

MINUTES

1. CALL TO ORDER

Vice Chair Mike McHugh calls to order at 7:00p.m. Members Present: Dan Frasier, Diana Stewart, Graham Matthews and Mike McHugh. Members Absent: Richard Hoard. Staff present: Director of Transportation Rick Tippett, Associate Planner Colleen O’Sullivan and Clerk Ruth Hanover.

2. PUBLIC COMMENT

Members of the public may address the Planning Commission concerning matters within their jurisdiction, which are not listed on the agenda and to request that a matter be agendized for a future meeting. No action may be taken on these matters at this meeting.

No one came forward.

3. MINUTES

Commissioner Matthews moved to approve the January 11, 2018 Regular Meeting Minutes. Commissioner Frasier said he had one correction on page two where it says Chair Frasier, it should read Chair Hoard. Commissioner Matthews amended his motion to approve the Minutes as corrected. Seconded by Commissioner Frasier. Motion carried unanimously.

OLD BUSINESS

4. VARIANCE FROM REQUIRED 350’ COMMERCIAL CANNABIS SETBACK P-17-54

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 located at 1550 Lewiston Road, Lewiston. APN:025-250-24. Applicant: Mason-Davis. *(Continued from 1/25/18)*

Associate Planner Colleen O’Sullivan advised the applicant has requested a continuance to March 22, 2018 meeting to give him time to work with a consultant.

Acting Chair McHugh stated since this was advertised as a public hearing, the Commission will take public comment at this time. No comments being received. Chair McHugh closes public comment period.

Chair directs the matter be re-noticed for hearing on March 22, 2018.

NEW BUSINESS

5. VARIANCE FROM REQUIRED 350’ COMMERCIAL CANNABIS SETBACK P-17-56

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 375 Whispering Pines Road, Hayfork (Trinity Pines). APN: 019-290-17. Applicant. McCall.

Associate Planner O’Sullivan presented the staff report. She advised the applicant tried to move the cultivation site in order to not require a variance, but it didn’t work out. Staff is recommending approval.

Chair McHugh opened the hearing to public comment.

Comments received from Dierdre Brower of Downriver Consulting.

No further comments being received, Chair closes public comment period.

Commissioner Frasier asked for clarification of the requested variance, is it 200 of 157 feet. Commissioner Stewart responded staff is recommending 157 feet from residence.

Director Tippett suggested to abbreviate, he didn't think the Commissioners needed to read the findings in their motions, they could just say Findings 1 through whatever number of findings there are. Commissioner Matthews said legal counsel told us the Findings were to be read. Tippett said he would verify with County Counsel.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 157 feet from the residence on APN 019-290-39, based on Findings of Fact 1 through 4, and subject to conditions of approval 1 through 3. Seconded by Commissioner Matthews. Motion carried unanimously.

6. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **P-17-29**

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 1351 Barker Valley Road, Hayfork. APN: 015-420-16. Applicant: Magallon.

Associate Planner O'Sullivan advises staff is requesting a continuance in order to complete a site visit.

Since the matter was advertised as a public hearing, Chair McHugh opens the hearing to public comment. No comments being received, Chair closes hearing to public comment.

Chair directs the matter be re-noticed for hearing on March 22, 2018.

7. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-03**

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 460 Senger Road, Junction City. APN: 012-260-96. Applicant: Lingemann.

Associate Planner O'Sullivan presented staff report. She stated it wasn't feasible for the applicant to move his cultivation site. She said the affected neighbor has written a letter in support of the variance. Staff recommends approval.

Chair McHugh asked if the setback requested is 252 feet. O'Sullivan responded 200 feet.

Chair McHugh opens hearing to public comment.

Comments received from Agent Dierdre Brower. Applicant Ben Lingemann and John Brower.

No further comments being received, Chair closes public comment period.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 200 feet from the residence on APN 012-260-94, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Matthews.

Motion carried unanimously.

Chair McHugh commented that the “findings” in the staff reports are much improved and he appreciates that. Associate Planner O’Sullivan said she appreciates all the Commission’s comments and suggestions it has made to improve her staff reports.

8. **AMENDMENT TO ZONING ORDINANCE TO ALLOW CANNABIS MICROBUSINESSES**

PW-17-09

Public Hearing: Discuss and/or take action on proposed amendment to Zoning Ordinance to allow Cannabis Microbusinesses in Trinity County. Located county-wide. Applicant: County of Trinity.

Since the matter was advertised as a public hearing, Chair McHugh opens the hearing to public comment.

Comments received from John Brower.

No further comments being received, Chair closes public comment period.

Chair continues the matter to March 8, 2018.

