




TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
PLANNING DEPARTMENT
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

MEMORANDUM 3

DATE: Thursday, February 24, 2022

TO: Members of the Trinity County Planning Commission

FROM: Lisa Lozier, Interim Director Building & Planning 

SUBJECT: Agenda Item 2—Planning Commission Zoning Workshop Cannabis “Opt-Out”

Please find attached narrative and supporting documents submitted by K. Bell for Planning Commission review.

Corrections to the Planning Commission 2/24/2022 Item No. 2 Zoning Workshop Cannabis Opt Out Regulations Staff Report INTRODUCTION AND BACKGROUND Narrative

(PAGE 5)

LEWISTON OPT OUT URGENCY ORDINANCE Section

Paragraph 1:

- The opening statement *“On June 15, 2021, the Board adopted Ordinance No. 315-850 Ext 1...”* is inaccurate. Ordinance No. 315-850 was adopted on said date (as opposed to *Ext 1* noted in the Staff Report).

Reference Attachment A – BOS Minutes 2021-6-15 Meeting.pdf, Matter 6.9 (Legal Minutes from the Trinity County BOS Agendas and Minutes website, meeting 6-15-2021).

- The statement *“This Ordinance covers the Lewiston Opt Out Area shown in red on Figure 2”* is inaccurate. The area reflected in red on Figure 2 is the Lewiston Community Services District. The Lewiston Community Services District opt out area was adopted with Ordinance 315-823 in 2017

Reference [Trinity County Code of Ordinances Ordinance No. 315-823](#)

Paragraph 2:

- The date noted in statement *“the Board extended the Ordinance once on June 20, 2021 for 10 months and 15 days which will expire June 15, 2022...”* is inaccurate. The Board extended Ordinance No. 315-850 at the Special Meeting July 30, 2021.

Reference Attachment B – BOS Minutes 2021-7-30 Meeting.pdf, Matter 1.1 (Legal Minutes from the Trinity County BOS Agendas and Minutes website, meeting 7-30-2021).

- The language *“Lewiston Opt Our Area and”* pertains to the Lewiston Community Services District opt out area and should be removed from the statement reading *“Cultivation Regulations to incorporate the Lewiston Opt Out Area and Lewiston Expansion Opt Out Area...”*.

Paragraph 3:

- This paragraph in its entirety does not apply to the Lewiston Opt Out Urgency Ordinance as the language pertains to the Lewiston Community Services District opt out area defined in Ordinance 315-823.

Paragraph 4:

- The statement *“As shown in Figure 3, there are approximately four existing cultivation sites that have been licensed, or in the application process, operating within the Lewiston Expansion Opt Out Area”* is misleading. There are TWO licensed sites allowed to continue in a non-conforming use capacity within the Lewiston Expansion Opt Out Area. Although not officially noted in the 7/30/2021 Legal Minutes posted to the BOS Agendas and Minutes website, legal clarification of this issue was presented by County Counsel, Margaret Long, as well as noted in the motion made by Supervisor Groves.

Reference [BOS 7/30/2021 recorded meeting](#), commencing at approximately 55:00 (@55 minutes into recording time) and ending at approximately 1:02:00 (@1 hour, 2 minutes into recording time).

- Considering the information above, the statement *“Currently, only one of these operations has submitted an environmental checklist...”* should be readdressed to confirm whether or not this detail pertains to one of the TWO operations grandfathered into the Lewiston Expansion Opt Out Area (both of which are located on Coffin Rd).

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FIGURE 2: LEWISTON OPT OUT AREA

As with the paragraph noted on page 5 to be removed in its entirety, as should the referenced Figure 2. This illustration is not an element of the Lewiston Opt Out Expansion urgency ordinance.

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LEWISTON EXPANSION OPT OUT AREA Section

- The denoted license on Lewiston Rd (west of Dirt Rd) should be removed as it is not one of the TWO approved as a grandfathered/non-conforming use operation.
- The denoted license on Oak Ranch Rd should be removed as it is not one of the TWO approved as a grandfathered/non-conforming use operation.
- The denoted license north of Lewiston Rd (above Rebel Rd) should be removed as it is not within the Lewiston Expansion Opt Out Area. This license is within the Lewiston Community Services District.
- The second grandfathered/non-conforming use operation is missing from the map. It is located on Coffin Rd, slightly north of the existing license noted on Coffin Rd.

