

**MINUTES**

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**1. CALL TO ORDER**

Chair Matthews called the meeting to order at 7:00 p.m. Members present: Commissioners Stewart, McHugh, Hoard, Frasier and Matthews. Staff present: Interim Planner John Jelichich, Interim Planning Director Leslie Hubbard 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 agendaized for a future meeting. No action may be taken on these matters at this meeting.*

Comments received from Jose Acosta and Debbie Lono. Mr. Acosta requested the matter of transporting cannabis over U.S. Forest Service roads be agendaized.

**3. MINUTES**

Upon motion of Commissioner Frasier, second by Commissioner Stewart and carried, approved the Minutes of April 27, 2017 as submitted.

**OLD BUSINESS** – None.

**NEW BUSINESS**

**4. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-18**

**Public Hearing:** Request for “annual variance” from the required 350’ cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 151 Murray Lane, Hayfork. APN 014-360-41. Applicant: Honour.

Planner Jelichich presented the staff report. Staff recommends approval.

Commissioner McHugh asked if the parcel is in the Trinity County Waterworks District #1. Planner Jelichich responded yes, it is; however, the applicant applied for his cannabis permit and submitted all the material prior to December 31, 2016.

Chair Matthews opens the matter to public comment.

Eric Honour, applicant, said he tried to get letters from both neighbors, but was only able to obtain a letter from one neighbor. Commissioner Hoard asked if the letter could be read just to see the contents of it. Clerk Hanover read the letter into the record. Mr. Honour said the garden is down low, he tries to keep it respectable to the neighbors, so he positioned it so it has the least impact on the neighbors as possible.

Comments received from Deidra Brower and Jose Acosta. Mr. Acosta said he applauds the applicant for contacting his neighbors and trying to get approval for it. He said as he has spoken on this issue of setbacks many times when it comes to cannabis cultivation nuisances. Setbacks are a land use tool used

for the purpose of mitigating negative impacts on a given parcel, the use of space which is on a neighboring parcel does not negate the negative effect, which the setbacks are intended to resolve. He said if he builds a house the setback is to his property line; if I install a septic system, it's to my property line; if I do anything to my property which requires the setback is always to my property line, not my neighbor's house and I cannot use the land on my neighbor's property in order fulfill the setback requirements. Acosta said variances can still be applied for and granted where appropriate, but I have found no historical or legal precedence where counties through land use, use neighboring parcels' land when dealing with setbacks. Therefore, he requests the Planning Commission agendaize and schedule a date for a hearing on the proper use of setbacks and the legality of using the neighbor's parcel.

No further comments being received, Chair closes matter to public comment.

Upon motion of Commissioner Stewart approves the variance to allow reduction of the cannabis cultivation setback on APN 014-360-41 from 350 feet to 135 feet (affects APN 014-360-42); and from 350 feet to 320 feet (affects APN 014-120-79), based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Hoard.

Commissioner Stewart said she sees no reason not to approve it. Chair Matthews said the one thing in this case we have an approval letter from one property owner, we don't on the other side, we could potentially not have the setbacks on the property owner without the letter and just change it by 30 feet, it would reduce the garden size slightly, it's an option that he would consider. Commissioner Stewart said she kind of feels if the other property owner did not like the idea that they would say something, and we have approved others where we have had no letter. Chair Matthews said we have, although he's not quite as comfortable with that. Commissioner Stewart replied she knows.

Chair Matthews called for the vote. Vote 5-0.

**5. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-19**

**Public Hearing:** Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 3620 Wildwood Road, Wildwood. APN 019-690-20. Applicant Merkel.

Planner Jelich presented the staff report. Staff recommends approval.

Chair Matthews stated he was a little confused regarding Exhibit B, the site map by Realm Engineering, there is a yellow patch area that is part of a circle that says 350-foot setback from neighboring residence, and that appears to be outside the garden area.

Planner Jelich responded that was submitted by the applicant. He's been working with Jeff Dickey on this because he was a little confused too, but the next map, Exhibit C, shows an aerial photo of the relationship of the affected dwelling to the garden area, he had calculated that to be 288 feet.

Chair Matthews said so 288' is calculated by our staff. Jelich responded in the affirmative. Chair Matthews said this one was prepared by an engineering firm. Jelich said that doesn't necessarily mean anything.

Chair Matthews opens the matter to public comment.

Comments received from applicant Andrew Merkel.

No further comments being received, Chair closes matter to public comment.

Commissioner Frasier said he was having a hard time with this one. It looks to him like he could move the cultivation area towards Hayfork Creek. If you look at the site plan submitted by the engineering firm, it shows 100-foot setback from Hayfork Creek and it shows the stormwater conveyance, and you can move it straight back towards the residence but you can move it towards Hayfork Creek and away from the residence that is affected and still, I don't know if it will meet the 350 feet though

Chair Matthews said the question from his perspective is whether that's germane given that the neighbor is supportive and also a cultivator. Commissioner Stewart said and we don't know at this point whether it would make the 350 feet. Commissioner Frasier said it would be nice to have that information.

Upon motion of Commissioner Stewart approves the variance to allow reduction of the cannabis cultivation setback from 350 feet to 280 feet on APN 019-690-20, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Hoard, and carried unanimously 5-0.

**6. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-20**

**Public Hearing:** Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 190 Peach Orchard Lane, Salyer. APN 008-020-66. Applicant: Skaggs & Recca.

Planner Jelich stated this one ended up being more became a little more complicated in the last few days. Jelich presented the staff report. He said staff had originally recommended approval of the variance from 350 feet to 250 feet on that parcel; however, on Tuesday afternoon we received a letter from the affected property owner, Exhibit A in the Supplemental Staff Report, which explains the concerns they have about the distance and being able to see the greenhouses from their property, they also talk about a possible compromise of 320 feet away. Jelich said based on that letter staff had prepared a discussion regarding variances and the role they have in the cannabis urgency ordinance. In it he cited several sections, one having to do with the purpose of the regulations, the needs of neighbors and communities to be protected from public safety and nuisance impacts. He said based on newly provided information, staff is now recommending that the Commission deny the variance from the required 350-foot setback from neighboring residential dwellings.

Chair Matthews opens the matter to public comment.

Comments received from applicants Amy Recca and Joel Skaggs; Paul Main who also submitted letters from Frank Lenhart and Kenneth McCoy which Interim Planner Jelich read into the record; Liz McIntosh and Debbie Lono,

Commissioner McHugh stated in the main staff report there is reference to the existing greenhouse. I take it that one is already built. Mr. Skaggs said yes. McHugh said and that one is 320 feet away from their house and you want to build a second one which pushes it to the requested variance of 250 feet. Skaggs responded yes. McHugh said so you could end up with the two purple ones and the existing yellow one if you got a variance for the yellow one. Ms. Recca responded yes, we can end up with the four. Chair Matthews corrected her, stating three, the neighbor has proposed a compromise that would allow the existing one that's 320 feet away, but not one that would go any closer. Mr. Skaggs stated that compromise at this point will be agreeable. He said he purchased the greenhouses and can sell one, so at this point he would be agreeable to that. Planner Jelich asked if the existing one is where it says 1,920 sq. ft. Mr. Skaggs said yes, the smaller of the two. Chair Matthews said it would have to be the one that is further from the neighbor's house. Planner Jelich said they both look like they are within 320 sq. ft. which wouldn't be quite enough. Chair Matthews said if that's really 250 feet to the corner of the other

one, that greenhouse is only 30 feet or something wide, so the numbers don't quite add up to him either. Mr. Skaggs responded they were allowing for a 10-foot space between greenhouses. Chair Matthews said that wouldn't get it from 250 to 320, and clarified that it was the neighbor who said 320 feet, not staff.

