

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting

10/14/2021 at 6:00 p.m.

Trinity County Library Conference Room

351 Main St, Weaverville, CA

Chairman Duncan McIntosh

Vice-Chairman William Sharp

Commissioner Mike McHugh

Commissioner Rory Barrett

Commissioner Todd Heaton

PLANNING COMMISSION MEETING MINUTES

***NOTE:** The public was invited to attend the public hearing via Zoom Link.

CALL TO ORDER:

Chair McIntosh called the meeting to order at 6:01 p.m.

Commissioners present: McIntosh, Sharp, McHugh, Barrett, Heaton

Staff Present: Planning Director Kim Hunter; Planning Deputy Director Lisa Lozier; Environmental Compliance Specialist David Colbeck; Asst. Planner Skylar Fisher; Admin. Coordinator Deborah Rogge; Admin. Clerk Melissa Metrivski

A request was made to move Item 3 to a later time in the meeting. Order will be Item 1, Item 2, Item 4, Item 5 and Item 3.

PUBLIC COMMENT: During the Public Comment period members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission.

Public comment opened at 6:02 p.m.

Speakers: Lisa Wright-Lewiston, John Brower-Junction City, and on ZOOM; Veronica Kelly-Albiez-Douglas City.

Public comment closed at 6:06 p.m.

REGULAR CALENDAR:

Item 1. Minutes: Approve meeting minutes from September 9, 2021.

By motion made and seconded (Barrett/Sharp) to approve 4-1 the September 9, 2021 minutes as presented. (Commissioners Barrett, Sharp, McIntosh, Heaton-aye; McHugh-abstain)

Item 2: MODIFICATION / REVOCATION OF CONDITIONAL USE PERMIT (P-97-32): Consideration of the modification or revocation of the Conditional Use Permit for Smith Pit Tailings Mine as provided by Trinity County Code section 17.32.070(C). The Planning Commission may revoke or modify a Conditional Use Permit upon a determination that the use is being conducted: 1) in a manner detrimental to the public health, safety or welfare; 2) in a manner which constitutes a public nuisance; or 3) in a violation of any condition imposed by the Planning Commission. On July 7, 2021, this item has been remanded to the Planning Commission on appeal by the Board of Supervisors for a decision. Trinity Sand and Gravel is the current operator of the mining operation located at 125 Egan Flat Road, Junction City. Assessor Parcel Numbers: 012-120-62, 63 and 64.

Chair McIntosh recused himself from this Item. Vice Chair Sharp conducted the public hearing of this Item. A 5-minute recess was granted to access online information.

Kim Hunter presented a verbal staff report recapping the past meetings, current draft resolution and why it has returned to the Planning Commission, and David Colbeck on his role with this project. Questions were asked by the commission and answered by staff.

Public comment was opened with comments received from; Collen O'Sullivan-Weaverville, William Shaw-Junction City, Liz McIntosh-Junction City, Faith Dickens, Amanda Barrager-Junction City, John Brower-Junction City, Christine Camara-Junction City, Martha Helberg-Junction City, Nancy Barton-Junction City, Roger Smith-Junction City, Jonathan Barrager- Junction City, Josh Brown-Junction City, Justin Hawkins-Hayfork, Jeff Swanson-representative for Mr. Buick-Trinity Sand and Gravel, and on ZOOM: Larry Glass-S.A.F.E., Liam (student)-Junction City, John Swearingen- Junction City, Elaine Brown-Junction City, Veronica Kelly-Albiez-Douglas City, Dwight Chapman and there being no other speakers public comment was closed.

By motion made and seconded (McHugh/Barrett) and carried by roll call vote, to revoke Permit P-97-32 and adopt resolution 2021-11 with the modifications: Add the following clause to the draft Resolution as the last WHEREAS:

“WHEREAS, at this October 14, 2021 regular meeting of the Planning Commission, the Commission has received any and all new information presented by the public, the Permittee, and any other concerned parties, and has reconsidered all information on the record for this hearing,”

Replace paragraph 2 in the draft resolution with the following:

- “2. The Planning Commission makes the following determinations and findings regarding the Phase II Smith Pit Tailings Mining Operation Conditional Use Permit P-97-32 previously issued by the Planning Commission:
- A. The operation of the Smith Pit Tailings Mining Operation is detrimental to the Public Health, Safety, and General Welfare of the Junction City community, the Junction City school children and staff, and the sensitive environment of the adjacent Trinity River, due to the credible, multi-year record of complaints from residents, and school staff and children, regarding noise, air quality degradation, hours of operation, disruption of school activities, and general concern for residents’ and children’s safety with the dramatic increase in traffic on Red Hill Road far exceeding the traffic forecasts in the Reclamation Plan; and we find the operation has become a public nuisance specifically regarding traffic, noise and air quality (Exhibit C); and
 - B. This mining operation has been found in violation of P-97-32 Conditions of Approval numbers 1, 2, 4, 5, 6, 10, 12. Specifically,
 - a. Condition of Approval (CoA) #1: Operations are found to exceed “the activities; method of mining and equipment used; and the area to be mined ... those described in the approved final reclamation plan.” Prohibited equipment including scales, rock crushers, a second screen have been documented on site.
 - b. CoA #2: No amendment to the Reclamation Plan has been provided to modify financial assurances to be consistent with the dramatically expanded mining operation as a result of the importation of material.
 - c. CoA #4: The required amendments to the Reclamation Plan were not filed to reflect, at a minimum, the scaled-up operation including importation of a half million cubic yards of material, expanded mining operations area beyond specified Reclamation Area, periodic rock

