

# TRINITY COUNTY PLANNING COMMISSION

## Special Meeting

November 19, 2020 at 6:15 p.m.

Trinity County Library Conference Room  
351 Main St, Weaverville, CA

Chairman Dan Frasier  
Vice-Chairman Diana Stewart  
Commissioner Graham Matthews  
Commissioner Duncan McIntosh  
Commissioner Mike McHugh

## MINUTES FOR SPECIAL MEETING

**NOTE:** In order to limit any potential exposure to the COVID-19 virus, the Planning Commissioners and members of the public were invited to attend this meeting via Telephone Conferencing as provided By Governor Newsom's Executive Order N-29-20.

The meeting location for public participation was amended from the Trinity Alps Performing Arts Center to a virtual location via Zoom meeting or telephone. The Planning Commissioners and Staff will host the meeting from the Weaverville Library Conference Room at 351 Main Street, Weaverville. The meeting will now begin at 6:15pm to allow for participants to join virtually. This change was necessary due to the rapid rise of COVID-19 cases in Trinity County to protect public health. An updated Agenda was included as part of this Addendum to reflect the changed location, including how to participate via Zoom Meeting, telephone, and online at youtube.com.

## CALL TO ORDER:

Chairman Frasier called the meeting to order at 6:15 p.m.

**Commissioners present:** Dan Frasier, Diana Stewart, Graham Matthews, Mike McHugh, and Duncan McIntosh

**Staff present:** Lisa Lozier, Deputy Director of Planning; Margie DeRose, Sr. Planner Cannabis Division; Bella Hedtke, Associate Planner; Mary Beth Brinkley, Admin. Coordinator-Cannabis; Debbie Rogge, Admin. Coordinator-Planning; David Colbeck, Environmental Compliance Specialist; via Zoom: Derek Cole, CEQA Counsel; Pat Angell, Sr. Dir. At Ascent Environmental; and Margret Long, County Counsel.

## PUBLIC COMMENT:

During this 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.

Chair Frasier Opened the Public Comment: 6:17 p.m.

Lisa Wright, Lewiston, commented that Cannabis licenses are stalled at Planning Department and urged the Planning Commission to explore why this is happening.

Commentor, Hayfork (inaudible).

Puga asks why is Trinity County not issuing licenses when other counties are issuing and expanding permits?

Jake Grossman-Hayfork asks when will licenses be issued again.

Senior Planner Margie DeRose responds, at the direction of the Chair Frasier, that one of the challenges has been the clarification of CEQA compliance issues and we are working toward getting this completed.

Justin Hawkins, Hayfork, comments that he feels there is confusion about provisional licenses being issued, nothing has changed at state level, and the county should be issuing licenses.

Thomas, Hayfork, asks what the status is of getting a cannabis license in 2021? Has property that he wants to develop and cannot get his license.

Public comment closes at 6:31 p.m.

## CALENDAR:



## 1. COMMERCIAL CANNABIS PROGRAM FINAL ENVIRONMENTAL IMPACT REPORT AND ORDINANCE AMENDMENTS:

The Planning Commission will consider recommending the Board of Supervisors to the certification of the Environmental Impact Report for the Trinity County Commercial Cannabis Program and adopt amendments to Title 17 of the Trinity County Code to readopt the ordinances to incorporate the mitigation measures proposed in the Environmental Impact Report. Staff recommends that the Planning Commission receive a staff report, conduct a public hearing, and adopt Resolution 2020- 13 recommending that the Board of Supervisors: (1) Adopt a resolution certifying the Trinity County Commercial Cannabis Program Final EIR, which will include the California Environmental Quality Act (CEQA) Findings of Fact and adopting the mitigation measures; and, (2) Adopt an ordinance for the Trinity County Cannabis Program as a combined ordinance incorporating the adopted mitigation measures.

Senior Planner Margie DeRose gave a brief outline of the progression of the meeting, any questions by the public will be noted and addressed later in the meeting. Margie introduced the presenters for the meeting and their roles with regard to the Environmental Impact Report (EIR) and the mitigation measures.

