

**MINUTES**

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**1. CALL TO ORDER**

Chair Hoard called the meeting to order at 7:00 p.m. Members present: Richard Hoard, Dan Frasier, Diana Stewart, Mike McHugh and Graham Matthews. Staff present: Director of Transportation/Planning/Building, Deputy County Counsel Joe Lamour, Assistant Planner Bella Hedtke, 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 Joseph Gaines and Liz McIntosh.

**3. MINUTES – October 11, 2018.**

Upon motion of Commissioner Matthews, seconded by Commissioner McHugh, approves the Minutes of October 11, 2018, as corrected. Motion carried unanimously.

**OLD BUSINESS** – None.

**NEW BUSINESS**

**4. AMENDMENT TO SECTION 43 OF ZONING ORDINANCE NO. 315 RE CULTIVATION OF CANNABIS**

**PW-16-03**

**Public Hearing:** Proposed Amendment to Section 43 (renumbered to Section 23) of Zoning Ordinance 315 pertaining to cultivation of cannabis. Located County-wide. Applicant: County of Trinity. *(Continued from 10/11/18 meeting)*

Director Tippett presented the staff report. He said there are specifically five items proposed by the ad hoc committee they wanted sent to the Planning Commission for input, discussion and recommendation to the Board of Supervisors. He said the ad hoc wanted input from the Planning Commission via the public process and that's why we're here tonight. Those five items are (1) Increase Designated Area from 200% to 250%; (2) Revise Fencing Requirements; (3) Allow Multiple Licenses; (4) Exclude Trinity County Waterworks District #1 and include Bucktail Subdivision; and (5) Restrict the use of variances on sites with multiple licenses, sites adjacent to Non-Recreational Public Lands, TPZ lands and Open Space eligible for lifetime variance. Tippett said the reason a lot of these are coming about is really two parts, there's been a change in policy as we have been moving along, some things are more clearly defined that require a little alteration to our current rules that allow us to match what the industry needs for what they are doing; the other is we've also had some requests for additions and subtractions and some of these things in here are kind of retro requests for [inaudible]. He said staff doesn't have a recommendation. He then went through each item.

Commissioner Stewart asked how many parcels are in the Bucktail Subdivision and are they all Residential, Rural Residential, or what are they? Tippett responded by default the residence would have

to be in Rural Residential to be able to cultivate, he believes they are Rural Residential because it's a subdivision and was probably zoned at that time. If you've been in that area it's pretty much all homes, he doesn't know how many there are, probably thirty to forty homes. Commissioner Stewart asked if they were all smaller parcels. Tippet responded yes, it's a subdivision, but if he were a guessing man, he would say one to three acres, but again, he doesn't know exactly.

Commissioner Matthews asked if Tippet if he had any information on how much land is currently undergoing conversion out of TPZ. He said it's his understanding is that on the east side of Weaverville that a number of years ago SPI started the 10-year process, so he is curious if Tippet has any information about it, you say it doesn't happen very often, but it certainly appears to be happening in places in the county where TPZ is being converted to potentially residential. Tippet responded it doesn't happen very often because he can't think of a case where he recalls seeing it, he doesn't have an answer right now. He said there is no application and we know of no TPZ conversion, but there has been discussion about it. Commissioner McHugh said it's his understanding SPI has one coming out of TPZ south of Trinity Center, he doesn't know if it's a full section, but some parcels. Matthews asked if it would be a problem to change the ordinance if we allow this, to have an exception that if the land changes or the TPZ conversion process begins that the "lifetime variance" would be absolute rescinded. Tippet responded there is a lot of leeway that we have, he doesn't see it as a problem, but will let County Counsel speak to that to see if they have any issues. Deputy County Counsel Larmour said he thinks that as a recommendation any time you are looking at changing the designation of land, the existing uses, is definitely a recommendation you should make and we may do further legal review of it if it's anticipated that it will move into the ordinance.

Commissioner McHugh said this appears to be a complete replacement for Section 43 and asked if that was true, it's not an amendment to the prior ordinance, it's just a replacement ordinance in its entirety; so, we won't trip over language from the old one, this is a whole new thing, is that true? Director Tippet responded the ordinance that was provided to you in the staff report shows the revisions that were proposed as part of this, a whole new amendment would be here it is and none of the changes would be identified, we actually are identifying the changes. McHugh said he appreciates the changes being identified, but this looks like a replacement. For instance, there are actually three amendments to the original not two, and the third amendment is the one that added "Self-Transport" and the paragraph numbers don't match and the language has been moved around. This looks like a new ordinance that adopts all the amendments from the past. He said what he's getting at is he doesn't want to be flipping back and forth to the old ordinance and see language that could apply to the new context because in fact it is in this ordinance, it looks like this is a whole replacement. Tippet responded his understanding is that the changes in the previously approved ordinances were supposed to be shown in here and that this was the current living document and showed the changes proposed. He hasn't verified that, but that was his understanding. McHugh asked Counsel Larmour this appears to be a complete replacement, and he's fine with that, but just wanted to know if that's the context of what we are to consider. Counsel Larmour responded that is his understanding also.

McHugh said you said there have been some policy changes or the way things have been applied, he thinks that was mentioned in the context of the designated area, but really for all of these, the question of what's motivating them now leaps to mind, there's been some pretty dramatic changes here, you know we're still waiting for CEQA, we're still waiting for some other things, shoes to fall if you will, and he thinks you can see that from the letter from Fish & Wildlife, that they are raising issues that will ultimately be addressed in the CEQA document. His question really is, what's motivating these dramatic changes like stacking licenses and all that at this juncture? Director Tippet responded his understanding, and he's not versed in the exact changes that happened with policy on "designated area", other than there was discussion regarding changes in State policy about the measurements and the methodology that they use, it would create problems within the way we have the "designated area", particularly from what he

understood they don't count for rows in the canopy ordinance and so there's some folks that want to be allowed to spread out a little bit more to be able to adjust to that requirement from the State and allow some flexibility, also with the new starts. As far as the rest of the ordinance, his understanding is that most of these were brought forth by request from the community to consider certain aspects of it. McHugh asked so the new definition of "canopy" matches what we believe the correct State definition is? Tippet responded well yes, his understanding is the Board has always kind of went to – we really want to follow the State on the canopy, but on "designated area", again it was a desire to keep cannabis cultivation consolidated into a particular area, so they said well we want you to have a "designated area" which is 250% more. McHugh said it actually goes beyond that, it's 250% and now they exclude all the post-harvest processing area out of that. Tippet responded the post-harvesting area, depending on the application, some of it takes large distribution or manufacturing, so that was part of that thought. McHugh said it's interesting, if this is largely input from the industry asking for some of these changes, that we've heard some requests time and time again from the other side and those don't seem to be creeping in. He said an example would be no license transfers in the Opt-Outs, we've heard that over and over again. He sees no stacking in Opt-Outs, but the transfer thing was not addressed. When we get to that point, he might have some discussion on that compromise as well.