Comments received from Debbie Lono.

No further comments being received, Chair closes matter to public comment.

Commissioner Stewart moved to approve the Variance to allow reduction of the cannabis cultivation setback from 350 feet, to include the current standing greenhouse, to approximately 320 feet on APN 008-020-66, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Hoard.

Commissioner Frasier stated he has an issue with this one. He has a problem of approving a variance where there are neighbors that are concerned. The way this is set up, if we deny the variance we are not denying them the right to have a garden, they already have a garden area, what it would do is cut down the size. He doesn't see anywhere in the urgency ordinance where it says the County is required to make them able to grow the maximum amount, so he would have major problems with this variance.

Commissioner Frasier made a subsequent motion to deny the variance from the required 350-foot cannabis cultivation setback from neighboring residential dwellings, based on Findings 1 through 3 contained in the staff report, and at that point we don't need the conditions of approval. Seconded by Commissioner McHugh.

Commissioner McHugh said he would just echo Commissioner Frasier's comments on this point. Chair Matthews said his perspective is if the adjacent landowners who are opposed, but they propose a compromise, it strikes him that we would just be getting in the middle of that compromise. They are the ones who suggested it. Why would we want change that? That's just his perspective. Commissioner Stewart said hers as well. Chair Matthews said if they hadn't suggested that, obviously he thinks we would all be on the same... Commissioner Frasier said by the same token, where he's coming from is the fact that even if the neighbor was in favor of it, he doesn't think he would grant a variance when they have their garden area outside their cultivation area, what they are asking for is, he would consider it special privilege, because what they want to do is enlarge their grow area, not have a grow area. Commissioner Stewart responded she didn't think that was special privilege at all because the County allows for a certain size and by denying that, if you are able to do it for other people, you should be able to do it for them too. Chair Matthews stated he thinks we squashed that precedence about having a second site as part of the variance, unfortunately perhaps. Commissioner Stewart said but we have.

Chair Matthews called for the vote on the second motion, Commissioner Frasier's motion to deny the variance. Commissioners Stewart, Hoard and Matthews-No; Commissioners Frasier and McHugh-Yes. Motion fails 3-2.

Chair Matthews then called for the vote on the first motion, Commissioner Stewart's motion, to approve the variance with the limitation of 320 as has been suggested by the neighbor. Commissioners Stewart, Hoard and Matthews-Yes; Commissioners Frasier and McHugh-No. Motion carried 3-2.

Liz McIntosh asked for a point of order. She asked if the letter that came in late was on the website, that it says here that it will be available on line. Planner Jelicich explained the letter came in too late to include in the staff report, but that she was welcome to have a copy.

7. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **P-17-21**

**Public Hearing:** Request for “annual variance” from the required 350’ cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 521 River Acres, Junction City. APN 009-500-08. Applicant: Campbell.

Planner Jelich resented the staff report. Staff recommends approval based on the Findings and Conditions, with the addition of Exhibit D which is a list of additional conditions as recommended by the Interim Planning Director/Floodplain Administrator, listing conditions of approval should you wish to approve it. Jelich stated staff has received no letters from neighboring property owners or reviewing agencies opposing the request.

Chair Matthews asked what is the justification for no cultivation within the floodway. Agriculture is allowed in the floodway as far as he knows. Interim Planning Director Leslie Hubbard responded that is our last option. We would rather have everybody stay out of the regulatory floodway; we don’t want any development, because if people have any structures, and with cannabis when we are talking about this cultivation, there won’t be permanent structures, but we don’t want even temporary fences in the floodway. Planner Jelich said it changes a little, but we have had problems in the past with RV Parks having trash cans and picnic tables and things like that down in the floodway. The floodway is the area that contains most of the flood waters, not the same thing as the 100-year floodplain and if those stay there they can wash downstream and cause damage to other properties

Chair Matthews opens the matter to public comment.

Comments received from applicant Jeremy Campbell, who stated he had a few of flood certificates done, but all of his cultivation areas are 1 foot above the 100-year floodplain, at the 100-year floodplain, and 1’ below the 100-year floodplain. His greenhouse is 1 foot below the 100-year floodplain. It was engineered by Josh McKnight who is implementing the proper flow throughs to allow for water to flow through, and he does have a building permit for that. He read a letter of support from his two impacted neighbors, Rob Sayer and Jack and Ruth Ann Lemein, and submitted it to the clerk for the record. He said he has a really excellent relationship with all his neighbors and most people in the area and has a good rapport with them. He said he is an organic farmer and has particular care for the environment, and is making efforts to become an example farm for regenerative agriculture and organic marijuana farming.

No further comments being received, Chair closes matter to public comment.

Commissioner Hoard moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 150 feet on APN 009-500-08, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Stewart.

Commissioner McHugh asked if the conditions of approval in Director Hubbard’s letter are conditions of approval of the variance or are they conditions of approval for the license by the Planning Department. Ms. Hubbard responded to the license. Chair Matthews called for the vote. Motion carried unanimously 5-0.

8. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **P-17-22**

**Public Hearing:** Request for “annual variance” from the required 350’ cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 250 Reservoir Road, Hayfork. APN 014-330-57. Applicant: Petkosyan.

Planner Jelich resented the staff report. He advised this was another pre-2016 application. Staff

recommends approval.

Commissioner McHugh said he had a question about Exhibit B, what's the cross-hatched area. Planner Jelich responded he was unsure as this was submitted by the applicant. The house is in that area, it's right below APN 014-330-31 and its 270 feet from the grow area, that area where the greenhouse is going to be, to that building. He said it's easier to see in Exhibit C for the 270-foot one. Chair Matthews said nothing in the current variance has to do with that red hatched area. Jelich responded not really, both houses are shown on Exhibit C. McHugh said then in Exhibit C just to the right of the yellow 270 mark, there is a garden, that's not a marijuana garden he takes it, is that a neighbor's parcel? Jelich responded yes, they are very small parcels in that area.

Chair Matthews opens the matter to public comment.

Comments received from Debbie Lono.

No further comments being received, Chair closes matter to public comment.

Commissioner Stewart moved to approve the Variance to allow reduction of the cannabis cultivation setback from 350 feet to 270 feet (affecting APN 14-330-31), and from 350 feet to 310 feet (affecting APN 14-330-21) based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Hoard.

Chair Matthews said he's a little concerned that the neighbor's letter says 300 feet and they waive the distance of the extra 50 feet, but the staff report says 270 feet. Commissioner Frasier said the only concern he has is once again we heard nothing from the other neighbors.