- The statement *“Only one is currently in environmental review”* should be readdressed to confirm whether or not this information pertains to one of the TWO operations approved as a grandfathered/non-conforming use within the Lewiston Expansion Opt Out Area (both of which are located on Coffin Rd).

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TABLE 6: LEWISTON OPT OUT AREA ZONING

As with the paragraph noted on page 5 and Figure 2 on page 6, Table 6 should be removed in its entirety. This information does not pertain to the Lewiston Opt Out Expansion urgency ordinance.

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COURT ORDERED SETTLEMENT AGREEMENT Section

The final sentence of this paragraph should be rewritten as follows: *“To date, there are no current licenses issued within the Rush Creak Estates or Lewiston Expansion Opt Out Area.”* (Remove *“Lewiston, and/or”* as this pertains to the Lewiston Community Services District Opt Out Area which is not part of this discussion).

APPEALS OF LICENSES WITHIN OPT OUTS Section

- Corrections to the Activity Pertaining to CCL-453 Appeals:

BOARD OF SUPERVISORS MEETING DATE: 04/20/2021

REQUEST: Appeal of Planning Commission Decision in item above.

OUTCOME: Upheld Planning Commission’s decision to deny appeal

The outcome as written is incorrect. There were numerous MOTIONS that failed, but the correct outcome reads as follows: *“Continued the appeal of the Planning Commission's decision to deny an appeal of the Planning Director's approval of Commercial Cannabis Cultivation License #453 on Assessor's Parcel Numbers 025-290-13 & 29 in the Lewiston area (Planning file P-20-31) to May 4th, 2021.”*

Reference Attachment C – BOS Minutes 2021-4-20 Meeting.pdf, Matter 5.5 (Legal Minutes from the Trinity County BOS Agendas and Minutes website, meeting 4-20-2021).

Missing from the CCL-453 topic area:

BOARD OF SUPERVISORS MEETING DATE: 05/04/2021

REQUEST: Continuation of the Appeal of the Planning Commission Decision in item above.

OUTCOME: Pulled from consideration the appeal of the Planning Commission's decision to deny an appeal of the Planning Director's approval of Commercial

Cannabis Cultivation License #453 on Assessor's Parcel Numbers 025-290-13 & 29 in the Lewiston area (Planning file P-20-31)

The item was pulled from consideration per a 5/3/2021 memo from Kim Hunter, Director of Planning & Planning, whereby the applicant requested approval be withdrawn pertaining to his cannabis cultivation license (CCL #453). As such, the Director withdrew her approval and deemed the appeal moot. Appeal filing fee was subsequently refunded to the Appellant.

Reference Attachment D - Kim Hunter Withdrawal Memo 2021-5-3.pdf
Reference Attachment E – BOS Minutes 2021-5-4 Meeting.pdf, Matter 6.3 (Legal Minutes from the Trinity County BOS Agendas and Minutes website, meeting 5-4-2021)

BOARD OF SUPERVISORS APPEAL FILED 5/14/2021
Appeal the Planning Director's Decision to Withdraw the Original Approval of CCL-453. Said appeal was further withdrawn 8/24/2021 post Ordinance 315-850 adoption and Planning Director ruling that CCL-453 was not grandfathered into the Lewiston Expansion Opt Out Area.

Reference Attachment F - Appeal Planning Director Withdrawal of Original Approval 2021-5-14.
Reference Attachment G - Request to Withdraw Appeal 2021-5-24.pdf.

- Corrections/Additions to the Activity Pertaining to CCL-691 Appeal:

Missing from the CCL-691 topic area:

PLANNING COMMISSION MEETING DATE: 9/10/2020, ITEM NO. 5 (P-20-28)
REQUEST: Appeal of Planning Director's decision to approve new Commercial Cannabis License 2020-491 (Lewiston)
OUTCOME: Continued to a date uncertain due to technical difficulties

Corrections to the CCL-691 topic:

PLANNING COMMISSION MEETING DATE: 10/8/2020, ITEM NO. 2 (P-20-28)
REQUEST: Appeal of Planning Director's decision to approve new Commercial Cannabis License 2020-491 (Lewiston)
OUTCOME: Per recommendation by County Counsel, Derek Cole, item tabled until CEQA studies could be conducted.
Post appeal, County deemed the appeal as moot. Appeal filing fee was subsequently refunded to the Appellant.