Commissioner Matthews said he thinks it would be worth discussing whether or not we are going to treat each one of these topics individually or a combined discussion. He thinks our most affective discussions are when we are focused on a specific topic, other than trying to get information from a large audience on six or seven different topics. He recommends taking each topic separately even though it means multiple people are going to come up multiple times and probably increase the length of the meeting, he thinks the results would be more focused. Chair Hoard said it looks like we have consensus, we will treat each item individually; however, he does want to make clear that because security measures and the letter from Fish and Game was not presented in the staff report, we will omit these and discuss at a later time, as he doesn't want to jump into discussing items we have not had time to review or do research on, and focus on primarily the five items addressed from the Board of Supervisors. Commissioner Stewart said there are more than five that are in red, as long as we can have discussion on every single thing.

Chair Hoard asked the public to bear with us and reminded the public that each speaker is limited to three minutes, it's going to be a long meeting and asked them to be conscious of the time limitation.

### ***Increase Designated Area***

Chair Hoard opened the hearing to public comment on Increase Designation Area only.

Comments received from John Brower, Deidra Brower, Dave Albiez, Adrian Keyes, Justin Hawkins, Dan Davoudian, Liz McIntosh, Jake Grossman-Crist, Shawn Treanor and Tom Ballanco.

Chair closes public comment on this item.

Commissioner Stewart said she's going to go with the 250% and agrees that we need to remove the access areas, but she also feels that "designated area" really doesn't make a lot of sense. We went with "designated area" in the beginning, one of the arguments for it that she recalls is that it makes the area easier to measure and if the State already has a definition that works everywhere else, she doesn't see why we aren't using that same definition. What do we gain by being different than everywhere else.

Commissioner McHugh stated the issue of the State definition of canopy was raised as to whether it included indoor. He believes this applies to indoor, and canopy the description talks about the exterior external boundaries around the area of grow and it includes all the spaces within the boundaries, in other words the isles and all of that, unless he's reading it wrong, it seems to be fairly clear. He said he doesn't

know if that's what is meant by eliminating access area, it seems the canopy part does include the access to the plants in terms of isles. Commissioner Stewart said that's exactly the problem. McHugh said he's reading the State definition under canopy. Stewart responded that's not the State definition, that's our definition. McHugh asked Director Tippett if he could relate this to what the State definition is under canopy. Director Tippett responded no he could not. McHugh said so it's not only the designated area you're objecting to, it's the canopy definition you're objecting to? Commissioner Stewart responded yes, the canopy definition should be the State definition of canopy, there is no designated area in the State. McHugh asked what is the definition of canopy? Stewart said she could not quote it. She said it looks like there may be someone in the audience that has it. McHugh said it's in the ordinance, he's trying to find out what the term means; we can continue this to another meeting. John Brower from the audience said the updated definition of canopy in the draft ordinance is verbatim with the State definition and it doesn't include walkways or anything, it's only mature plant canopy. McHugh asked if this was Paragraph ff and read the definition of canopy from the draft ordinance. Mr. Brower said yes, but it's where you put a boundary, it's not to include walkways only around the plants, not walkways. McHugh said but you are measuring each box. Brower responded if you want that to be your boundary. McHugh asked Director Tippett if that was his understanding. Tippett responded yes, and one of the things expressed by the ad hoc was previous experiences in measuring boxes you might recall, we did that and were quickly sent back to go by area where you were growing individual plants, so that's one of the things that was mentioned at the ad hoc was they wanted to have a region in an area to measure. Commissioner Stewart said where they just have to go around the perimeter. Tippett said around the perimeter, but also that they were looking for, they wanted [inaudible] be consolidated and not spread around in a large area. McHugh said back to the definition of "designated area" where they exclude drying, processing and other post-harvest activities, is that your understanding of that was always meant by designated area? He said his understanding is designated area from early on they wanted, the ad hoc, the drafters of this, wanted to designate an area within which all cannabis activities occur. Tippett agreed, saying, that's his understanding, that was the initial call. McHugh asked is this a policy change your referring to, and now how do you apply term where things are growing, period, with the new canopy definition of the box dimension? So, the "designated area" was the box dimension and this is saying multiply that by two and a half. Tippett said his understanding was that it's still going to be contiguous area. Stewart said that's why it's 250%. Tippett agreed, saying the disturbed area where you put immature plants, it's where you put your access to your boxes or rows, the area it takes to cultivate 10,000 sq. ft. of canopy. Commissioner Stewart said the problem is the area it takes to cultivate 10,000 sq. ft. of canopy depends, not every grower does everything exactly the same way. Some people need more space around their plants, and in fact, it's her understanding that you can get away with less pesticides and all that kind of thing if you have a greater space, and if you make them be crowded, then we end up with more problems than if we just go with the State's canopy definition which does not require a designated area. She thinks we would be better off if we eliminated some of the problems that we have; it might be harder for the inspector to go out and measure just what the canopy is, but she doesn't see that as an issue, that's their job. Commissioner McHugh said that leaves him with the question, what's the purpose of the designated area? What issue was it addressing, if it was originally to contain all cannabis activity within a boundary, he understands that; if it's evolved to mean something, it's 250%, 2.5 times the, let's call it the canopy area, what goes on in that space, immature plants, what else? Tippett responded his understanding is designated area still rests with the original definition that you have, where activities in order to cultivate marijuana take place. McHugh said including the drying, processing and post-processing. Commissioner Stewart said no, it never was, it never included that. She said Commissioner Matthews and Commissioner Frasier were part of that, and we were willing to go with "designated area" because "designated area" included walkways and enough space to get a wheelbarrow through and things like that; it did not include a drying shed or anything like that. McHugh said okay, it's different though, you understand. Tippett said his understanding is like Commissioner Stewart's where essentially it migrated to; he thinks part of that thought was distribution and manufacturing items, if they were substantial size it would require a use permit. Tippett said also a lot of

the thought was the drying was going to take place inside a separate building.

Chair Hoard said in the interest of time we need to move forward. We need to either suggest to the Board of Supervisors we need to either default to the State definition canopy or eliminate “designated area” altogether, or approve or disapprove the increase from 200% to 250%; we can take some time and discuss fine points of definitions, but he thinks we need to move forward. Commissioner McHugh said he would suggest if it’s this unclear what the intent is, then either it gets deleted or they spell out what it means because it’s unclear. If we are going to use the term, it needs to spell out specifically what it means.

Commissioner Stewart asked counsel if we needed a motion.

Commissioner Frasier said on the dropping of “designated area,” he would feel more secure in just doing away with it if it’s tied into later on down the road and get through the fencing requirements, because if people have to fence their area, do we need to define how big of a fence they build or can we let them take in as much as they want to use and then use the State’s guidelines for canopy. He said to him anything inside their fence would be in the disturbed area requiring that resource, the Water Resource Board approval. We can tie some of this stuff together and delete some at the same time. He doesn’t think someone is going to fence in ten acres for a 10,000 sq. ft. grow.

Commissioner Stewart moved to eliminate “Designated Area” and go with the State’s definition of canopy. Motion died for lack of a second.