Chair called for the vote. Motion carried unanimously 5-0.

**9. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-23**

**Public Hearing:** Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 610 Bear Rock Road, Post Mountain. APN 019-360-55. Applicant: Xiong.

Planner Jelich presented the staff report. Staff recommends approval. He said one question that came up, you know there are other buildings in the area that could be affected, but there aren't any building permits on those, so technically, according to the Building Department, we weren't even counting those, but they have an impact, they shouldn't be there, and that may become an issue when they come in for their variances in the future.

Commissioner Stewart said since the black plastic isn't really allowed anyway, we don't need to mention that as a condition of approval. Jelich responded no, he just put it in there as a response to her letter, but we do mention it has to comply with local, state and federal laws

Chair Matthews opens the matter to public comment.

Comments received from Liz McIntosh, Deidra Brower and Thao Ling.

No further comments being received, Chair closes matter to public comment.

Commissioner Stewart moved to approve the Variance to allow reduction of the cannabis cultivation setback from 350 feet to 230 feet on APN 19-360-55, based on Findings of Fact 1 through 4 and subject

to Conditions of Approval 1 through 4. Seconded by Commissioner Frasier.

Commissioner Frasier stated the only thing he has to say about this one is we have to figure something out about cumulative impacts with these variances. Chair Matthews said he thinks it goes beyond the variance issue.

Chair Matthews called for the vote. Motion carried unanimously 5-0.

**10. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-24**

**Public Hearing:** Request for “annual variance” from the required 350’ cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 866 Top of the Grade, Douglas City. APN 025-530-14. Applicant: Hawkins.

Planner Jelich presented the staff report. Staff recommends approval.

Chair Matthews opens the matter to public comment.

Comments received from applicant Matthew Hawkins. He said this is a Google Earth picture of last year, that he has moved some things around, so there are only two parcels involved which he put on his site map and thought he talked to Jeff Dickey about that, so he’s not sure why the 346 foot one is on there or the 291 foot is on there, the parcel numbers end in 30 and 32 he believes, so he doesn’t need a variance for those two. He moved some stuff around this year so he’s not within 350 feet of those two parcels.

Chair Matthews asked so a little closer then? Mr. Hawkins responded no, he moved some things so it’s more than 350 feet. Chair Matthews said he was just assuming he shifted it away from those others. Hawkins responded no, he stayed in the same exact area, he just cut down a little space, there was one greenhouse that he had to remove and that’s all it was. He said he is an organic farmer, never uses pesticides of any kind or ionic fertilizers, he’s very conscious of how he grows, he has a little daughter so he doesn’t want any of that kind of stuff around her. He said also he has about 1,000 sq. ft. CBD that he grows which he will be donating to people that can’t afford that medicine.

Chair Matthews asked so the parcel ending in 33 that’s the one that’s 250 feet? Hawkins responded yes, that’s Mr. Bishoff, he was unable to get in contact with him. He said he has a very good rapport with him, he’s watered his houseplants when he’s been out of town, so he doesn’t think he would have a problem with it but he was unable to get a letter from him, but obviously you got the email from Rick.

Commissioner Stewart asked so you only need the variance for the 275 and the 250? Hawkins responded yes.

Comments received from Deidra Brower. No further comments being received, Chair closes matter to public comment.

Commissioner Stewart moved to approve the Variance to allow reduction of the cannabis cultivation setback on APN 025-530-34 from 350 feet to 270 feet (which affects APN 25-530-26) and from 350 feet to 240 feet (which affects APN 25-530-33), based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner McHugh. Motion carried unanimously 5-0.

Recesses 8:38 p.m.; reconvened 8:46 p.m.

11. **PROPOSED NEG. DEC. AND UPDATE AGRICULTURE-FOREST ZONING DISTRICT**

**PW-17-02**

**Public Hearing:** Proposed Negative Declaration and Zoning Ordinance Amendment to update Section 14 (Agricultural-Forest) of the Zoning Ordinance. Located county-wide. Applicant: County of Trinity.

Planner Jelich presented the staff report. He advised that he received additional comments from Liz McIntosh after the staff reports were sent out, and they have been distributed to the Commission. Staff recommends recommending to the Board of Supervisors approval of the Mitigated Negative Declaration and to adopt an ordinance to amend Section 14 (Agricultural-Forest) of the Zoning Ordinance by deleting it in its entirety and replacing it with the new language. He said he noticed a couple of typos and will fix those before it goes on to the Board.

Chair Matthews opens the matter to public comment.

Comments received from Liz McIntosh, Ben Brady, Marie Petersen, Craig Litwin and Tom Ballanco.

No further comments being received, Chair closes matter to public comment.

Chair Matthews asked if the Commission how do we want to start. De we want to go through it paragraph by paragraph or are we comfortable enough with the feedback and just move forward.

Commissioner Frasier stated one of the main things he is concerned with is he doesn't think it should say cannabis, it should say Agriculture; and in Bb where it says "all local and state cannabis licensing requirements", it's agricultural use, if somebody wants to grow corn in Ag-Forest they shouldn't have to meet all the cannabis growing requirements and he thinks we should get rid of that, and some other stuff that needs to go away also. Where it mentions "best management practices for discharge for cannabis", he doesn't think that needs to be in there, that's in the cannabis licensing, it doesn't need to be in Ag-Forest zoning. He thinks it shouldn't even mention cannabis, it should mention agriculture use, and that it's been established now that cannabis is agriculture we don't need to put it here.

Chair Matthews said so you are recommending that Paragraph K and M be modified and that Section Bb modified slightly, and asked if those were the only places. He asked if that was a motion.

Commissioner McHugh said he agreed with Commissioner Frasier in B delete "and subject to meeting all local and state cannabis licensing requirements (see also Section xxxx)", just delete that. It says that an RPF shall not be required for parcels less than 40 acres which means... Now, so the suggestion was made that we delete Site Class IV or V timberland which implies that somebody actually did a survey and declared it Site Class IV or V, and deleting all of that and replacing it with simply a "less than 40 acres" is one suggestion, or within an approved three acres, he is kind of swayed by the approved three-acre conversion, if they've already been through that, he doesn't see putting them through it again. Commissioner Frasier said that would depend on what you're getting the three-acre conversion for. Commissioner McHugh said right, and it would have to be a consistent use with your three-acre application that the exemption was issued for. If you've got a three-acre conversion to build a home, he doesn't think that turns into a garden. Commissioner Frasier said unless it's converted and you build a home on it, he's never seen anyone build a home that covered three acres, and he has a hard time trying to use the three-acre conversion. He said he can see where Liz is coming from and it looks really good, but there are too many variables. He said he would leave the three-acre conversion stuff like it is. McHugh said it's not in here. Frasier said yes, it is, it's in the very end and he would just leave it there. It's just kind of a footnote that even though you go through all the hoops you might still have to go through CalFire. Commissioner McHugh said in Bb is where the phrase "and subject to meeting all



local and state cannabis licensing requirements (see also Section xxxx)” and delete it there. He said he also thinks we should move the temporary labor camp over to Section D. Commissioner Stewart said she agrees with that. McHugh said that is consistent with Agricultural Preserve District. Planner Jelich asked if he meant for that to be a Commission issued Use Permit. McHugh said no, move it over to Section D. Jelich said that presents some problems because most of the other sections require a Planning Commission issued Use Permit. The reason he put that in there as just requiring a Planning Director’s Use Permit is because it does have impacts, it’s not just an accessory that should be allowed, there’s issues sewage disposal, water, there could be parking, and other sanitation issues that need to be reviewed and the Planning Director’s Use Permit would be the cheapest and quickest way of doing that and still meet the other state requirements of practical issues. He said he can see not having the Planning Commission use permit, but allowing it outright, you can get quite a few people living in an RV park essentially.