David Colbeck-Environmental Compliance Specialist of Trinity County presented a PowerPoint presentation as an overview of the Final EIR for the Trinity County Cannabis Program. The issue before the Planning Commission is to recommend to the Board of Supervisors the certification and adoption of Final EIR and ordinance. The alternate options available to the Planning Commission to the resolution of the Final EIR and the amendment of the Ordinance Project. Reviewed what the CEQA report is and purpose, and what the EIR does and does not do. The EIR can provide streamlining to the Cannabis Program. David also presented the list of alternatives to be considered, the purpose of the volume two revisions, and comments about the appendices.

Derek Cole presented the resolution before the commission is designed to allow for a streamlined process for Planning Staff to process new application and the renewal of licenses using a checklist of mitigations and streamline the Environmental Review process. The certification of the EIR and adoption of the ordinance changes are critical to moving processes forward. If it is not adopted each cultivator will need to go through the CEQA process individually, both existing and new application cultivators.

What the Commission is being asked to do is to recommend the certification of the EIR to the Board of Supervisors the adoption of zoning ordinances 17.43 of the development code for Trinity County. The commission can recommend the Resolution as is, recommend with a list of changes/clarification of the ordinance amendments or reject the resolution. The version posted last week was outdated and we provided mitigated measures that have been in use for the past year and half into the updated ordinances, to be listed as 17.43G.

Pat Angell stated that he has worked with the county on the EIR draft and final EIR for the county.

Commissioner Stewart: Why is Hayfork not listed in Vol. 2, 31.3 with regard to community plans?

Pat Angell stated that the communities listed were based on certain criteria obtained from Community Plans. It was not a slight to Hayfork.

Commissioner McIntosh: What historical building is in Denny and what does 3.5 Archaeological and Historical Districts entail?

David Colbeck references Table 1 in MM 3.5-11 with the list of Historical places in Trinity County. CEQA has a concern for historical, archaeological, and tribal places. When buildings/sites are listed as important areas, there needs to be a review of before cannabis activity can be considered in these buildings or districts. He also suggested that the list may need additional review.

Commissioner McHugh: In MM 2.1.4 Stacking is not part of the program it is considered a modification is that correct?

David Colbeck: This EIR is based off of the previous existing 16 ordinances and amendments. Stacking is mentioned as you pointed out in MM 2.1.4

Commissioner Stewart: Why is retail-store front retail not listed in this EIR?



Pat Angell states that Table 2.3 is a list of assumptions that come about as a result of Cannabis Cultivation. An EIR addresses the impact of cultivation and retail was not listed as part of the EIR. Derek Cole notes that storefront retail uses will be a separate project.

Commissioner Stewart asks if another EIR will be needed to have store front retail or cannabis?

Derek Cole: This would need a CEQA review and a new ordinance would be drafted.

Commissioner McIntosh asks David Colbeck to explain to the public that once this EIR goes thru do the cultivators need to be in full compliance or is there a process, can you explain the process?

David Colbeck: as a license is needing to be reviewed after this ordinance and EIR is put in place, each licensee would need to be preparing using the checklist to get the renewal license. Some will go through the checklist easily and some will take longer depending on the type of renewal and if there are any new modifications. Once this EIR is put into place a site would not need a Categorical Exemption, this EIR does not creating any new exemptions, the county is taking on the burden of the CEQA coverage. If you wish to expand your site, that could take longer, and a plan would need to be in place to complete the required mitigation measures.

Commissioner McIntosh: Would those who are downriver and under PG&E would they have to be 100% in compliance using renewable energy in spring 2021? MM 3.8-1D

Derek Cole responds that there are options in how you get there-- grid, solar, wind, or combination and once the EIR is adopted it will become standard.

Pat Angell: the commission could tie that mitigation measure into a gradual rollout to Jan 2023.

Commissioner Stewart: We have some that are about to expire, and this is adopted tomorrow, is there some type of time period to do the checklist? how is going to work?

David Colbeck: I do not work in the program and do not know how this will play out and I may be involved in that process.

Derek Cole: The standard going forward we will apply those standards and it is understood that you cannot go from 0 to 60 overnight and some adjustments will need to be made. Staff is looking into how we can implement this program. We need to get to full compliance, and at some point the practice of Provisional licenses will end.