Chair Hoard said since there is so much lack of clarification on this, he would recommend we refer this specific item back to the Board of Supervisors for them to define clearly what “designated area” is and also provide us with the State definition of canopy, and if they want to adjust their own definition then provide both so we can compare and make a more educated decision. Commissioner Stewart agreed. Commissioner McHugh said we could do a little bit more on it, the Board is asking for our input and recommendation and we are saying no, you tell us what it means. He said let me try this, if the intention of “designated area” is to identify where the growing takes place, it sounds like the State has done that on canopy; it then begs the question, is there any other area that needs to be defined? There’s the disturbed area, there’s additional space. He’s trying to imagine why someone would want a designated space. Maybe the original intent was not to spread your plants over thirty acres and measure one box at a time and come up with 10,000 sq. ft. Commissioner Stewart said that’s exactly what it was, they didn’t want to have to, they wanted a clearly defined, easily measured area that they could then do math and be done and over with. Commissioner Matthews said he didn’t think it was quite that simple. He said they took into account some environmental issues, they wanted to focus the cultivation area within some boundary so that there wasn’t more disturbance. He said he doesn’t think that’s the whole reason because as we heard from John Brower, when grows were originally proposed it was to put a constraint on how much area would be disturbed. He said that’s his concern, if you remove “designated area” then you can spread out more, sure maybe there’s additional cost from the Regional Board because it’s all considered disturbed area now, he doesn’t know. Commissioner Frasier said one of the concerns he has with removing it, without having a defined place that the grow is going to take place in, how then do we decide what neighbors need to be notified, how do we determine if somebody is required a variance if they never had to show where they are going to put their grow as a defined box it’s going in, then they get their license and they spread out and then they are within 350-feet of their neighbor and then the County comes in to inspect and says now you are required a variance. It is a cleaner, neater package if we know where it is going to go; it’s not it’s on this property, it needs to be in this place. Stewart said but when they submit their license application they have to show where their garden is going to be, they have an area, but it’s not constrained by the “designated area”. McHugh said but in the absence of the “designated area, the concept, the map could show it spread over thirty acres and the director would have

no authority to say no you can't do that. This gives them the authority to say it's some kind of area that you have to do the growing in. He said we did hear a compromise recommended two or three times which was go with the 250% and delete access area, and we could still push back to the Board and say we would recommend something like that and please clarify what you really want "designated area" to mean, and if it's not the way whatever conclusion or consensus we meet tonight, let's kick it back to us with a better definition, but if it's to constrain it from the thirty acre problem and 250% works for a number out here without access areas, they would have to compromise... it goes back into a working document. Chair Hoard said he was okay with that. Commissioner Stewart said so what you are suggesting is we go with the 250%, but remove access area. McHugh said for instance. Commissioner Matthews said and what's the definition of access area, are we talking about all the space between the boxes. McHugh said that's another one of those terms that could be all over the map, it either gets defined or we kick it out of there, he's suggesting we kick it out of there. Matthews said if you exclude it, why do you need "designated area".

Director Tippett said he wanted to point out one other thing, part of the original "designated area" was also [inaudible] it will kick you over into a higher water quality permit and he thinks that was also part of it. McHugh said it was tied to the "designated area" not the canopy. He asked if we have consensus. Commissioner Frasier responded no, he would be okay with going with just 250% until we have a better definition of some of these others, like access area. If we say 250% excluding access area, that would say that your site would be 250% of... Matthews said of your 10,000 sq. ft. canopy, 25,000 sq. ft. Frasier said but then if you take out all of the access area how would the County ever determine how big that was going to be; access area could be measured as this two feet between planter boxes doesn't count, and you have 10,000 sq. ft. of canopy and then that would give you 15,000 sq. ft. of immature plants and as much room between them that you wanted, if we exclude access area, so 25,000 sq. ft. could take up four acres and he doesn't think that was the intent of putting a limit on it, at that point you might as well do away with it.

Director Tippett stated going back to "designated area" he will say it's meant to be the area in which you cultivate cannabis, the original idea was to have it centralized location and he believes that is really what the Board is looking for and essentially not have the area that you grow spread out all over the property as a whole. McHugh said the question is how do you define that, he agrees with the goal. You say it's 10,000 sq. ft. of canopy and the magic number is 250% so its... the "designated area" shall not exceed 25,000 sq. ft. of which 10,000 is canopy; how do you allow the rest of the 15,000 to be used, do you have to put it box to box, do you put a fence around it and if you exclude the access areas, 25,000 doesn't include the isles, canopy doesn't include the isles, but the 25,000 doesn't either. Commissioner Frasier said if you exclude the access area [inaudible] so then there would be no limit to the size of 25,000 sq. ft. [inaudible] a definable space.

Commissioner McHugh asked do we have consensus then that it's a useful concept to limit the activities on the property to a cannabis area, the growing stuff, not the processing? So, the concept sounds like it's useful, 10,000 sq. ft. of canopy as defined by the State and then you get another 15,000 sq. ft. to use in the "designated area", that cannabis growing area, how do you put a box around it, that's the question? Director Tippett said when Commissioner Frasier mentioned fencing, he went back and looked at the requirements for fencing. He directed the Commission's attention to Page 35, Item (e) at the bottom of the page "Cannabis grown outdoors shall be contained within Wildlife Exclusionary Fencing that fully encloses the designated area". McHugh asked but does that say the canopy area needs to be fenced in, the area you are using to measure canopy has to be fenced in? Tippett responded designated area has to be fenced. He said it doesn't necessarily define "designated area" in size, but again it's back to what I believe the intent was, which was to have a consolidated area in which cultivation [inaudible]. He said that's why it's independent of the State regulations, it's kind of more a land use issue, but then again, it's something brought about [inaudible].

Commissioner Matthews said if this goes into effect, anybody renewing their license would then be allowed to use the new rules, right? Tippett responded right. Matthews said there could be a number of potential conflicts, he would think, with variances; we've had some very tight cultivation areas or designated areas on variances and people who didn't need variances if they have a bigger designated area or no designated area, it seems like there's going to be the potential for a lot of confusion and potential conflict with neighbors over the expanded cultivation area. Tippett said he's trying to recall if 350-foot is the setback from the canopy or the setback from designated area. Commissioners McHugh and Matthews both said designated area. Tippett said if it goes to 250 feet, that's a decision that the cultivator has to make. You know they still have to fall within or keep the designated area out of the 350-foot variance department, or they can choose to get a variance to encroach in that area; but yes, the 250-foot can provide an opportunity for people encroaching, if they do encroach, they have to address that through the variance process. But again, there's nothing said that you have to go to that. You might have a grower that comes back and says [inaudible].

Chair Hoard said we need to move on. Either we reach consensus, someone makes a motion or we tell the Board of Supervisors that due the lack of clarification we have no consensus on this particular item. Commissioner Stewart said we don't have consensus on using the State's definition of canopy, that's a given; do we have consensus to use the 250 without access? Commissioner Frasier said it's undefinable, you cannot define the area, if you can't define access area and say it's not required to include, you can't define the area, there's no limit to your access area. Commissioner McHugh said obviously we're stuck, and suggested writing down what we do think. Designated area sounds like a useful concept to limit where things happen on a large parcel or on a parcel; he's okay with not including the access area if we can figure out how to further limit it so we don't run into this problem where you place the plants 500 feet apart from each other because the space inside doesn't count and just line it with immature plants or something. So, "designated area" is a useful concept; we are using the State definition of canopy, but we're expanding that to say given that definition of canopy and how much square footage you're growing, there's going to be a "designated area" within that canopy must occur in the cultivation site, and we are struggling on how to designate that and meet their objective of integrated pest management. Commissioner Frasier said one thing we haven't asked is, can we reach consensus on the ad hoc's suggestion of 250%; just the 250%. A 10,000 sq. ft. grow would be allowed 25,000 sq. ft. of ground that they would have to contain their mature and immature plants in. McHugh asked if that was the right number. Frasier said it's already gone up from 150% to 200%. McHugh said based on input from the community to the ad hoc, so raising it is appropriate and what we are struggling with is how to define "designated area" and still meet the conditions. We are trying not to allow 10,000 sq. ft. of canopy into thirty acres. Tippett said as I have tried to point out, they are looking for the area where you have trees and grass and how much area is getting disturbed.