Commissioner McHugh said so you would recommend actually that we put a similar change in AP districts where it is just an accessory use. He asked you don’t like the notion that these camps are just an accessory use? Director of Transportation Tippet said it’s non-accessory; we were just looking at it and it appears that labor camps require a use permit in all zones. Planner Jelich said these are temporary labor camps, it has nothing to do with cannabis, forget cannabis. He said the issue, if you look at it in practical terms and in terms of forestry, SPI and other foresters have people come in and plant seedlings or whatever, take care of the land, they bring people in to different locations, so you are not going to have a permanent location for a temporary labor camp, but you have to have some way of making sure that the review occurs. Director of Transportation Tippet said AP does require a use permit. Commissioner McHugh said he must be reading it wrong. In his version AP under Section D Accessory Buildings and Uses, it lists a number of accessory uses including temporary labor camps. Tippet said that’s interesting because if you look at C, it says Cattle Feed Yard, Farm Labor Quarters, Hydroelectric, Labor Camp. McHugh said he didn’t write it, he would withdraw his suggestion.

Chair Matthews said so we have modifications to B and Bb, anything else? Commissioner McHugh said he had a question on number D, the Accessory Buildings, back to the one we were talking about, it’s also in the AP one, it says that “the following accessory uses are deemed to be compatible with Agriculture-Forest related uses provided they do not significantly detract from the use of the property” and asked who decides that, how is that determination made. Jelich said that’s from existing language from another ordinance. Director of Transportation Tippet said ultimately the determination is made by the Planning Director based on past practices of Board actions or Planning Commission actions. McHugh said and since none of this requires a permit, how does the Planning Director get that on his radar? Commissioner Frasier said something inaudible. McHugh said so it’s code enforcement. He said he was reading this and it struck him these should really be good guys, but no one ever checks, that’s kind of how he read that. Tippet said it’s really kind of historical, even now, when people detract from uses, usually they start standing out like a sore thumb. Tippet said something else that was inaudible.

Commissioner McHugh said Setback, K, and asked what is being setback from the water bodies? Commissioner Frasier said any of those uses he guessed. Planner Jelich said to Commissioner Frasier you had indicated at the beginning of the meeting that staff’s portion relates to \_\_\_\_\_, where would you put a period then. Commissioner Frasier responded right after act, right after Forest Practices Act. Jelich said “as determined by a Registered Professional Forester”, that should still be in there, shouldn’t it? Commissioner Frasier asked well do you have to have a registered professional forester to determine that somebody is following the rules, he doesn’t think so. Jelich said either that or CBI. Commissioner Frasier said the County inspector could look at the little pink book and. Jelich said they are not qualified to do that, the Forest Practices Act is a book about that thick. Commissioner Frasier said he knows, but it says in plain English what, he means you don’t need a registered professional

forester to read that act, the landowner can do that. Jelich said there are specific standards in there regarding streamside setbacks for example, that maybe you understand, but I'm not qualified to go out there and say whether this qualifies or it doesn't. Chair Matthews said you are saying it's just a number, there's no interpretation involved. Commissioner Frasier said no, it's just a number, there would be, it either it says from Class I, Class II or Class III, and from the center of the stream or from the top of the slope. He said what he is saying is at what point are you going to require someone to get a RPF to come out there and measure and hang blue ribbons along the creek before they can build anything, because if they are within. Commissioner Stewart asked what do you do now. Commissioner Frasier responded nothing, it's Trinity County. He said if you put in here that it requires a RPF, then to him he reads that as saying if you want to build something, and this doesn't say, or it says for any of these uses, if you are within 200 feet of any stream, you have to have an RPF come out and measure from your creek. He said he thinks he should be able to take that on himself, and measure from that creek, and if I build by the creek inside the streamside protection area, then I would have to mitigate that. Jelich said you are saying that the applicant can show that on their site plan and then staff would verify they are X number of feet from it. Commissioner Frasier said he thinks so. Jelich said we would consult with CDF or somebody as part of the environmental review process. Commissioner Frasier said yes. Commissioner Stewart stated you would just treat it like any other zones. Chair Matthews asked what's the difference between the setbacks in the Forest Practices Act and the Regional Water Quality Control Board. Commissioner Frasier said he really doesn't know. Commissioner McHugh said that's a cannabis order, and we are deleting cannabis. Interim Planning Director Hubbard said they support each other. Chair Matthews said so are we talking about the same requirements in Paragraph M, we're going to put a period after "California Forest Practice Rules and delete the rest. Commissioner Stewart said we don't have a grading ordinance. Commissioner Frasier agreed stating if you are requiring farmers to comply with the Forest Practices Act and loggers to comply with farming, nobody is going to be able to do anything, so delete the whole thing and when we get around to it, let's get a grading ordinance. Commissioner Stewart said exactly. Jelich asked so you suggest we delete M entirely? Commissioner Stewart said yes. Commissioner Frasier said yes, we fixed K, delete M. Jelich asked are we still working on your motion (to Commissioner Frasier). Chair Matthews said we don't have a motion yet, we're editing; someone will make a motion that incorporates all these. Commissioner McHugh said he likes this because it gets rid of URLs, he doesn't think they should be in ordinances. Chair Matthews said that is where the future is going.

McHugh said he had a question on J, what's the xxx is supposed to reference there? Chair Matthew said that would be related to cannabis setbacks, isn't that what it's about? Commissioner Frasier said no, it's related to whatever use, if the property you are abutting, you would have to have to convince them. R1 you would have to have R1 setback. McHugh said that's the setback on the other side of the line though, if you're abutting R1 the R1 setback is... Commissioner Frasier said the way he reads it, if you were building your house right there at the property line then they would expect you to... Commissioner Stewart stated what it is, it's on Page 2, Section XXXX, refers to the urgency ordinance after it is formally adopted as a section in the Zoning Ordinance, currently it is tentatively identified as Section 30.0. Commissioner Frasier so its talking about cannabis, if we are talking about cannabis too then I would get rid of all of it. Commissioner McHugh asked if that is the intent of J. Planner Jelich said G, H and I have established setbacks so it would take care of the urgent issue of that. Commissioner Frasier said J would go away. Cannabis setbacks are going to be established in the urgency ordinance, they don't need to be in the Ag-Forest. Chair Matthews said so if someone comes in for an application... Commissioner Frasier said inaudible. McHugh said one final comment, on Page 5 of the staff report you talk about this paragraph and I read this to mean they are not talking about cannabis, they are talking about whatever your use is in the Ag-Forest. If you're not, if you're next door to a residence parcel then you need a setback because it's a residence parcel and you don't need a setback because it's not a residence parcel. Commissioner Frasier said that's how he was reading it before, but it's only referencing the marijuana ordinance. McHugh said that's why he asked what