Commissioner McIntosh: What will happen to those who cannot 'jump thru all the hoops' initial this year will they lose their place in line what if it takes them a year?

Margie DeRose: Technically when you have a change in policy and these are real big, and incorporating the mitigation measure you would essentially implement a transition plan.

Commissioner Stewart: The ordinance on page 29 item F under Historic Building/Structures again this pertains to Historical. Item 1 cannabis shall not be permitted in Historic Districts of Weaverville, Denny, Helena, and Lewiston. Would that be an argument made against putting any retail sales in those areas or would it be better worded by spelling out the nursery, manufacturing, cultivation, etc. and not mentioning retail, to leave an opening for storefront, especially in the Weaverville District which could increase foot traffic in that area.

Derek Cole: That part pertains to exiting land uses for cannabis cultivation.

Recess: 8:00 p.m.

Meeting Resumes: 8:10 p.m.

### **PUBLIC COMMENT FOR AGENDA ITEM 1:**

Public Comment Opens 8:13 p.m.

Adrian Keys, Trinity County Agriculture: In support of the adoption of the EIR and its ordinances.

Jake Grossman: Comments to the stacking of licenses and why it is not written in the county code. Concerns about issuing of licenses. About the time limits on grading permits.

Rachel Wood: Concerned about the technical details in the document, feels it needs some more work but is in favor of it succeeding.

David and Veronica Kelly-Albiez commented that the EIR does not take into account underground water, no resources guide of water. Public health and safety, and neither the County or State has any idea how much underground water availability. Concerns about license 'stacking' on already stressed water resources. Agrees with Commissioner McHugh's concerns about density in allowing licenses in certain areas.

Ryan Tarbell-Hayfork: What is 'No Project'? Asks the Commission to look further into No Program w/ mitigation. Create a timeline for compliance. Concerns about MM 33.14-3 and requests removal of measure.

Lisa Wright-Lewiston: 1. Believes this is not based on current code. 2. That not enough time was given to review document. 3. That a second legal counsel should be sought to review the document. 4. That pressure is being put on the Commission to adopt the program.

Carla Avila: Concerned that a transitional plan is needed for cultivators to do modifications.

Thomas: Expedite the program and grow weed before worrying about retail stores.

Tom Ballanco: Is in support of the EIR, it has workable features, it is not ideal but we need to move forward.

Ana Wright: CEQA review should not be ignored. Commissioners take time to review. 26055 Sec H Provisional licenses is a tool to be used while CEQA is being resolved. How can we function while we work thru?

Deidra Bower asks that feasibility be considered.

James Fitzgerald: Support for the EIR.

James Bower asks if there was some way to incorporate some way the current program with the new EIR program.

Steve Lions: Does not like the EIR. We are over a barrel; we must accept or cancel the cannabis industry. Keep in mind the people impacted; business, families and money to the county.

Justin Hawkins: Section 15003 Policies says that CEQA does not require perfection. County benefits from having a program. In favor of acceptance with mitigation and ordinance update.

Public Comment Closes: Time 9:08 p.m. (Note: there are 67 Zoom participants and 30 streaming viewers.)

Commission has discussion about how to proceed with the project and the alternatives. Which or if all ordinances need to be reviewed and how long do we want to work on it tonight, recommending a transition plan to the Board of Supervisors. All are in agreement that some of the mitigation measures do need to be reviewed. Some time was spent going over several of the measures, and the meeting came to a point in which it was determined that it would be more advantageous to continue the review of the mitigation measures at another meeting.

### **MOTION:**

A motion was made by Commissioner Matthews to continue the review of the Mitigation Measures for the County Commercial Cannabis Program to a date certain of December 3, 2020 at 6:00 p.m.

Motion seconded by Commissioner McIntosh.

Chair Frasier, aye; Commissioner Stewart, aye; Commissioner Matthews, aye; Commissioner McHugh, aye; Commissioner McIntosh, aye

Motion carried 5-0

**ADJOURN:**

Meeting adjourns at 11:42 p.m.

**Submitted by:** Debbie Rogge

 Kim Hunter, Director of Planning

Secretary of the Planning Commission