Commissioner Frasier moved to raise the "Designated Area" from 200% to 250% of canopy. He said that gives more room to work, but it also still leaves a definable space in which the County can do their inspections and we know what we are allowing. Seconded by Commissioner McHugh. Motion carried 4 to 1, with Commissioner Stewart voting Nay.

### ***Fencing Requirements***

Chair Hoard opened the hearing to public comment on Fencing Requirements only.

Comments received from Jake Grossman-Crist, Terry Mines, Adrian Keyes, Tom Ballanco, Justin Hawkins, Rory Sherrimarian and Darrel Davis.

Chair closes public comment on this item.

Commissioner Matthews said another tough one of definitions. There're definitely small parcels in small Rural Residential areas where people expect security; fences provide security, visual screening and exclude, animals; that was the intent from the very beginning, not just wildlife exclusionary fencing. Commissioner Frasier said the thing he remembers from the very beginning was security fencing; it started out as security fencing. He said it's the same reason in this ordinance it still says that an indoor grow must be contained in a locked building. It used to say your grow had to be contained in a locked fence, he doesn't know when it became wildlife exclusionary. Tippet responded this ordinance is where they are striking the word "locked". Frasier said if you don't have to have a lock on what was supposed to be security fence, at that point there is no reason to have a security fence. He said we spent a lot of hours at the High School Library discussing security and that was the compromise we came to was requiring security fencing around the grow. It's already involved to the point we listened to testimony from people that a security fence built with chicken wire isn't a security fence. He remembers personally stating the use of no-climb wire or chain-link; the 2 by 4 squares or smaller that you put your toe in and the reason was we had a lot of people outside of the industry who were concerned that we were going to have issues with High School kids and others trying to sneak into these gardens and then we would end up with conflicts between the grower and said individual. It wasn't about trying to protect deer from the marijuana or the grower from the deer, it was about trying to protect the people from going into these grows without authorization, so he doesn't know how we fix it at this point.

Chair Hoard said personally he believes security is the responsibility of each licensee. You don't have an ordinance that says lock your doors before you leave your house. Commissioner Frasier said but we do have a lot of ordinances, well maybe not Trinity County, but try to store a fire alarm in California, or try to store pesticides, rodenticides, paint, it's all regulated on how that stuff has to be contained; there is an issue with security. Chair Hoard said for clarification he was wondering if there was anything in the State law, but apparently it is not, it's strictly a County proposed. Frasier said what's the difference, in here it says indoor says fully enclosed in a secure structure, why would outdoor not need to be secured? He said he would have a hard time taking away the fencing requirement after the testimony we heard when this all started, that was one of the main concerns [inaudible]. Commissioner Matthews said he totally understands if you have a section, you don't need a fence; so, what would be the threshold for saying [inaudible] you don't have any risk of somebody coming three and a half miles up and going into your garden and creating a conflict, can it handle 20 acres? Is it 100 acres? How do we come up with a number on that if we were going to exclude the larger parcels? Tippet responded like Commissioner Matthews, he believes the intent was always for security [inaudible], but now he doesn't think there was that consideration. What do you do about the guy that owns 150 acres and that may be the way you can define it, that if you are in a 20-acre parcel and you are set back so many feet from the property line, then the fence can be a consideration.

Commissioner Stewart said most of her friends are conservative women and she has heard over and over again, who's idea were these damn fences, because they hate driving down the road and all they can see when they look off at the hills are the fences, they would rather see the green of the plants because it blends in with the mountains, they don't want to see the fences. Frasier said he can understand that fences are an eyesore, he also knows it's going to really be an issue with it, there's a 99.9% chance that it would never occur, but how many times have we heard, especially in Rural Residential, if we allow right out in the open, we've all been high school kids and know them, they are going to walk down the street and pick what they want. His concern is still with security, we've all read the letter from Fish and Wildlife, their biggest concern is with wildlife. His question is how did it become wildlife exclusionary fencing when it started out as security fencing. Tippet responded by removing the lock. Commissioner Matthews said we mean right now, before this amendment and how did chicken wire meet the requirement, that's absurd, that's not security. He said he doesn't know how that happened, but there's something really wrong we've gotten to that point. Commissioner Stewart said another argument



against fencing, her daughter lives in Oregon and on driving home the last time she visited, she was driving on a rural road and she saw a huge field of cannabis with no fence about ten feet off the road, and nobody was concerned in Oregon, so she doesn't see why we're so concerned here.

Chair Hoard said he agrees, he doesn't see any benefit to having a fence, again he thinks security should be each licensee's responsibility; the wildlife, we have heard multiple testimonies and actually the letter from Fish and Game says "Fencing designs should still be able to pass non-target species and avoiding entrapment, entanglement, and impalement hazards to all wildlife" and from what he's heard from testimony this is a common occurrence because of the fencing; not to mention the burden it on the folks having to do it. He's built many fences and it is not cheap and not easy, it's just an added burden he doesn't see the point of. He doesn't believe the wildlife exclusionary fencing carries any merit, from the beginning he has not thought fencing was a good idea, so he would like to see fencing removed altogether. McHugh said he would point out the original permanent ordinance called it wildlife exclusionary fencing, it didn't call it security fencing, it did say lockable gate, but it was wildlife, that hasn't changed.

Commissioner Matthews moved to leave Fencing Requirements unchanged, except we ask staff to actually require fences that are durable and will not trap animals. Seconded by Commissioner Frasier.

Commissioner McHugh asked does that mean what's presented here, i.e., no lockable gates? Frasier responded no, as exists right now. McHugh asked we are not accepting this change? Frasier responded correct.

Motion to leave Fencing Requirements unchanged carried 3 to 2, with Commissioners Stewart and Hoard voting Nay.

Commissioner Stewart asked if staff could clarify if the Commission is supposed to be voting on every item of change or just the items they recommended? She thought it was every item of change. Director Tippet responded he believes the residency is not land use and so the Board is deleting that discussion at the start. Stewart asked if they already made a decision? Tippet responded the ad hoc is [inaudible], that is his understanding. He said he could ask them to have the Commission consider it and he can bring that back to the ad hoc. Commissioner Stewart said we discussed residency in the original urgency ordinance.

Recesses 8:50 p.m., reconvenes 9:00 p.m.

### ***Multiple Licenses***

Chair Hoard said he is in favor of multiple licenses.

Commissioner Stewart moved to recommend multiple licenses up to 20,000 sq. ft. of canopy would require a Director's Use Permit and multiple licenses over 20,000 sq. ft. canopy would require a Conditional Use Permit.

Motion died for lack of a second.

Chair Hoard opened the item to public comment.