section because he didn't read it that way. Planner Jelich said they were both right. When he was doing the revision, it must have been something we talked about before, the front yard, side yard and rear yard setbacks have a minimum of 20 foot setbacks, which would be the same or greater than most of the residential setbacks so it will probably be covered okay. Commissioner Stewart said so we don't need J. McHugh asked aren't the front yard, side yard and rear yard, the yards having to do with a dwelling? Jelich responded any structure, right there would be no setback for the agricultural use or forestry itself, but anything structural like a greenhouse or a barn or something like that, it's a 20-foot setback. McHugh said okay, if that's what you meant by it, but it says there are no setback requirements for forestry or agricultural uses in this resource district. Its saying that the forestry or agricultural uses don't trigger a setback just because there is a dwelling. Planner Jelich said it's referring to the neighboring dwelling, then at first, we were talking about cannabis at one time and then we were talking about residential and then... if the desire is to get rid of all the cannabis stuff then deleting it is probably where you are trying to head. He said they can plant alfalfa up to the property line, or tomatoes, or cannabis for rope or whatever. McHugh said some of the uses are sawmills, chipper, noise making, dust making uses, and he's guessing that's what this setback was originally intended to deal with. The nuisances you are creating with your use to the neighboring residence, so if your use is not alfalfa but it's wood chipping, you don't put that on the property line. Jelich said it's going to require a use permit anyway so that would have to be considered at that time. You could have a stricter setback if there was a particular need for it. McHugh said okay, I give up. Commissioner Stewart said so we are eliminating J. Chair Matthews said so J is eliminated, K has become J and L has become K, and asked is that all that we have. Jelich asked can we go back to this one section to make sure he understands. For example, in Bb \_\_\_\_\_ taking out the cannabis, as I understand what you said the part that would be deleted would be "and subject to meeting all local and state cannabis licensing requirements, see also Section XX". Commissioner Frasier said correct. Jelich said and you wanted to keep in the part that says "provided..." that they don't have to have [inaudible]. Commissioner Frasier said right.

Chair Matthews said to let him take a little poll of the audience here that's still awake and asked if anyone in the audience had any comments to the edits just made to our ordinances. Liz McIntosh asked do you want to go back through them first. Chair Matthews said no. Someone in the audience asked where are we with this labor camp thing? Chair Matthews said the labor camp stays where it is because... The same person asked they have to come through the Planning Department and get a director's use permit. Chair Matthews said yes, because of sanitation and health issues. The person asked are there any other cannabis cultivators in any other zones going to have to do that. Commissioner Frasier responded if they want to play by the rules, every zone requires a temporary labor camp to have a director's use permit. Planner Jelich said it's not just forestry or whatever. Chair Matthews said in all zones, that doesn't necessarily mean that's followed, but. The person asked anybody that wants to comply with the Trinity County rules has to get a director's use permit to trim their cannabis? Chair Matthews responded if it's a temporary labor camp. The person asked so if you want to have a group of trimmers trimming their cannabis, you have to get a director's use permit? Liz McIntosh asked is there a definition you can find on that somewhere, what constitutes a labor camp? Planner Jelich responded you are talking about permanent labor camps. Chair Matthews corrected him stating temporary. Jelich said he would leave temporary labor camps where it is and if it's a permanent labor camp it's going to require a Planning Commission issued use permit anyway. Commissioner Stewart asked but is there a definition of a temporary labor camp? Director Tippett said no. Chair Matthews jokingly said obviously he made a mistake by addressing the audience. Liz McIntosh said but since you did, can I ask another question.

Chair Matthews said you may come to the podium, the public hearing is reopened.

Comments received from Liz McIntosh, Marie Peterson, Tom Ballanco, Craig Lutwig and Ben Brady.

With regard to definition of temporary labor camp, Director of Transportation Tippett said all he saw was a definition of, \_\_\_\_\_, but one thing we talked about was tent camping. A lot of us felt that was an ordinance dealing with camping and there's restrictions for the time you are allowed to stay in a tent on a parcel. He thinks if it's any more than two weeks you would be in violation of the ordinance. Commissioner McHugh asked if that was all camping, recreational camping, labor camping. Tippett responded it's hard to recall... camping in undeveloped spots. McHugh said so any kind of camping? Tippett shook his head yes and said that was my recollection, yes. Ben Brady said it would be really helpful to have some clear guidelines for the licensed cannabis cultivators of how they should treat their trim season. He knows that MMRSA and AUMA might have something to say about that. He said there is such a wide range of what a trim camp might be; it could have permitted dwellings, fully functional as far as septic and everything; five people that come in and they are in bedrooms, using the bathroom; a bunch of people out in tents on a spot that doesn't even have a permanent dwelling; there's just a wide range of how this might play out and it would be really helpful to have it clear to us how to go about it. Chair Matthews said he thinks that's a really important part of the permanent ordinance. Tippett said one of the things also we have always said you have to follow OSHA because this is commercial activity, his recollection is that OSHA has some very restrictive requirements as far as farm labor quarters and temporary housing type, you have to comply with far more restrictive requirements. Ben Brady said and he wouldn't want to see Ag-Forest be saddled with a different set of requirements when it comes to trimming than any other zone. Commissioner Stewart said no, it would be the same.

Chair recloses public hearing.

Chair Matthews said we received feedback for keeping the Regional Water Board number in there, J, and what else was there. Commissioner Stewart said she thought that was the main thing. Chair Matthews said there was discussion of the three-acre conversion. Tippett said there is one thing he wanted to add in on the three-acre conversion, and that's there was not a moratorium in place. There was an urgency ordinance put in place, but when you look at the ordinance there is nothing that requires significant modification to the code. Essentially what it was is Cal Fire is now starting to route them through the Planning Department, that was probably the biggest thing, and then the Planning Department was going to have the applicant sign something to say they were doing it for something that was rightfully permitted or by code, and so we do that and honestly that is something than can be a directive from the director to do that, but there is no intent to change that when the ordinance expires, so nothing is being changed.