- crushing, material and equipment weighing, and any other attendant reclamation requirement to achieve the original goal of an Open Space Corridor compatible with current zoning.
- d. CoA #5: Operations outside permitted hours have occurred repeatedly and were specifically documented by County staff.
 - e. CoA #6: The permit was approved primarily as a “scoop and haul” operation using only one portable, temporary screening unit. The addition of rock crushing, a second screener, and truck scales violated this condition of approval.
 - f. CoA #10: Imported material was deposited adjacent to the riparian vegetation and no evidence of flagging or posting of required setbacks was located as documented by California Fish and Wildlife.
 - g. CoA #12: Prohibited maintenance of mining operation equipment was performed on site. As specifically confirmed to the Planning Department by the permittee.

Roll call vote: Commissioner Barrett-aye, Commissioner McHugh-aye, Commissioner Heaton-aye, Vice Chair Sharp-aye. (*note: Commissioner McIntosh recused himself*)

10-minute recess at 8:01. Meeting resumed at 8:11.

Item 4: CONDITIONAL USE PERMIT FOR TELECOMMUNICATIONS TOWER (P-20-19): The applicant is requesting approval for the construction of a 100-foot, self-supporting telecommunication tower. The project site is located on a 140-acre parcel at 6001 State Highway 36, Mad River. The tower is proposed to be placed on a 12-foot by 12-foot base with a small cabinet for battery and electronics. Access to the proposed tower site is existing. Applicant: Seth Johannesen. Assessor Parcel Number: 018-050-75-00

Staff report was presented by Lisa Lozier.

Public comment was opened with comments received from; John Brower-Junction City and Justin Hawkins-Hayfork and being there were no other speakers public comment was closed.

By motion made and seconded (Sharp/Heaton) and approved 5-0 by roll call vote- to a resolution to:

- a) Adopt the California Environmental Quality Act (CEQA) determination of a Class 3 Categorical Exemption 15303; for small new construction projects which includes the construction of small-scale facilities or structures;
- b) Adopt the recommended findings listed in Resolution PC-2021-12;
- c) Approve Conditional Use Permit 20-19 based on the recommended findings and subject to the conditions of approval listed in Exhibit A to Resolution PC-2021-12

Roll call vote: Commissioner Heaton-aye, Commissioner Sharp-aye, Commissioner Barrett-aye, Commissioner McHugh-aye Chair McIntosh-aye.

Item 5: APPEAL OF DIRECTOR'S DECISION (P-21-29) An appeal of Planning Director's decision to deny the applicant's request to apply for a second, one-year extension of time for Conditional Use Permit (P-17-51) consistent with Trinity County Code Section 17.32.050 (D) Extension of Time which allows that “the Planning Commission may grant an extension of time not to exceed one year”. Use Permit (P-17-51) was originally approved in 2018. A one-year extension of time was granted in 2020 and expired June 7, 2021. Project site: 271 Industrial Park Way, Weaverville, CA. Applicant: Kaden Koffler, Assessor's Parcel No: 024-220-55-00

Lisa Lozier presented the staff report. County Counsel also provide additional insight at the request of Kim Hunter and Lisa Lozier.

Public comment was opened with comments received from; Jay Harris-Representative for Applicant, Kaden Koffler, Applicant; Veronica Kelly-Albietz, Douglas City; Tom Ballanco, Douglas City and being there were no other speakers public comment was closed.

By motion made and seconded (McIntosh/McHugh) and approved 4-1 by roll call vote to accept the document Resolution PC-2021-13 as written and presented by the Deputy Director to uphold the appeal.

Roll call vote: Chair McIntosh-aye, Commissioner McHugh-aye, Commissioner Sharp-nay, Commissioner Heaton-aye, Commissioner Barrett-aye.

Item 3: ANNUAL INITIAL VARIANCE (CCV-20-59) A request for a variance from the required 350' Cannabis cultivation setback from a neighboring residential dwelling (TCC 17.43.050.A.8). Project site is located at 1950 Brady Rd., Hayfork. Applicant: Salt Creek Growers, LLC/Filip Pejovic. Assessor's Parcel Number: 011-410-15-00 *continued from Sept. 9, 2021*

Kim Hunter presented the staff report.

Public comment was opened with comments received from; Anna Wright-Representative for Applicant; Filip Pejovic-Applicant; Veronica Kelly-Albietz-Douglas City; Tom Ballanco-Douglas City; Lisa Wright-Lewiston; and David Albietz-Douglas City and being there were no other speakers public comment was closed.

By motion made and seconded (McHugh/Sharp) and approved 5-0 to continue to a date uncertain.

PLANNING COMMISSIONERS REPORT: Commissioner Sharp inquired about when the the Historical Review committee may be revived. Commissioner McHugh announced that this would be his last meeting. Chair McIntosh commented that most of the commissioners will be attending the California Planning Commissioners Association Conference.

PLANNING DIRECTOR'S REPORT: The General Plan is on hold due to concerns of inadequate funding with the cannabis program being on hold. The zoning update will continue using grant funding for specifically for the zoning update.

ADJOURNMENT: The Planning Commission adjourned at 10:27 pm.

Submitted by: Deborah Rogge, Administrative Coordinator


Kim Hunter, Planning Director
Secretary of the Planning Commission