Comments received from Dan Davoudian, Terry Mines, Jake Grossman-Crist, Nicholas Holliday, Mike Herron, Jeff Ghidelia, John Brower, Liz McIntosh, Adrian Keyes, Christian Schaefer, Deidra Brower,

Lisa Wright, Justin Hawkins, Tom Ballanco, Bill Burton, Olivia Caccavo, Dave Albiez, Peter Guiterra and Rory Sharrimarran.

Chair closes public comment on the item.

Chair Hoard stated he is in favor of allowing multiple licenses, we all have environmental concerns about the amount of marijuana being grown in the county, but believes the setbacks are onerous and thinks they are excessive.

Commissioner Stewart said she agrees, even though she feels that stacking really benefits mainly people with deep pockets or who have large parcels of land, she can see a benefit even to the smaller farmer, if variances are allowed. She doesn't think, that given the topography, the fact that why should somebody who has eighteen acres, is bordered by public land and has the perfect grow site that is 158' from their property line, why should they be denied doing that simply because somebody thinks they shouldn't be allowed to apply for a variance. She said it makes no sense, she doesn't understand it.

Commissioner McHugh states that he thinks the Commission has heard a lot of good ideas. We've heard that perhaps we should focus on Ag zoning, the notion of focusing on Agricultural zoning for a larger multi-license scenario is an interesting one to talk about. He said he didn't make that up, he heard that. He heard one suggestion from Mrs. McIntosh that said change the setbacks from number of licenses to total canopy. If you start stacking and still end up under 10,000 sq. ft of canopy then maybe you don't need this. Say you have three licenses and still end up under 10,000 feet and you might not need a 400-foot setback. So, making that connection then we should look at setback sizes in Ag zoning, not Rural Residential, we could look there too, but I think introducing the zone factor into this is an interesting concept that wasn't in the proposal. He does have concerns about this in the CEQA, there was a comment about we are mid CEQA and he suspects this would require the CEQA team to take another look and perhaps relook at what they are doing; certainly, Fish and Game was all over the CEQA issue, as they have been consistently, with the issue of stacking. He has concerns about introducing, essentially an unlimited number of licenses, economics aside, in the absence of any CEQA study. It does end up at a maximum of an acre, so if we keep that limit on top, then essentially you are turning anybody into a Type-3 license holder. Perhaps what I do is get around the CEQA requirements for Type-2 licenses by getting a few Type-2 licenses [inaudible], so that area is murky to him and we're opening this up at that point; but CEQA aside, he's not against multiple licenses, but does think the setbacks could be fixed, this is not a good model. He's not opposed to allowing variances on them and doesn't really understand the no variance thing on this. It does introduce an opportunity for us to look at the setbacks on houses. He thinks we heard from a former supervisor that they made that number up as a compromise with the 350-foot, maybe it should be 1000 feet, it's certainly something we can consider, particularly maybe the number changes when multiple licenses are involved. He doesn't have an answer on that.

Commissioner Frasier suggested if we're going to determine size and setbacks differently, that we use the same square footage in (iii) that determines if you need a Director's Permit or a Conditional Use Permit. The first one it says 10,000 sq. ft. will not require a permit; any additional license resulting in combined total cultivation area of up to 30,000 sq. ft will require a Director's Use Permit, this would be your next setback; then anything resulting over 30,000 sq. ft will be your next setback. It would all be the same number instead of coming up with different numbers for the same thing. His biggest concern with the whole thing is the CEQA document, especially after reading through the stuff that Department of Fish and Wildlife is concerned about with CEQA. He thinks it's more than what we can address tonight. Commissioner McHugh asks Commissioner Frasier if he is suggesting that we continue the item. Frasier replies that we don't allow stacking of licenses until CEQA is done.

Director Tippett replies that the CEQA document that is being prepared by the consultant that we hired to analyze the cumulative impacts in the county; so, when you see these letters from Fish and Game they are thinking more in the sense of the county as a whole, other than individual sites. Yes, CEQA will have a big effect on the individual holders because they can tier off of it, but the true intent of the CEQA is to look at county cumulative impacts rather than the individual grow site. McHugh said that would be unreasonable. Frasier responded that he doesn't know how else you would... McHugh said we require CEQA for Type-3.

Commissioner McHugh asked Director Tippett if there is a project in which he needs CEQA, especially if he keeps building onto his project, then he will have to report cumulative impacts. Director Tippett responded that is correct. Counsel Larmour clarified that when the CEQA document is completed the cumulative effect for the grower can be tiered on to what the CEQA document for the County is and their only requirement would be their individual impact in their CEQA review. Commissioner McHugh stated that he thought that he agreed to that.

Commissioner Matthews stated he agrees with McHugh's suggestion that Ag parcels have much smaller setbacks. It makes sense to him, as we have run into problems with Rural Residential. If we allow dramatic intensification of cultivation we are going to run into a lot of conflicts; it's almost like they should all be evaluated based on neighbors and residences and vacant land. We've heard different situations and one size fits all doesn't make any sense at all. Right now, he doesn't have a proposal that would pull it all together, it's fairly complicated stuff if we are going to bring different zoning classifications that have different requirements.

Commissioner Stewart asked about suggesting to the Board of Supervisors that stacking be allowed, but that they look at tying the setback to zoning, and send it back to them. Commissioner Matthews asked if she meant sending it back to the ad hoc. Commissioner Stewart said yes. Chairman Hoard said he agrees that they need a better more thoughtful approach and to address specific zoning would be a more thoughtful approach. He said we could recommend the ad hoc committee revisit stacking and come up with a better approach. Commissioner McHugh stated he thought that would be shucking our responsibility.

Commissioner McHugh suggested a workshop, so we can have a more open forum with open dialogue on this and other issues that are in here. We often hear criticism that there isn't enough public input in this process and he would like to see that fixed.

A member of the public said if this doesn't happen now, we can't get our State license. If it doesn't happen now, we're talking about revisiting this in a year because of State licensing, and there is a guideline for us to look at, it's called State Cultivation Guidelines.

Commissioner Stewart suggested we allow multiple licenses and we keep setbacks like they have here, but allow variances, but make the setbacks tied to canopy size, and use the 10,00 sq. ft, up to 30,000 and over 30,000. Chairman Hoard asked her to repeat the last part. Commissioner Stewart said that instead of having the setback tied to the number of licenses, have the setback tied to the amount of canopy. Chairman Hoard said so essentially two licenses would equal 20,000 sq. ft and three licenses would equal 30,000 sq. ft. Stewart said yes and that variances have to be allowed.

Commissioner Frasier said he thinks that in our haste to get something done in a timely manner, we've come with a lot of problems, especially with variances. We would be much better off in taking a little more time and come up with something that works, rather than something that needs to be amended again next month, and requires a variance every two weeks or multiple variances every two weeks that we have to hear. It would be nice to actually do the work and come up with a document that works for

the industry and the County that can be enforceable and understandable. He doesn't think what we have here works very well, these random setbacks that make no sense. He would be in favor of getting rid of the setbacks all together with the stacking of licenses and use the same setbacks as any other license type, or put stacked licenses in Ag areas. You know we don't want stacked licenses with someone that happens to have 20 acres of Rural Residential surrounded by a subdivision, we don't want them to stack until they have an acre, but somebody who's out of town and has 40 acres of Ag land shouldn't have to be 500 feet from a property line and have to build a new road to get there. He doesn't think that works, it needs to be tied to zoning.

