

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting

July 11, 2019 at 7:00 p.m.

Trinity County Library Meeting Room,

MINUTES

1. CALL TO ORDER

Chair McHugh called the meeting to order at 7:00 p.m. Members present: Dan Frasier, Diana Stewart, Richard Hoard, Graham Matthews and Mike McHugh. Staff present: Director of Building & Planning Kim Hunter, Deputy Director of Planning Leslie Hubbard, Deputy County Counsel Amanda Uhrhammer, Associate Planner Bella Hedtke, Administrative Coordinator Mary Beth Brinkley and Clerk Ruth Hanover.

Chair McHugh announced we will switch Agenda Items 4 and 5, hearing Item 5 first.

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 Justin Hawkins and Terry Mines.

3. MINUTES – None.

OLD BUSINESS – None.

NEW BUSINESS

5. VARIANCE FROM REQUIRED 500' COMMERCIAL CANNABIS SETBACK CCV-18-39

Public Hearing: Request for “initial annual variance” from the required **500'** cannabis cultivation setback to allow a Type 3 commercial cannabis cultivation site to be closer than the required **500'** setback from an adjacent property line [Trinity County Code 17.43.050.A.8], located at 610 Kaut Road, Burnt Ranch. APN 008-210-10-00. Applicant: Holliday.

Associate Planner Bella Hedtke presented the staff report. Staff is recommending approval.

Chair McHugh opened the matter for public comment.

Comments received from Consultant Deidra Brower, Applicant Nicholas Holliday, John Brower, Justin Hawkins, Tom Ballanco and an unidentified man.

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

By motion made, seconded (Stewart/Hoard), and carried by a 4 to 1 vote with McHugh opposing, the Planning Commission approved the Commercial Cannabis Variance Application (CCV-2018-39) in order to allow the reduction of the commercial cannabis cultivation setback provision outlined in Trinity County Code 17.43.050.A.8. for a Type 3 Commercial Cannabis License from 500 ft. to 200 ft., subject to Findings of Fact 1 through 5 and Conditions of Approval 1 through 6.

Commissioner Frasier commented that with a letter of support from the affected property owner, it makes

it a little easier to grant a variance.

4. **PROPOSED REZONE, MITIGATED NEG. DEC. AND CANNABIS CONDITIONAL USE PERMITS**

P-19-16

Public Hearing: Proposed Rezone from Agricultural District (A10) to Specific Unit Development (SUD), Mitigated Negative Declaration and Conditional Use Permit for Cannabis Manufacturing consistent with a Type 7 license, Cannabis Nursery operation under a Type 4 license consisting of approximately 4,600 square feet, and Cannabis Distribution facility consistent with a Type 11 license. Located at 3001 Morgan Hill Road, Hayfork. APN 017-430-49. Applicant: Valley of Plenty LLC (Davoudian). *(Continued from June 27, 2019)*

Deputy Director Hubbard presented the staff report. She stated we have the applicant's agent, Charlie Simpson, available by phone for any questions regarding the CEQA document. She said they put together a better set of guidelines for the SUD that was handed out before the meeting and they are like guidelines for other SUDs in the county. She reviewed the surrounding zoning, stating the SUD is combination of Ag uses and Industrial uses that are in that area. She said they didn't go for Industrial zoning of the parcel because access to the parcel is off Morgan Hill Road and the other Industrial parcels are accessed off Highway 3; it didn't seem appropriate to have long-term Industrial uses being accessed off Morgan Hill Road vs. Highway 3.

Chair McHugh stated it was a thorough CEQA document. Commissioner Hoard said the formatting from the package we received last time is different and asked if there were any additional changes other than the format? Ms. Hubbard responded as stated in the staff report, she didn't want to include everything in the staff report as a copy, there was one change, we included for convenience, the description from the Zoning Ordinance of SUD, but that was the only change. There were no different evaluations.

Chair McHugh said his question is on the Industrial parcel to the west, that the creek runs through, and asked does that also only have access from Highway 3? Hubbard responded as far as she knows it does, but the applicant could speak to that as he's more familiar with that parcel.

Chair McHugh opened public comment on the item.

Applicant Daniel Davoudian responded that parcel was originally a compound of parcels that comprises the now defunct SPI Mill in Hayfork. That property was accessed from Highway 3 over a bridge, that is now removed, that goes over Hayfork Creek; so you would have needed to drive into the mill and access that bridge that again, is no longer there, so essentially that side of Parcel 17 being on the same side of the creek as his parcel, is for all effects and purposes landlocked inside his parcel.

Chair McHugh asked about the other portion on the west side? Davioudian responded it is accessed by Highway 3. McHugh asked with its own encroachment, not through the mill? Davoudian responded it is through the mill, it is on the back end of the mill and used as the mill dump, and is entirely in the floodplain.

