the Planning Commission had done, but they felt there were some ambiguities and issues within what had been achieved, and that they wanted to prepare an addition of the marijuana policy to be heard and acted on. He said it was written by Supervisors Groves and Morris and presented to the Board. Tippet said it was his understanding that they have continued it to August 30, 2016 and so there will be more discussion there. He said it was patterned after MMRSA and is premised on applicants obtaining water permits from the Water Board, and it is meant to be a bridge to get us something in place today and three years out.

8. ADJOURN

The Chair adjourned the meeting at 9:05 p.m.