Commissioner Stewart said she has two issues. One is that there are some large Rural Residential properties that do not have subdivisions right next to them and those people should be allowed to do stacking as well. If you have 80 acres of Rural Residential property and your next-door neighbor has eighty or a hundred acres, you should be able to stack licenses. The other thing is that these people have been holding on and she's made this point before, that people need to earn a living and we need to make it possible for them to earn a living.

Commissioner Matthews said if you want it tied to zoning, then the people with those large Rural Residential parcels should rezone it to Ag if it's appropriate. Stewart said that takes a long time, they're not going to be stacking any time soon and they will be moving out, we will have more restaurants closing and she won't have anywhere to buy hardware. Commissioner Frasier said it's not our concern to see that everyone succeeds in business. Commissioner Stewart said it is our concern, she has enough people making enough money in her town that she can go to a restaurant, she can go to a store and buy food and not have to buy it from Amazon, that she can go hardware or feed store and not have them closed. Frasier said that still does not mean that we have to envision every possible way that somebody could go out of business and fix it, we can't do it, it's impossible. He said what we have to try to do is come up with something that works. Stewart said the Board of Supervisors and this County have been putting people off for years. Frasier said this is the first time he's heard about stacking licenses at the Planning Commission.

With various comments coming from the audience, Chairman Hoard calls for order.

Commissioner Stewart stated she made a suggestion and asked if anyone like it. Chairman Hoard said that we have discussed that the setbacks are excessive, and asked if would there be any interest from other members to reduce these setbacks, to come to a compromise and allow variances; by reducing the setbacks we would minimize or tailor back the number of variances needed and bring it under more manageable numbers per say. He understands the interest of moving this forward to provide for State licenses, but he also understands we are here today because a more thoughtful approach to our cannabis ordinance has not been initiated, so we are having to revisit these issues and these amendments over and over. He said he would be in favor to, instead of two licenses as Commissioner Stewart said, 20,000 sq. ft., three licenses 30,000 sq. ft, and reducing those setbacks to say for 20,000 sq. ft. instead of 350 feet to 200 feet from the property line. Commissioner Frasier asked how will we come up with the right number. Commissioner Stewart responded the same way as everyone else has, just pull it out of your head. Frasier said there needs to be a point at which we stop pulling new numbers out of our head and start saying use setbacks that are already in code, or at the same time, we need to put Ag in Ag, completely get rid of setbacks and tie the stacking of licenses to what we heard in public comment, Ag land. He thinks that would be the best way to address it, get rid of it, get rid of all of these setbacks, allow stacking of licenses, put it on Ag, Ag Preserve and Ag Forest. He said we cannot address every parcel in Trinity County. Commissioner Matthews said he thinks a comment from public is right, in the sense that there are inappropriately zoned Ag parcels probably. Stewart responded that there are also appropriately zoned other parcels. Matthews said then everyone should come in for a Use Permit and we'll evaluate the impacts site specifically and figure out the setbacks that are appropriate for your

situation. Frasier said that would be a simple way to address it and anyone that wants multiple licenses, they can come in for a Conditional Use Permit. Commissioner Stewart said this is a way to move this forward.

Chairman Hoard asked what about the setbacks, in order to move on with the Conditional Use Permit we need to have a threshold. Frasier said if we say “the licensee may possess more than one cultivation license” and then just strike everything until it says “will require a Conditional Use Permit”. Matthews said we all agree there are so many different circumstances that we cannot draft a rule that will work for everyone. Frasier responded there comes a point where we don’t need to try to craft a rule that will work for everybody, we need to craft a rule that works. Matthews said the rule is that they have to get a permit and we’ll evaluate all the impacts and make a decision based on that, and if they don’t like our decision, they can appeal it to the Board. Commissioner Stewart asked if he was making a motion.

Commissioner McHugh asked what standards would we apply to a Conditional Use Permit? When the next person that comes in and applies for a Conditional Use Permit, how do you even evaluate the situation like this, none of this exists, none of these standards exists, you’re going to make up each time. Chair Hoard asked if Type 3 is defined in our ordinance, there’s nothing related to fees either? There’s no reference to Type 3. Discussion amongst Commissioners inaudible due to noise from audience. Director Tippett responded Type 3 is defined on Page 31, Section 3 Application Requirements, (a)i.4.a Medium. He read “Medium Outdoor” is an outdoor cultivation site between 10,001 and one (1) acre to total canopy.”

Chair Hoard said why don’t we set a threshold, anything above 20,000 sq. ft. would require a Conditional Use Permit. Commissioner McHugh said we already have that section. Chair Hoard asked what do you do between 10,000 and 20,000 sq. ft.? Commissioner Frasier said how is the Director going to issue a permit if we don’t come up with something besides cultivation sites? Director Tippett advised the difference between a Director’s Use Permit and a Conditional Use Permit is a Director’s Use Permit is done with the intention of circulating the application to the neighbors and to other agencies in there so that you can receive comments back; it’s not meant to go through the full-blown environmental process like a Use Permit, and when we get that information back usually what we look for is not controversy. If he gets something back that has a lot of controversy to it, he believes what the Commission would task him with is to go through and look at things that are not controversial, but if he got a lot of comments that are controversial, he would screen them back to the Commission. He said to keep in mind also, all of his decisions are appealable to the Planning Commission, so there are processes in place.

Commissioner Stewart said so we could say that we would allow multiple licenses of canopy up to 20,000 sq. ft. with a Director’s Use Permit and over 20,000 sq. ft. would require a Conditional Use Permit. Tippett responded yes, he would have to find exactly where it says it but, they already do that in there, he believes it’s 30,000. Commissioner McHugh said it’s in the same section. Commissioner Stewart said it’s iii. She said there’s not Use Permit for up to 10,000, and it’s “up to 30,000 will require a Director’s Use Permit and over 30,000 would be a Conditional Use Permit” is what it says here. Commissioner McHugh said that first license up to 10,000 sq. ft., does that mean the first stacked license, your second license in fact? Tippett responded no, it’s essentially a Type 2 license. McHugh said so if you just go out and get a Type 2 license, you don’t need a permit? That’s the way it is today, so this is just being redundant. Stewart said but we can apply the same rules for stacking. Tippett responded you could say, you could stack two licenses up to 10,000 feet if they are a small cottage or something like that, but you would have to revise the wording.

Commissioner Stewart moved that multiple licenses up to 20,000 sq. ft. of canopy would require a Director’s Use Permit, multiple licenses over 20,000 sq. ft. of canopy would require a Conditional Use

Permit.

Chair Hoard said he agrees with that, but the issue is, are the standards onto which those conditions get adhered. He believes we need some sort of setback. Commissioner Stewart said she thinks we don't use a setback, that we send out the notices and we see if people object to it, then we look at their objections and we look at it on a case by case basis, if there are no objections then we allow it to go forward.

Motion of Commissioner Stewart died for lack of a second.