Comments in support of project received from Jenny Mitz, Matt Hawkins, an unidentified man, Matt Swanson and Justin Hawkins. Mr. Hawkins questioned use of the processing building and existing greenhouse

Mr. Davoudian explained that it goes on to discuss in the EIR how the greenhouse Mr. Hawkins is so concerned about and the process of building that he is so concerned about being inside that 100-foot setback, which have been permitted structures since 2014, once the scope of work is approved, will be decommissioned and used as normal agriculture buildings; what is currently the processing building will

become his auto shop and the greenhouse that is near the 100-foot floodway will be decommissioned and used for growing his wife's vegetable garden, so agricultural uses at his property are not uncommon and the greenhouse that is now sitting empty will be used to grow food. He just wanted to clarify that for the Commission.

Chair McHugh asked staff do the SUD Guidelines address the 150-foot, this commitment that those things won't be cannabis operations within 150 feet? Ms. Hubbard responded the guidelines require that all cannabis [inaudible] are in compliance with the regulations that allow them.

Commissioner Stewart divulged that she did pick up her Initial Study from Mr. Davoudian at his property and he offered to give her a tour of his property, which she took him up on, and saw the entire thing, went through every single building. She just wanted make sure the Commission knew that.

Ms. Hubbard said to get back to your question, in the Guidelines on the second page in Section 2 in the second paragraph, it says cannabis uses are subject to State and County license requirements.

Chair McHugh said he wanted to talk about the SUDs. He said the argument against Industrial zoning that he heard was traffic. Hubbard responded primarily. Chair McHugh said that's the only one he heard. He said most of the SUD zoning that we've seen is a multi-parcel situation where you want to do development across parcel boundaries, such as the Industrial Park, such as the one in Douglas City up on the hill above the rest stop. Those are multi-parcel SUDs and the idea of the SUD was to create a development that had multiple uses for the various parcels. In other areas, he thinks a very common example would be a mix of residential and commercial uses where there's no zone that really allows that sort of mix and so a SUD is put on the [inaudible]. Here we have a single parcel, all of the uses proposed fit within the Industrial zoning, it's right next door to traditional Industrial zoning; the argument of not rezoning it that he's heard is traffic on Morgan Hill Road. If Mr. Davoudian's project is wildly successful as we all hope it will be, that will have significant traffic on Morgan Hill, it will build up. As the distributor for Northern California that will build up and that could be significant traffic on Morgan Hill, so he is less swayed that traffic is the one reason not to just do Industrial zoning. He stated the other thing about SUD, particularly with the SUD development planning guidelines document which was extracted from the CEQA document, and thank you for doing that because a commission in the future that is trying to figure out what the heck this SUD is, will look to a document simply to figure it out. What this document says is this SUD is this project and this project only, and if this project, for whatever reason, ceases to operate, no one else can use this parcel for anything except for what this is, without a rezone at that time. So, it's really restrictive when an Industrial zone is a generalized zone for other uses that could be on that property down the road, without encumbering a sale, or encumbering anything in the future; activity at the parcel with this SUD Guideline, with this diagram layout is, if it's not this project, there is no use for that parcel without a rezone. He asked if that sounded accurate.

Planning Director Hunter responded yes and no. First of all, coming back to what may have been done for zoning, as it's written for SUD, it is very flexible, it doesn't really spell out what it's supposed to look like even with multi parcels, so in that respect, there's flexibility with SUD zoning even if [inaudible]. As far as the uses go, yes, they still could be used, but when you have a, sometimes it's plan development, in this case it's special unit development, you have to stay with that development only. So, if there's a certain area zoned for Industrial uses, a future buyer would have to use that [inaudible], so it still could be used, unless they want to rezone it a different way. Now with the mixture of zoning in the area, she thinks there are more reasons to consider SUD designation other than the traffic, it does allow for flexibility if you work around the zoning because there's kind of a mixture in that area. She thinks staff's recommendation is appropriate.

Chair McHugh said he's at a loss to understand the flexibility; these guidelines are applied to the parcel, they're very specific. These guidelines say it has to be this project with those three activities, subject to

the SUD, with the diagram, the layout and the plan, that's the way this parcel is to be used without a rezone. He said SUD in the Zoning Ordinance is very flexible, but once it's applied to a parcel the flexibility goes away, now it's committed to that project. Director Hunter responded that's a very good point. Chair McHugh stated he just wanted the applicant to know that's what happens to this parcel; it's tied up with the project and if you want to do something else with that parcel, you've got to rezone it. If it were Industrial, you could do anything the Industrial Zoning District allows. Director Hunter again stated that's a very good point.