Commissioner Stewart asked do we want to change J to say "the setbacks shall be either not be less than 200 feet from any water body, or comply with water body setbacks form the California Forest Practices Act or Appendix E of the North Coast Regional Water Quality Control Board Order No. 2015-0023"? Chair Matthews said he thinks that brings in the cannabis into the definitions and that's not what that order is about. Commissioner Stewart said or we could leave out the order and just say... Commissioner Frasier said if we just end it at "Forest Practices Act." Chair Matthews asked how does the Forest Practices Act deal with wetlands as opposed to water courses. Frazier responded it would depend on what kind of wetland, like you can have a Class II stream you can have a Class III stream and their setbacks are different, some even strange you can get within 15 feet, some you're 150 feet, it depends on all kinds of things. Commissioner Stewart said so they're all covered under the California Forest Practices Act. Frazier responded yes. Chair Matthews said the question he thinks was brought up by the public is that they, the Regional Board may be less restrictive and complicated. Chair Frasier said something inaudible, adding unless you get into wild and scenic rivers. Director of Transportation Tippett said the way we handled this is you say 200 feet or as determined by the director and allow them to come out with a policy or directive which could be based on this so that the director then can keep the

requirements contemporary as we move through the years. Commissioner Frasier said the reason I was talking about this when we did this before too is going with the Forest Practices Act is, he doesn't remember what it was, but earlier in one of our discussions we decided we needed to go with the Forest Practices Act for creek side setbacks in a whole different discussion because it's something that's established by CalFire, so at that point you have CalFire also as an enforcement agency, he doesn't remember what we were talking about, and it might have been while we were going through the whole... it might be in the urgency ordinance for commercial cannabis, he's not sure, but he remembers we had discussed that, and his thought was if we are going to use the Forest Practices Act in one section, we might as well use it in the next section, so at least what we do will be consistent in the General Plan instead of a mixed up mess. Chair Matthews said it might be cleaner, unless there is opposition.

Chair Matthews asked if someone wanted to take a stab at this, do we have consensus, and asked do we have any volunteers? Commissioner McHugh said he would.

Commissioner McHugh said wait a minute, we haven't talked about the neg. dec. Chair Matthews said do you have issues with it? McHugh said boy do I, let me look and see. Planner Jelicich said if you want to look at the mitigation measures they are on Page 7. McHugh said Page 39 of the whole packet, Page 6 of the Initial Study, are we looking at aesthetics, that's what I'm looking at. He said he's not quite sure why you pulled 1c out, and then in 1c you said we are going to do the same mitigation measures as 1a and 1b, why not just plunk them all together? Commissioner Stewart said can you repeat that. Chair Matthews asked what's the issue. McHugh said in 1c, the last sentence says will be provided by the mitigation. In other words, we're mitigating 1c with the same mitigation, I thought he should just lump all three of those together. He said he doesn't understand the comment on the next page at the bottom. What does it mean that land zoned Ag-Forest will not be zoned TPZ. What is this? What are we saying there? He said he just wanted some clarification. Chair Matthews said that doesn't invalidate the initial study he doesn't think. Commissioner Stewart said she thought it was just reaffirming what Ag-Forest is TZ or different. Chair Matthews said it's different than TPZ. McHugh said it sounded like there was some action involved, it will not end up zoned TPZ, I wasn't quite sure. Commissioner Stewart said she took it as an affirmation.

Commissioner McHugh moved to recommend to the Board of Supervisors that it (1) approve the Mitigated Negative Declaration; (2) and adopt an ordinance to amend Section 14 (Agricultural-Forest) of the Zoning Ordinance by deleting it in its entirety and replacing it with the new language. Said ordinance being modified as follows: In Section 14B delete the phrase "and subject to meeting all local and state cannabis licensing requirements (see also Section xxxx)"; in Section Bb deleting that same phrase that appears in the next to the last paragraph; and deleting Section J in its entirety; renumbering Section K as J, and deleting everything after "Forest Practices Act"; deleting Section M in its entirety; renumbering L as K. Seconded by Commissioner Stewart. Motion carried unanimously 5-0.

Discussion re agendaizing for Board of Supervisors meeting on June 20<sup>th</sup>. Director of Transportation Tippet stated the Board Members have already said they will accept video minutes for that meeting in lieu of verbatim minutes.

## **12. CANNABIS TESTING FACILITIES**

**Public Hearing:** Regarding establishment of criteria and regulations in Zoning Ordinance for "Cannabis Testing Facilities". Located county-wide. Applicant: County of Trinity. *(Continued from April 27, 2017)*

Interim Planning Director Leslie Hubbard stated as the Commission is aware, this item was first reviewed on March 23<sup>rd</sup>, the staff report came in very late and the Commission did not have sufficient time to thoroughly review it before discussion began. She said now we are bringing it flushed out a little

bit more and attached the State regulations to it, so you should have been able to review it with a lot more depth. The main point for you to discuss is in which zones should cannabis testing facilities be allowed; should use permits be required in all zones where testing facilities are allowed; should use permits be transferrable between individuals, but remain valid for the property; does the requirement of a use permit for each testing facility provide adequate CEQA review for Cannabis testing facilities; should variance be allowed for testing facilities within 500 feet of a youth-oriented facility, a school, a church, or residential treatment facility; and what type of signage should be allowed to identify testing facilities. She said when we first started addressing testing facilities in March, we didn't have the State regulations and now the Bureau of Medical Cannabis came out with their regulations and it does address security, was a big concern, and they have pretty extensive guidelines for what's going to be acceptable. She said they are very clinical settings, that was the impression that she had after reading their regulations, but even so, the questions for you are the questions she just read.

Commissioner Hoard said he had a question and asked about sensitive receptors, he doesn't understand that terminology. Interim Planning Director Hubbard responded we have actually defined those in the UO, but sensitive receptors are kind of an intuitive understanding, kids, elderly, people that might be more susceptible to dust, she doesn't know if she can say odors. Chair Matthews said any of the impacts. Commissioner Hoard said thank you.

Chair Matthews opens the matter to public comment.

Comments received from John Brower, Craig Litwin and Liz McIntosh.

Planner Jelichich stated what the speakers have been saying, and Liz did so eloquently, is correct. If you were to approve it the way it is now, you wouldn't have anything down river. There's a little bit of Commercial in Junction City between the bridge and the highway, but even most of that is Highway Commercial. The rest of it, Big Bar, Big Flat, all the way down, it going to be Highway Commercial. Highway Commercial generally caters towards recreation where people traveling the highways. Highway Commercial does allow, with a use permit, heavier activities like auto repair shops, it even mentions bus station and things, so if a use permit is going to be required, adding Highway Commercial isn't really out of the question, unless you are specifically trying not to allow it down river.

Comments received from John Brower.

Chair Matthews asked Mr. Brower what he thought the cost of a testing lab is. Brower responded right now you need at least three different Quad 4s that start about \$500,000 a piece at least; under the new regulations you are also going to have to identify and quantify 2 different micro toxins, very expensive; you are going to quantify 4 different aspergillus, very expensive; they are going to have to test for heavy metals, that's not too expensive; the cannabinoid testing is actually quite limited and the State mandates, they are only asking for he thinks 5 different cannabinoids, where the top labs now in the research community are testing for 8 plus. To be welcoming to anyone that is willing to take the risk of starting a lab here would be a good thing, but currently we work with several labs in the region and none of them were willing to come to Trinity County just yet until we prove that we are really going to encourage this industry here. He said the added travel time, added days, even one added day could affect somebody's access to the market. Trinity County should be showing the rest of the state and the rest of the world how to do this right. We should be doing everything we can to encourage something like lab testing, they are great jobs and highly skilled jobs, and that's something Trinity County needs desperately.

Chair closes matter to public comment.

Commissioner Stewart said having worked in labs and hospitals her entire working life, she knows about

labs, and she thinks adding Highway Commercial makes a lot of sense; in her opinion, the setbacks are too extreme. She said nobody's really going to know what's going on in them because they are probably not going to have a big sign out front that says we do cannabis testing. It is extremely unlikely, people aren't really going to know what's going on in them.