Chair Hoard said maybe we recommend to the ad hoc committee to revisit this specific item of stacking and try to come up with a more comprehensive approach, we've thrown ideas out there, but it's complex. Perhaps a more thorough analysis of the specific zoning and how setbacks would tie into those; personally, he doesn't see how we can move forward. Commissioner McHugh suggested doing it in the context of a workshop.

Chair Hoard calls for order from the audience. He said he understands their frustration, but from our standpoint... Counsel Larmour suggests continuing the meeting.

Chair Hoard said his suggestion is we continue the item for another time and recommend to the ad hoc committee that they either come up with another solution or another approach to this; and he likes Commissioner McHugh's idea of a workshop, something so we can explore this more in depth. He said he understands time concerns for different folks; however, it is clear to everyone that we are not able to [inaudible].

John Brower from the audience asked for a point of order. He said the one thing he thinks the Commission does have consensus on is the making available variances. Chair Hoard thanked him and said he does agree with that. One thing he thinks we have consensus on is recommending to the ad hoc committee reintroducing the possibility of variances, making it a level playing field for everyone, regardless of setbacks, they would have an opportunity to come here, present their case, and have a matter resolved, and not just a one size fits all. So, we would like to see variances reintroduced or recommended to the ad hoc. Commissioner Stewart said she agrees. McHugh asked are we continuing this to our next meeting or are we sending it back? Director Tippet recommended continuing to the next meeting, we'd probably get some additional guidance from the ad hoc, but he really thinks what the ad hoc is looking for is for the Commission to make a recommendation.

Commissioner Frasier said before we continue this, he has a question for the Commission. He said how about we say multiple licenses will be allowed on Agriculture, Ag-Forest and Ag Preserve with no setbacks, except the setbacks called for in the particular zonings, and any other zoning will only be allowed with a Conditional Use Permit. Commissioner Stewart said she thinks that works. Commissioner Matthews asked if there would be a minimum acreage; we have five-acre Ag parcels and it seems like we might want to have an acreage constraint. Frasier responded he would also say if you have a five-acre Ag parcel, it's at least an Ag parcel.

Commissioner Frasier moved that multiple licenses be allowed on Agriculture, Ag Preserve and Ag-Forest, and strike the setback, and any other zoning would require a Conditional Use Permit.

Commissioner McHugh said it brings us back to that issue, or just narrows it, of the case of Conditional Use Permit, you have no standard. Frasier responded except basically that would give us the ability in Rural Residential to at least [inaudible]. If it's a huge parcel out a way, if there are fourteen houses that are only 360 feet away from the proposed grow area, that would be one to look at, like this is not a fix. He said he thinks we have a better opportunity to make it work at least. McHugh said he presumes

you're are still applying the dwelling setback, the 350-foot dwelling setback. Commissioner Frasier responded that's part of the initial license. McHugh said we keep saying no setbacks. Frasier responded no **new** setbacks for multiple licenses. Chair Hoard asked how about the standard setbacks for a Conditional Use Permit for Rural Residential and all these others? Frasier responded we have a residential setback. Hoard said then use that 350-foot residential setback from the nearest neighboring dwelling for [inaudible]. Commissioner Frasier said if it's good enough for 10,000 sq. ft. of canopy, you're not going to get another 10,000 sq. ft. any closer to your house. Chair Hoard said he was in favor of that.

Commissioner McHugh said in discussing the motion, there are other items in the multiple license paragraph, is that going to take a second motion? He said we have the legal parcel one, we have the no stacking in the Opt-Outs, we have the one-acre cap on stacked license, all these conditions are under this section, are those part of the motion? Frasier responded everything, except for the variance setbacks, which he said to strike. McHugh asked about permit requirements. Frasier responded Conditional Use Permit for those three types of Agriculture zoning. Matthews said any other zoning requires a Conditional Use Permit. McHugh asked regardless of size? Frasier responded in the affirmative. Chair Hoard asked in stacking are we still adhering to the 350 linear feet from neighboring dwelling, regardless? Frasier responded yes. Hoard said that's fine with him. Matthews said he thinks those numbers are probably going to have to go up. What's a neighbor that says okay he doesn't have to get a variance, but now he's doubling or tripling the grow area, how is that going to affect him? We are going to see more neighbors complain about these expanded areas and we're going to make a decision, if an additional setback from the residence is appropriate, given they're double or tripling the grow area. We're going to have to make that call.

Director Tippett stated he wanted to express that there is a lot of Unclassified out there. Some of this discussion about Ag would fall under the Unclassified family. His point is, he hears where the Commission is heading and suggested giving staff a little time to develop it and bring it back. Frasier said he didn't have a problem with bringing it back, but what he has a problem with is, he doesn't want to end up with something that's a wreck. Commissioner Matthews said he thinks it's fair if we move forward with this. McHugh said we are trying to cover the entire multiple license text and there's a bunch of stuff in here. Matthews said basically under (b) ii, would eliminate d, e, and f, and iii would go away also. McHugh asked are you saying in any of the Ags you can do any amount of stacking with no use permit? Commissioner Stewart responded yes. McHugh said in Section iii says when you hit 30,000 or more you need to have a Director's Use Permit and over 30,000 you need a CUP. Frasier said what he is saying is in Ag, you don't have to worry about setbacks, get rid of the setbacks. The Permit Requirements, he thinks we can just get rid of the setbacks and leave the permit requirements. Matthews said in Ag you would have a Director's Use Permit up to 30,000 sq. ft. and a CUP over 30,000. Frasier said or in Ag, Ag-Forest and Ag Preserve you can make it a Director's Use Permit up to one-acre. McHugh said you realize that is different than what Type 3 requires, if you just go out on your Ag and get a Type 3 today, you have to get a CUP, that's one-acre. Frasier responded there's all sorts of discrepancies between one piece and another. Matthews said it looks like we could leave iii in; basically, you're just getting rid of d, e and f, right? Frasier responded yes. Matthews said and you're including the three Ag zoning classifications and any other zone, of any size, requires a CUP. Commissioner Frasier said that would be like stacked licenses are allowed in Agriculture zoning and all this stuff, and then at the very end put "other zoning would require a use permit." He said he doesn't know how to craft that. McHugh said they can wordsmith it. Chair Hoard said he's fine with that. McHugh said there is a typo in here, number b.ii.b. references the wrong paragraph, it should be Section 5, paragraph v, not vi.

Chair Hoard asked Commissioner Frasier if his motion still stood. Matthews said he thinks we have consensus. Frasier asked if staff understood the consensus or did it want a motion. Counsel Larmour

asked does your motion intended to include the dwelling requirement as it relates to non-contiguous parcels? Frasier responded no he didn't get into that. Counsel Larmour said he just wanted to make sure we are covering the multiple licenses, and including the setbacks, but not moving beyond that to the dwelling requirement. Commissioner Stewart responded exactly.

Frasier said we are striking d, e and f, and allowing multiple licenses on Agriculture, Ag-Forest and Ag Preserve, and only with normal setbacks, and any other zoning would require a Conditional Use Permit.

Counsel Larmour said he just wanted to clarify, and asked by normal setback, you mean the required 350 feet. Frasier responded yes, and the zoning setbacks like from the roads, from streets and all that.

Commissioner Matthews seconded the motion. Motion carried unanimously.

Chair Hoard stated we will do the second part of Multiple Licenses, which includes dwelling requirements.

