

MINUTES

1. CALL TO ORDER

Chair Stewart called the meeting to order at 7:00 p.m. Members present: Dan Frasier, Mike McHugh, John Brower, Graham Matthews and Diana Stewart. Staff present: Interim Planner John Jelich, Director Richard Tippett 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 comments received.

3. MINUTES

Upon motion of Commissioner McHugh, second by Commissioner Frasier and carried, approved the Minutes of September 8, 2016 as submitted.

OLD BUSINESS

4. TENTATIVE PARCEL MAP

P-16-14

Public Hearing: Proposed Parcel Map to create 2 parcels out of an 11.87-acre parcel for the sale of Parcel A. Located at 1551 Main Street, Weaverville. APN 024-500-71-00. Applicant: Dennis Steve Toney. *Continued from September 8, 2016. (to be continued to November 10, 2016)*

Upon motion of Commissioner McHugh, seconded by Commissioner Frasier and carried, continues the matter to November 10, 2016.

NEW BUSINESS

5. CONDITIONAL USE PERMIT FOR CARD ROOM

P-16-16

Public Hearing: Conditional Use Permit to develop a private Card Room. Located at 340 Tule Creek Road, Hayfork. APN 014-370-21-00. Applicant: Hodgetts.

Interim Planner Jelich presented the staff report. He said County Code requires the Sheriff's Office be involved if it's a public card room, in this case it is a private card room; but when talking to the applicant that's not the case, it's more of a meeting room or club house for the Hyampom Rod and Gun Club.

Chair Stewart opened the hearing to public comment.

Carter Blackman, agent for the project, stated the reason the project was given the title of "card room" is because it was one of the options that was on the land use list and they were told by former Planner Carson Anderson that would be the most fitting title. He said that is not the case, it is a private independently owned room for his friends to either play cards, watch sports, or whatever it is that might be going at that particular time of the season, so it would be more appropriate to call it a club house at this point. Blackman stated there is no house money being bet, there is no alcohol being purchased, there is a kitchenette with a microwave, there is no oven range, it's just a simple place for members to go to socialize and get together. He said the actual club name is the Hyampom Rod and Gun Club which has been around for many years and it is kind of expected that they are no longer going to have a lease at their present location and this will give

them a place to go. Blackman said there is a detailed parking plan and there is more than ample space for expansion.

Mark Hodgetts, owner of the property, stated there are 20 members in the club, and anywhere from 6 to 10 members may show up on a Friday night. Hodgetts stated he has no plans to rent out the room to other people or organizations.

No further comments being received, Chair Stewart closed public comment

Upon motion of Commissioner Brower, seconded by Commissioner McHugh and carried, approves the Use Permit to develop a private club house at 340 Tule Creek Road, Hayfork (APN: 014-370-21), based on Findings of Fact A through C, and subject to Conditions of Approval 1 through 12. Vote: 5-0.

Director Tippet stated he wanted to discuss parking for a minute. He said looking at county code for lodges, clubs, community centers, for every 3 seats you need a parking space, or you need a parking space for 15 sq. ft. of the largest meeting hall. This is one room and is 720 feet and it says you need 48 spaces for parking. Based on the discussions we had tonight that would be much in excess of what the actual use is going to be and the parking isn't lining up with what they plan. Tippet said he would like to propose that the area in front of the lodge, on the parking area, as it approaches – be that we setback from the road 20' and then develop an unimproved parking area, which he will have them gravel that area, and then if they have an overflow of the parking lot there is space to accommodate another 15 or so cars, and while we don't get to the 48 he thinks we have reasonable provisions in there to match the use and also allow us to go expand.

Mark Hodgetts stated there is adequate parking available if needed.

Commissioner Brower moved to amend his motion to provide parking to be at the discretion of the Director. Seconded by Commissioner McHugh and carried unanimously.

6. CONDITIONAL USE PERMIT FOR LEWISTON FIRE STATION P-16-21

Public Hearing: Conditional Use Permit to construct new metal 70' X 80' fire hall on same site as current fire hall (to be removed), including uses reasonably associated with a fire hall, such as office, kitchen, bathrooms and communications antenna. Located at 200 Texas Avenue, Lewiston. APN 025-580-38-00. Applicant: Lewiston Community Services District.

Interim Planner John Jelich presented the staff report.

Chair Stewart opened the hearing to public comment.

Mel Deardorff, president of Lewiston Community Services District and Fire Chief, stated they have been struggling for years to replace the existing building which was originally constructed as part of the Bureau of Reclamation operation and construction of Trinity Dam. He said half the building served as a shop for the government vehicles and the other half was the fire station. Deardorff advised the building was built for 1950s fire trucks, and when they got a grant in 2010 for a new fire engine from FEMA it wouldn't fit in the building.

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

Upon motion of Commissioner McHugh, seconded by Commissioner Frasier and carried, approves Conditional Use Permit to construct a 70' X 80' fire hall on the same site as current fire hall (to be removed), including uses reasonably associated with a fire hall, such as office, kitchen, bathrooms, and communications antenna, based to Findings of Fact A through C, and Conditions of Approval 1 through 4. Vote: 5-0.

7. TENTATIVE MAP TIME EXTENSION P-11-22

Consider and/or take action to grant a one-year time extension of tentative map approval to create three parcels of approximately 40 acres each. Located at Van Duzen Road at Scott Glade, Mad

River area. APN 018-210-16-00. Applicant: S. & S. Adams.

Interim Planner John Jelich presented the staff report.

Upon motion of Commissioner Matthews, seconded by Commissioner Brower and carried, grants a twelve (12) month time extension for the Adams subdivision, APN: 018-210-16. The new expiration date shall be October 11, 2017. Vote: 5-0.

8. **MATTERS FROM THE COMMISSION** – None.