Chair Matthews asked so you are saying we should defer to the State standards? Commissioner Stewart responded she does, she thinks it makes no sense to have them stricter. Chair Matthews said because these numbers are based on the urgency ordinance? Commissioner Stewart agreed, stating and the amount. It's exactly like what was said here, if the amounts are so small and they have to be so controlled, because you have to be able to give accurate results. She said if how you are handling it isn't really controlled the results are going to be just crap. She said she thinks the Commission should think about following the State's rules and not this. She said she also thinks we need to really encourage labs to come to Trinity County, or at least a lab, because like John said these are really good jobs for our kids, they go to school, they get a degree and they can come back and work here in Trinity County in our labs. Commissioner Hoard said he agrees.

Chair Matthews stated that almost sounds like a motion, we have highlighted two places that need to be modified. Commissioner Stewart said I can move that we add Highway Commercial to the applicability; I can move that we modify C2a to be the State's setbacks; and as to should the use permit be transferrable between individuals, that's answered in this, and if it is, and she likes it, licenses are transferrable with payment of fees and review of an updated application, including information about new ownership. She said that's what you do with any new business, so she doesn't see what difference that makes. We already talked about the Variances and what type of signage. The thinks signage needs to be relatively low key. Chair Matthews said and how would we include that. Commissioner Frasier said if we are requiring a use permit signage can be covered in that. Commissioner Stewart Agreed. Interim Director Hubbard stated the reason we wanted to require use permits is because we had no idea what to do for a CEQA document on it, you really need to see where somebody would go, what they are proposing, there was kind of a template that we could use, not at all, and so it makes sense and how many there would be, the variation, it's too much of an unknown. Chair Matthews stated it's probably not really much different than any other kind of office type setting. Interim Director Hubbard agreed and said as soon as we saw the state regulations. Commissioner Stewart said you were right when you said it's a very clinical setting. Chair Matthews said it is still should require a use permit. Commissioner Stewart agreed. Commissioner Frasier said what he is saying is a lot of these other questions are not for this so much as the use permit. When you come in for a use permit that would be a question that can be addressed in the use permit, what kind of signs are you going to have, every use permit I've ever seen has signage, has lighting, it has all that in the use permit, so he doesn't think we need to address signs here.

Commissioner Stewart moved to recommend to the Board of Supervisors to adopt the Ordinance to allow Cannabis Testing Facilities as set forth in this document here, Exhibit A, with the addition of Highway Commercial to B in Section 2 and with the modification that we follow the State guidelines for setbacks in C2a. Seconded by Commissioner Hoard.

Commissioner McHugh asked in Section 1, Paragraph 8, what are the federal guidelines that would be relevant here? Chair Matthews said come on. Commissioner Stewart said the federal guidelines are basically the same guidelines that would apply to any laboratory and to OSHA, and to workplace safety, hazardous materials. McHugh said okay, it makes sense.

Chair Matthews called for the vote. Motion carried unanimously 5-0.



13. **CANNABIS NURSERIES**

Discuss and/or take action regarding proposal to allow cannabis nursery in multiple zoning districts. Located County-wide. Applicant: County of Trinity. *(Continued from April 27, 2017)*

Interim Planning Director Hubbard presented the staff report. She said you have visited the nursery issue before in previous Planning Commission meetings, but now here it is again with a little bit more background that rely on the new State regulations. She said those are subject to change so we won't know for sure until January of 2018, but she thinks we have enough to be able to draft a better ordinance and we don't think. This is just a discussion item, we don't expect any recommendation going to the Board, but here will be quite a few things to settle and those main things are, we will need to go through it. There was some discussion as to whether or not we should allow mature plants like the State is suggesting. You can have a research portion of the nursery that is allowed to have mature plants, mostly nurseries are for immature plants, but there is a portion of the regulations that say you can do this. So, the question is, how much. If we are going to have nurseries, how much should we allow them to have. That's one of our big questions. Hubbard said the zones in which they are allowed in. Which zoning districts. Right now, the way this is written, the *Ad hoc* Committee drafted this and we discussed it a little bit, I saw some things after you received it and now, she saw some things that she saw that she thought can't be right, and wanted make sure you recognize those and then discuss them. There are some typos in here, wanted to make sure that the process itself is clear to you so that when we visit it again it will make complete sense, and at that time when we come out with the ordinance, this is a pretty rough draft. When we come out with a finer tuned version of it we will be attaching those regulations so you can read them with it.

Commissioner McHugh asked Planner Jelicich are AgPreserve zones tax advantage zones like TPZ. Jelicich responded yes. McHugh said he would suggest AgPreserve not be on the list for the same reason TPZ is. Jelicich said something we should check on, the Department of Conservation does allow cultivation of cannabis, but he doesn't know if they approve of nurseries in AgPreserve, so we should double check that to make sure. He said he wanted to make sure, it mentions Specific Unit Development, and he can understand why that's there because there are some that may be allowed, but most of those SUD areas are residential in nature, and he's guessing it can stay like that, but he doesn't want people to think that any SUD is something they can apply for and just put one in; if somebody comes to the counter and says I want to put in this SUD and you look at the SUD guidelines for that particular property and there's no relationship at all to anything remotely commercial, then why make them go through the process when our recommendation is obviously going to be denial, it would be hard pressed for the Commission to say yes. There are some others, like the one in the Industrial Park in Weaverville, where it would work out just fine. Interim Planning Director Hubbard said that was one of the items we caught, we thought okay well the word "allowable" really should be allowable SUD. Hubbard said also at the beginning of Section IIB, we should not have any zones where nurseries facilities would be permitted without a use permit. They need to all require a use permit. She said and we are assuming that use permit, again, that's where the environmental review will be done and that can establish what the environmental document...

Commissioner Frasier said he had a quick question about that. He asked her are you saying that Agricultural zoning, would that be like a Director's Use Permit level and then... Hubbard responded no, we are talking Commission. Frasier said so all zones would require a Conditional Use Permit. Hubbard responded right. And similar, she thinks there will definitely be more nurseries and testing facilities, same thing, the County couldn't really find a template to say here's a really important part that we need to determine if we want to put a size limit on it. The State right now doesn't have a size limit on nurseries, not a 10,000-sq. ft. canopy, nothing like that; okay so potentially somebody could propose a 2 ½ acre nursery, or 5 acre, and because of that, since there is no cap on the size, they could be so different if they are each covered by their own analysis. Chair Matthews said he would agree that the numbers in



here are certainly low, 500 sq. ft.? Hubbard responded well that's for mature plants. Chair Matthews said breeding and flowering area, so that's 20 by 25. Hubbard said right that's tiny. She said that's the whole point, if it's a nursery you don't want mature plants there, you really want immature plants there, but as a nursery operator trying to figure out what they are doing, how things are going to end up and if they are going to let some of their plants mature then they are going to have to sell them, they are cordoned off, there's rules on that, they have to be kept separate.