Commissioner Stewart asked if this is the one that Director Tippett said the ad hoc committee was talking about people being allowed to not have a legal premise if it's within a quarter of a mile? Tippett's response was inaudible due to noise from audience. Discussion amongst Commission was inaudible due to noise from audience. Commissioner Stewart said okay, have a security plan. Tippett said he thought they were looking for a definition of [inaudible]. Counsel Larmour said the current rule, he believes they have to be contiguous, not across the street or down the road. Commissioner Stewart said what we are being asked to look at is would we consider allowing them to not have a premise if they own a property within a quarter of a mile, or if they present a security plan. Counsel Larmour said the request is whether you are willing to deviate from what's currently in code and allow less restrictive means, which is: be within a quarter mile of the residence, owning both parcels, or having another security plan, whether you decide that needs to be on-site security or how that would be handled, and that is the request.

Chair Hoard said the whole security issue is not mentioned anywhere in the staff report. As he has stated before, he's happy to address what's in the report, but he doesn't think we should endeavor the security issue, because it was not presented and we haven't had time to review it. Director Tippett said he will bring this back to the ad hoc and revise it. Commissioner Matthews asked what about the quarter mile thing? Commissioner Stewart said it's not in there either. Tippett said he discussed with the ad hoc today [inaudible].

Chair Hoard said he did want to make another point, Ms. McIntosh brought up the fact that if you own a legal residence in Trinity County, but you own a parcel of land elsewhere, would that qualify as you being able to grow on that site? He said he thinks it's a valid point to consider, because you have a legal residence, you are part of the community and you are paying your taxes. He said so close proximity, let's just convert that to a quarter mile, apparently that's what the ad hoc recommended.

Counsel Larmour stated first of all, the clerk is not able to keep up with you guys, so there's not going to be an accurate record; secondly, he was just discussing with the clerk, there may be the possibility of setting another special meeting for us to try to discuss this, maybe with a little more robust issue laid out in a staff report. He thinks at this point, here at eleven o'clock, you should discuss possible dates to continue this to.

Commissioner Matthews asked if we want to try to finish these smaller ones. Commissioner Stewart said if there is only one remaining, and she would like to make a motion on it. Commissioner Frasier pointed out there are at least two, there's Trinity Waterworks District 1, there's restrict the use of variances on multiple... Commissioner McHugh said there's the lifetime variances. Chair Hoard stated he agrees with



counsel to continue, it's eleven o'clock. Stewart asked can we just do the Hayfork one, people have been waiting for this? Chair Hoard said he has no problem taking a vote.

Counsel Larmour said there's a couple of issues, number one he's not sure the recommendation being incomplete on the draft ordinance is going to move to the Board without the conclusion of the hearing anyway, so moving up your recommendation today is probably not going to move up the ordinance. Commissioner Stewart said if we don't finish them all. Counsel responded in the affirmative. Discussion ensued amongst the Commissioners about finishing. Chair Hoard stated as counsel says, we need to recommend the whole package and a partial is not really going to do the job, so he's in favor of continuing and finish with the remaining items.

Counsel Larmour said there's two issues, number one is he doesn't think they understand what he's saying. If we make recommendations, we are not going to amend the ordinance twice, so if you make partial recommendations today the ordinance is still going to wait until you complete your recommendations, we are not going to amend this ordinance twice in the time between the meetings. He thinks the most expedient way is to try to set another meeting in short order where you can finish this, at which point the ordinance can move forward.

Commissioner Matthews said or we choose not to address some of these things and make the recommendations that we're comfortable making and move forward with the rest. It's more important to the people here that we move forward with the ones we've already decided on and take care of the rest.

Commissioner Stewart said she understands that the Hayfork Opt-Out area is not important to anyone else on the Commission, but her. Other members of the Commission disagreed, and comments started coming from the audience once again. Counsel Larmour advised the Commission if you are going to lose control of the meeting, we are going to have to call it, because things don't go well that way. Chair Hoard thanked counsel and again asked the public to be patient and be quiet.

Chair Hoard stated the dwelling requirement we will set for another time and move on to the next item.

***Exclude Trinity County Waterworks District 1 and include Bucktail Subdivision***

Chair Hoard opened public comment on this item only and asked comments be brief.

Comments received from Lisa Barrow, Evan Barrow, Liz McIntosh and Justin Hawkins.

No further comments being received, Chair closes public comment.

Commissioner Stewart moved to exclude the Trinity County Waterworks District 1 from the Opt-Out area and include Bucktail Subdivision. Seconded by Commissioner McHugh.

Commissioner Matthews said he's not as supportive of putting Bucktail Subdivision in the Opt-Out without seeing a petition or something. It just says "upon request" so he would prefer to see it split himself.

Chair calls for vote on the motion presented. Motion carried 4 to 1 with Commissioner Matthews voting Nay.

***Restrict the use of Variances on sites with multiple licenses; Sites adjacent to Non-Recreational Public Lands, TPZ Lands and Open Space eligible for Lifetime Variance***

Commissioner Frasier said we already dealt with variances, but only the first half about variances on sites with multiple licenses. Commissioner Stewart said the other was for a lifetime variance. Chair Hoard said that's going to be a discussion for another time, we're not going to go through that tonight. He asked if there was consensus for the remaining items to be continued? Stewart said there's only the one. Counsel Larmour said technically you have the dwelling and the lifetime variance. Commissioner Frasier asked at this point do we want to make a recommendation to take what we have and run with it, or do you want to finish it? Chair Hoard asked Counsel how to proceed. Counsel Larmour said you can definitely make the recommendation, whether the Board is going to move forward with a partial or not, he can't tell that for sure, so you can make the recommendation and pass it on.

Motion of Commissioner Stewart to send motions that we've already made to the Board for its action in revising the ordinance. Seconded by Commissioner Matthews. Motion carried 4 to 1 with Commissioner McHugh voting Nay.

Chair Hoard asked if a continuance required a motion. Commissioner Matthews asked why do we need a continuance, we just chose not to address those? Aren't we allowed to do that? They are asking us for our recommendation and we're not making recommendations on those certain things. Chair Hoard said okay. Commissioner McHugh said well we haven't discussed it; the public had no opportunity to discuss it. Chair Hoard said he had no problem continuing and asked Commissioner McHugh if he wanted to make a motion.

Motion of Commissioner McHugh to continue the remaining items on this ordinance to a meeting soon to be held. Motion died for lack of a second.

Chair Hoard said I guess we have made our recommendation to the Board, so let's move forward.

**5. MATTERS FROM THE COMMISSION**

Chair Hoard stated for the November 8<sup>th</sup> meeting we are going to address the Mountain Communities Healthcare District modular buildings and asked if anyone would be representing that entity. Director Tippett responded the applicant is invited. Chair Hoard asked if they were going to suggest any proposals or alternatives, this is moving forward very quickly and the public really wants some answers. He said it's not like they are going to tear the buildings down, but would like to see some solution or alternatives that have been taken place already. Tippett said they have presented a solution, they can present it to you and you can evaluate it [inaudible] alternative you can take into consideration. Chair Hoard said he just wanted to clarify that.

**6. MATTERS FROM STAFF – None.**

**7. ADJOURN**

The Chair adjourned the meeting at 11:07 p.m.