9. **MATTERS FROM STAFF**

Interim Planner Jelich advised the issue of vacation rentals has come up recently and wanted to discuss the possible need for zoning ordinance amendment to address the issue. He said he has researched other rural frontier type counties to see how they are handling rentals and it appears that there is a wide spread attempt in updating their ordinances to address this. He said we have had these rentals in the county for decades and they have been fairly low key; however, with the Air BnBs and some of the on-line promotions it has become an issue and the potential or perceived impact is changing the character of the neighborhoods. He said he is just advising that we are planning to hold a workshop session and come up with a draft of a proposed ordinance and schedule it later for a public hearing.

Commissioner McHugh stated this is a huge topic and asked what prompted this. Jelich responded that we received a complaint in the Steel Bridge Road area where someone had indicated that this is going on, and so that person stopped what they were doing and came in asking for a way to comply. He said there is nothing in the ordinance that really addresses it well. He said his understanding from talking to the Tax Collector's Office is that they have been able to collect TOT tax from many of these people, there might be some hidden vacation rentals out there and being able to publicize this may help in collection. He said he's looking at instead of a Planning Commission use permit making it a Planning Director's Permit to make it a little simpler on people. Commissioner McHugh stated maybe we should look at the cumulative effects of these on a given neighborhood. Director Tippett stated in the interim he will issue a provisional permit to these folks, just something short term that tells them this is for a limited time and that they will have to come back and comply with whatever direction the commission gives. He doesn't want someone to get trapped in between the time period of us discussing this and what they are trying to achieve but at the same time have the ability to go back and condition it correctly

Chair Stewart asked staff to keep in mind that the public hearing for the Roundabout she expects to be as acrimonious as some of the cannabis hearings. Jelich responded he will work with Director Tippett on scheduling.

Director Tippett stated as you know on August 30th the Board of Supervisors adopted a new marijuana ordinance, and out of that ordinance we developed a commercial cannabis cultivation application. He said the Board met again today and they did make some changes to address particular process issues. Tippett said one change was that in Weaverville and Hayfork commercial cannabis is not going to be allowed in the water districts anymore unless you are permitted in Phase I or Phase II of the Water Board Permit. He said there was some discussion about cultivation area, about how to measure it, but quite candidly the California Department of Food and Agriculture is going to come out with new regulations in early 2017, but it is usually state law that drives a lot of our things, so why spend a bunch of time developing this when essentially the state is going to come out with rules that govern everything on this particular issue. He said we have the rules in place now following MMRSA, but when it comes time probably next season will be the big drive for it and what is eventually adopted by the state. Tippett said probably one of the biggest changes that face the Planning Commission is the rules when originally written were that if the Director denied the application or it was turned down for some reason it was appealed to a Hearing Officer, and one of the things discussed at the staff level was that applications are really supposed to be appealed to the decision-making body. He said it is things that

are in the grey area where he would say no but the commission would say yes, then they can appeal to the Planning Commission and ask for consideration on that particular item. The Board agreed that application items need to remain within the Commission preview and bifurcated what we are going to do. So, if it is an application issue then it goes back to the Planning Commission, once the permit is issued and they go out and do something that causes that permit to be rescinded, that action would be heard by the Hearing Officer because that is more of a procedural issue dealing with the conditions on the project.

Tippett said we are going to start processing applications now and we are going to start hearing about the variances, people are going to request variances. Probably the most common one he heard is my neighbor is growing next door same as me but his house isn't 350' feet neither is mine, so why can't they cancel each other out. He said that is something we need to discuss with the Commission, with recommendations to the Board, on how to handle variances.

Tippett said there is an ad hoc committee of the Board that is forming to help provide some direction, but they are asking that we move quickly on this, they are going to provide some general direction of some things where they would like to see some flexibility. He said he will be scheduling a Special Planning Commission Meeting right after the first of next month (November 17th) and we can have some discussion and that way we can also have the minutes prepared so that we can have more discussion at future meetings. He said we are going to try to keep the long-term cannabis discussions away from the regular commission meetings. He said this is an interim ordinance, it's a starting place, there is a point where the Board is going to be looking to have a lot of involvement and he knows with variances they will want to have a lot of involvement from the Planning Commission to make recommendations. He said really what they are going to be looking at is having some that need a Use Permit, some that can be done through a Director's Permit, and some that we won't allow at all.

Commissioner Brower said he had a different understanding. He said to appeal a rescission it would go to the Director and if it didn't fly with the Director, they would pay to appeal it to the Planning Commission. Tippett read the language from the ordinance.

Director Tippett advised that the Board halved the fees for this year because we are at the tail end of the season and enforcement and compliance isn't going to be as big of an issue as it will be next year, but we still want to see people apply and be ahead of the game so we are offering that for this year. He said the General Plan update is something that is absolutely needed because of marijuana, it is changing the way our county is looking in some areas, especially land use, that need to be addressed so being that it is that important we are collecting the full fee, because we want to roll into trying to initiate the General Plan and get it updated.

Director Tippett advised that we recruited for a new Senior Planner all through September, it was very expensive, and we only had one applicant, and when you only have one applicant you don't have a big enough pool to select from or evaluate. He said we have pulled back temporarily to regroup, he doesn't know what he is going to do yet but will advise at the next meeting what we are going to do to move forward. He said we also budgeted for a Planning Director to be hired after the first of the year, and that position becomes all that much more important with the stuff we have going on, the marijuana and code enforcement. He said how it is going to fit in the overall package is yet to be determined.

Commissioner Brower stated he would still like to have the chance to interview for a Senior Planner when it is time. Director Tippett reiterated the importance of having more than a single applicant, and that we will continue as currently staffed until further direction is received.

10. ADJOURN

Chair adjourned the meeting at 7:49 p.m.