Hubbard said there is in this as well, there is a component of retail sales, but again it's a very small, their proposal is 10% if you look at Section 2C8 it says "Auxiliary nursery retail sales are permitted on the property, but the location of sales shall not be more than 10% of the land. Cannabis nurseries can also sell additional agricultural products, including soil and equipment, but these products cannot be more than 10% of the retail area." She said the idea is they are supposed to be nurseries, not dispensaries; they are nurseries and nursery operators sell to other... they are wholesale nurseries, they sell to other licensed cannabis cultivators, not to the public. Commissioner Stewart asked who came up with these numbers, did you use the State numbers or are these your numbers? Hubbard responded my numbers and so they are arbitrary with a place to start. Commissioner Hoard stated that he personally finds 10% extremely restrictive, because there's things given for terms like inventory control, like an owner of a business could use this, their inventory to strategize their business, like terms, fluctuation of inventory depending on the time of the year, they like to sometimes bulk up on certain things that are going to have higher demand; also for example, if a buyer drops out then you have to get your supply of product from someone else, like they have other limitations on how much amount you can buy from them, so you have to purchase more; or like okay I have to drive to Weaverville, well your purchase amount is not big enough and you've got to up it by 30%, and suppliers do, do this at certain times to cover certain costs. He just feels the 10% is very restrictive and he would like to see it eliminated because it's up to each owner to determine what kind of inventory and how much they choose to carry. It could either benefit their business or hinder it you know. Commissioner Stewart said the other thing is that, you know the 500-sq. ft. from an authorized school bus stop, if cannabis nurseries are allowed to grow clones, you've got to have mother plants to grow those clones from, 500 feet sq. ft. doesn't give you that much and you can't be snipping off all of it or you won't have anything left. Commissioner McHugh said explain to me what the auxiliary nursery retail sales operation is selling and to whom? Well the second part of that paragraph says that's where you're selling soil and equipment, and then 10% of the 10%, so what is 90%. What is it they are retailing? Director Hubbard responded she did not write that part so does not know. She said initially there was a draft of this that said the resale of wholesale nursery products which more or less equals retail, and that's been taken out. McHugh said so that goes away, then the intent of the second part, just the intent of it. It seems to be that you can sell additional growing soil, equipment and so on, so that's 10% of the ... Hubbard said that part was minimal, so that the focus would still be not on supplies, but on the plants. Chair Matthews said wholesale. He said wholesale, but it wouldn't just be the plants, they could be selling any of those products wholesale, too right? Commissioner Stewart said yes, exactly, you can sell soil wholesale, you can sell grow bags wholesale, you can sell... McHugh asked who are you selling grow bags to wholesale? Commissioner Stewart said all the licensed... McHugh said the cultivator is the consumer of the grow bag, he's not a reseller of the grow bag, is he? That's retail. Commissioner Stewart said no, because you can only sell to your licensed growers. McHugh said you can only give a controlled prescription to a... someone with a prescription, a controlled audience for the product, but that's a retail sale. Commissioner Stewart said okay, I see what you're saying. McHugh said retail goes to the final consumer of the product and the consumer of the soil and grow bags, the cultivator, then it's a retail sale. Chair Matthews said so you are saying there is no difference between retail and wholesale in this case, you are only selling to a licensed cultivator who is the main user, it entails sales tax. Commissioner Frasier said if you are selling plants to the farmer, they are not the end user. They are going to grow the plant and then they sell it to somebody else. If you sell the stuff to grow the plants and they are using it, unless they have a retail license, and they are selling the soil out of their garage, then their buying it retail. Chair Matthews said

so the plants are wholesale and the soils are retail. Commissioner Stewart said that makes sense because you are the ultimate user as opposed to the middle man. Commissioner McHugh said going back, with the intent of this to have that sort of retail activity going on, it seems like it. Director Hubbard said minimally, yes. McHugh said so you expect that this is an ancillary business to the wholesale, the cultivators in general are getting their soil elsewhere, this is more of a convenience thing. Director Hubbard responded right, more or less. Chair Matthews said that doesn't seem to be a particular good business model, he thinks they should have more flexibility. He said the question is, instead of just saying retail, if you just restrict it to licensed cultivators. McHugh asked selling these retail products? Chair Matthews responded yes, any product sold in this facility is only going to be to licensed cultivators. Commissioner Hoard said maybe that's one way of dealing with it. Commissioner Stewart said she thinks that makes more sense. Commissioner McHugh said he's not sure we can actually do that. I mean if you want to start selling soil, I don't think we can tell you that you can't do that. Discussion amongst Chair Matthews and Commissioner Frasier. McHugh said so there's the question he guessed. Director Hubbard said okay.

Chair Matthews opens the matter to public comment.

Comments received from Liz McIntosh, Adrian Keys, Tom Ballanco, Craig Lutwig and John Brower.

No further comments being received, Chair closes public hearing.

Chair Matthews asked if there is more discussion or are we ready?

Commissioner Stewart said she has a couple of things to say. One is she doesn't understand why we are not allowing anybody with a 215 to go in and buy, why it can only be somebody with a commercial cannabis license. There is absolutely no reason why somebody with a 215 shouldn't be able to buy at their local nursery, why should they have to go someplace else. We don't have a dispensary in this county and it doesn't look like we will ever have a dispensary in this county and they have to get it some place. She said she remembers saying this when we had the nursery meeting before, as an adult who is 70 years old, if I want to have six plants, I should have someplace I can go and buy my six plants, and she shouldn't have to go anywhere else to do it. She should be able to do it any place she wants in Trinity County that is a licensed nursery. She said we also talked about at the last meeting the possibility of having existing nurseries have an area where they can buy seeds or clones or immature plants separate, totally separate, completely walled off, nobody else but the appropriate people going to it. She said she knows somebody who is a nursery owner who would like to be able to do that and she thinks there is no reason not to allow that and you can have a functioning nursery already and have a separate are for cannabis, they should be allowed to.

Chair Matthews said so we are providing guidance to staff and you are going to come back at some point with a... Director Hubbard responded yes. Chair Matthews asked sometime soon? Hubbard responded maybe a workshop, similar to what we did with AgForest. Discussion re scheduling.

Commissioner McHugh asked what's our June schedule? Are we having two meetings in June. Planner Jelicich said that's our next item.

Chair Matthews asked are we done with this item.

#### **14. MATTERS FROM THE COMMISSION**

Chair Matthews said alright we are moving on to number 14, Matters from the Commission.

Commissioner McHugh said he would like to welcome Ms. Hubbard to the program here.

**15. MATTERS FROM STAFF**

Chair Matthews moved on to item number 15, Matters from Staff. Planner Jelich said there are two items for June. There is mini storage in the Salyer/Burnt Ranch area and there is a subdivision down in Burnt Ranch. He said he thinks they will go pretty fast. Commissioner McHugh asked this is the regular June meeting? Jelich replied yes. McHugh asked if there will be a second June meeting. Jelich said we have one variance. Chair Matthews said well if there's only one and we don't have many other items, he would recommend that we combine them assuming you can meet the notice requirements. Discussion between Planner Jelich and Director Hubbard inaudible. More discussion rescheduling. Jelich said we'll try.

**16. ADJOURN**

The Chair adjourned the meeting at 10:48 p.m.