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

10. **MATTERS FROM STAFF**

Director Tippett said the big-ticket items over next couple of years the Board wants the Commission to focus on are: First priority is Cannabis, to get through all the ordinances; then a Grading Ordinance is needed; and the General Plan Update is needed. He said we want to use consultants, not as much for the Grading Ordinance, but more for General Plan Update and address issues including cannabis. In using consultants, that is all they focus on, not like staff who has other matters needing attention also. He said after that the Fire Safe Ordinance, and then Type K Housing, and these are probably a year or two off as we have to do others first.

Tippet advised he and Interim Planning Director Hubbard have been coordinating on scheduling and staffing. He said there is one school bus workshop coming up. In the Cannabis Department, we have now hired two Administrative Clerks for the paperwork, Christine Siverts and Kelly Forth; two field officers, Cody Smith and Ben Morillas from Shasta County who has code enforcement experience; and we have an offer out to an individual for Associate Planner. He said then there will be another Senior Planner recruitment starting in the next week or two, and that next week we will have a consultant on board for write ups of use permits and environmental documents.

Tippett said there have been several Type 3 applications come in. They had stacked licensing, you will have the Type 3 Cultivation come in with a nursery and distribution application, and each one of those require a conditional use permit. The conditional use permits are all different with the activities going on, but we are going to try to combine some those so we are taking action on multiple conditional use permits on one property. Chair McHugh said the public gets better picture of what’s going on, on a parcel, when they hear it all at once.

Tippett said, finally, County Counsel has advised him, if he issues a Policy Directive, we don’t have to read the findings in the staff report into the record, so he will do that.

Commissioner Matthews said, with regard to Class K housing, it seems like it’s not that large of an issue,

so to put it off for a couple of years, it seems like there is a fair amount of support from the community, and asked Tippet if he was sure there isn't staff time before that. He said it is basically patterned off of other counties' ordinances. Tippet responded no. You are developing a policy that takes a lot of public input. He said he got a lot of information from Frank, but to actually implement the ordinance will take more staff time. Tippet said staff has been struggling with the changes to the Cannabis Ordinance, people are at the office the day the Board passes the ordinance, and he feels Type K will be the same way. He said he also expected a lot of comments regarding the Fire Safe Ordinance.

Commissioner Frasier said the first time he brought up was 2015 and nothing happened, ever since we did the Housing Element people in his area want it. He said what he prepared he copied from Mendocino County, added a couple of things he thought might be pertinent to Trinity County, with the help of a Trinity County builder, it is basically a copy of State code. He brought it forward last meeting and most of the public was in support; now, he has to go back and tell them it's going to be a couple more years, and then take a couple more years to deal with it. He said people have been trying to be compliant and pouring money down the County Building Department for a house that they have lived in for thirty years, that are not going to be happy with him. He said the Grading Ordinance and the General Plan Update are important, but why do you kick them in front of something that's already been started? Commissioner Stewart said the other issue is that this is something allowed by the State, so it's really hard to tell people the State says we can do it, but we don't have a mechanism to do it.

Tippet responded he could receive different direction from the Board of Supervisors, but this is where the priorities are. Cannabis is the priority now, and we have to limit other stuff. Don't have staff right now. Need core planning staff to be able to get in and do some of these things. It's almost impossible to recruit, we tried to recruit three times. The closest we have is an Associate level Planner, so it's finding the resources to do it, and it takes time.

Commissioner Frasier said he realize things take time, but we as a Planning Commission made time for cannabis, we do two meetings a month. He just doesn't see where you can tell people we'll get to it in two and a half years. He realizes there will be some workshops involved and when we start the General Plan Update there will be workshops involved too. He said we've had meetings that went all night before on the cannabis stuff and trying to fit other things in there with them, he doesn't see the logic, especially since last meeting, the first time in the history of the Trinity County Planning Commission, there was nobody in opposition, everybody in the audience was in favor of the same thing at the same time. And then to say okay we have that much support, let's put this off for two years, is frustrating to him.

Tippet said he will always be sure to share the concerns with the Board, and if they direct then we will do it. There are three core things they want done are Cannabis, General Plan and Grading Ordinance. He said when we do the General Plan Update this year, there is stuff in SB 2 for rural funding for general plan updates.

Commissioner Stewart asked even with consultants helping with the General Plan and Grading? Tippet responded it still takes time to manage, and there is still quite a bit of effort involved, even with a consultant. Also, consultants do large blocks of work without interruption, and they work just on that, unlike staff that is constantly interrupted.

Chair McHugh asked Tippet to go back to the Board and suggest it be done.

Discussion regarding combining public hearings for the Cannabis Conditional Use Permits.

11. **ADJOURN**

Chair adjourns the meeting at 7:55 p.m.