On motion made and seconded (Stewart/Matthews) and carried 4 to 1 with Frasier opposing, the Planning Commission (1) adopts the findings that the Initial Study and Mitigated Negative Declaration are consistent with the California Environmental Quality Act ("CEQA") requirements, and adopt the ("MMRP") that provides sufficient mitigations to reduce impacts from the project to a less than significant level; (2) recommends to the Board of Supervisors that County Assessor's Parcel Number 017-430-49 be rezoned from Agriculture 10-acre minimum (A10) to Specific Unit Development (SUD) to allow for the manufacturing of cannabis products; (3) approve the Conditional Use Permit for development of a cannabis manufacturing facility, contingent upon the approval by the Board of Supervisors of the rezone of County Assessor's Parcel Number 017-430-49 from the A10 zoning designation to the SUD zoning designation, and subject to the conditions of approval for that use as provided in the Staff Report and of the County's Cannabis Ordinance; (4) approve the Conditional Use Permit for development of a Cannabis Distribution use, subject to the conditions of approval for that use as provided in the Staff Report and of the County's Cannabis Ordinance; and (5) approve the Conditional Use Permit for development of a Cannabis Nursery, subject to the conditions of approval for that use as provided in the Staff Report and of the County's Cannabis Ordinance.

Chair McHugh asked if Commissioner Stewart if the Commission might include development of SUD Development Planning Guidelines at the end of Item No 2, recommend to the Board if the rezone occurs to allow manufacturing cannabis project, subject to [inaudible].

Commissioner Stewart amended her motion to include after No. 2, with the addition of the SUD Development Plan Guidelines. Commissioner Matthews amended his second.

Commissioner Stewart stated she strongly feels that for the cannabis industry in the Hayfork and Hyampom area, that this is a very important item to approve; we desperately are in need of distribution and it certainly wouldn't hurt to have manufacturing and the jobs that will be provided by this project. She thinks it's really important and a good thing for the Hayfork area.

Chair asked for a roll call.

Commissioners Stewart, Matthews, Hoard and McHugh-Aye. Commissioner Frasier-Nay. Motion carried 4 to 1.

6. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK CCV-19-09

Public Hearing: Request for "initial annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Trinity County Code 17.43.050.A.8], located at 1948 Brady Road, Hayfork. APN 011-410-16-00. Applicant: K. Lau.

Associate Planner Hedtke presented the staff report. Staff is recommending approval.

Chair McHugh opened the matter for public comment.

Comments received from Consultant Anna Wright of FLOWRA and Justin Hawkins.

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

On motion made and seconded (Stewart/Hoard) and carried unanimously, the Planning Commission approves Commercial Cannabis Variance Application CCV-2019-09 that would allow the reduction of the commercial cannabis cultivation setback provision outlined in Trinity County Code 17.43.050.A.8. from 350 ft. to 279 ft. from the residential structure located on APN 011-410-17, subject to Findings of Fact 1 through 5 and Conditions of Approval 1 through 5, as stated in the staff report.

7. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK CCV-19-10

Public Hearing: Request for “initial annual variance” from the required 350’ cannabis cultivation setback from neighboring residential dwelling [Trinity County Code 17.43.050.A.8], located at 365 N. Salt Creek Road, Hayfork. APN 016-200-03-00. Applicant: Q. Hou (David).

Associate Planner Hedtke presented the staff report. Staff is recommending approval.

Chair McHugh asked if there is a residence on this parcel. Ms. Hedtke responded yes.

Chair McHugh opened the matter for public comment. No comments being received, Chair closed public comment period.

Commissioner Hoard stated he’s in favor of this project, the existing zoning is Agricultural, all the zoning adjacent to the applicant are zoned Agricultural as well and he thinks it’s a good fit.

On motion made and seconded (Stewart/Hoard) and carried unanimously, the Planning Commission approved Commercial Cannabis Variance Application CCV-2019-10) in order to allow the reduction of the commercial cannabis cultivation setback provision outlined in Trinity County Code 17.43.050.A.8. from 350 ft. to 280 ft. from the residence located on APN 016-200-02 and 135 ft. from the residence located on APN 016-200-04, subject to Findings of Fact 1 through 5 and Conditions of Approval 1 through 5.

9. MATTERS FROM THE COMMISSION – None.

10. MATTERS FROM STAFF

Deputy Director Hubbard introduced new Director of Building and Planning, Kim Hunter.

Ms. Hubbard stated we have big meetings coming up in the month of August, there’s the Draft EIR and Ordinance for cannabis on August 13th, 14th and 15th. Tentatively we are looking at the 13th for public comment, an evening meeting starting around 5 p.m. and we are anticipating they will be well attended meetings. Hubbard said she would be contacting the Commissioners when set.

Hubbard said we will have another meeting on July 25th and she’s not sure how we are looking for August 8th, but will be confirming that soon.

11. ADJOURN

The Chair adjourned the meeting at 8:07 p.m.