See Attachment H - PC Minutes 2020-9-10 Meeting.pdf
Attachment I – PC Minutes 2020-10-8 Meeting.pdf
Attachment J – Appellant Refund CCL-691.pdf

- Removal from Topic Area:

PLANNING COMMISSION MEETING DATE May 19, 2019, ITEM No. 4

The topic area paragraph APPEALS OF LICENSES WITHIN OPT OUTS states in the last sentence “...*following is a list of some of these appeals specific to the Lewiston and Rush Creek areas.*” The noted Planning Commission item pertains to a Weaverville appeal and should, therefore, be removed from this section as it does not pertain to either the Rush Creek or Lewiston Opt Out areas.

**TRINITY COUNTY
BOARD OF SUPERVISORS
Trinity County Library
Conference Room
351 Main Street
Weaverville, CA**

MEETING MINUTES

June 15, 2021

Chairman

Supervisor Jeremy Brown - District 4

Vice-Chairman

Supervisor Dan Frasier - District 5

Supervisor Keith Groves - District 1

Supervisor Jill Cox - District 2

Supervisor Liam Gogan - District 3

Richard Kuhns, Psy.D - County Administrative Officer / Clerk of the Board

Margaret E. Long - County Counsel

Emma Purvis - Deputy Clerk of the Board

The Trinity County Board of Supervisors welcomes you to its meetings which are regularly scheduled for the first and third Tuesday of each month, unless altered to accommodate a holiday, starting at 9:00 a.m. at 351 Main Street, Weaverville, California.

This Board Agenda contains a brief, general description of each item to be considered. Supporting documentation is available online at www.trinitycounty.org, at the County Administrative Office located at 11 Court Street, Room 230, Weaverville, CA, during normal business hours, and in the Public Packet at the rear of the Board Chambers during the meeting.

If you would like to receive notification via email that the agenda has been posted, please send your request to clerkoftheboard@trinitycounty.org.

Members of the public wishing to present documents to the Board of Supervisors during the meeting must submit ten (10) copies to the Deputy Clerk of the Board.

During the meeting the Trinity County Board of Supervisors may take action sitting as the Board of Supervisors and as the governing body of: The Trinity County Transportation Commission, the In-Home Supportive Services Authority, the Consolidated Transit Services Agency, the Trinity County Board of Equalization, the Trinity County Housing Authority and the Solid Waste Local Task Force.

In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify Emma Purvis at the County Administrative Office three (3) full business days prior to the meeting at (530) 623-1382 or clerkoftheboard@trinitycounty.org.

ZOOM INFORMATION

This meeting used Zoom due to the coronavirus (COVID-19).

Meeting called to order in open session at 9:00 AM

Pledge of Allegiance

Pledge led by Supervisor Liam Gogan.

9:00 AM Closed Session

- 1.1** Government Code Section 54954.5(c) - Conference with Legal Counsel - Existing Litigation
No. of Cases: One

Gund et al. v. County of Trinity et al (Trinity County Superior Court Case No. 11CV080), (California Supreme Court Appeal No. C076828 3rd District), (Federal Case No: USDC, EDCA Case No. 2:13-cv-00452-TLN-CMK)

No reportable action taken.

Public Comment

Received public comment from Lisa Wright, Tom Ballanko, and Tammy Brazil.

Presentations

Clerk of the Board

- 2.1** Received a presentation from Trinity High School's Friday Night Live regarding the youth vaping epidemic in Trinity County.

Received comments from Brandon Dunlap, Cora Barber, Eadon Auston, and Austin Manybanseng.

Consent Calendar

Auditor/Controller

3.1 *This item was pulled from consent and considered separately.*

Approved amendment number three to the agreement with Larry Olsen extending the term to June 30, 2024 and increasing the maximum cost to \$23,000 per month to provide public defender services.

Received comments from Assistant Auditor/Controller Christine Gaffney.

Motion: Jill Cox **Second:** Keith Groves **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.2 *This item was pulled from consent and considered separately.*

Approved amendment number four to the agreement with Kenneth Allan Miller, extending the contract to June 30, 2024 and increasing the maximum cost to \$23,000 per month.

Received comments from Assistant Auditor/Controller Christine Gaffney.

Motion: Jill Cox **Second:** Liam Gogan **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Behavioral Health Services

3.3 Approved an agreement with Rachaya Unnankas Hall to provide fiscal consulting and Quality Assurance Data Review for Trinity County Behavioral Health (TCBHS).

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.4 Approved an agreement with Kings View to provide Telepsychiatry services to Trinity County Behavioral Health Services clients.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.5 Approved an agreement with Vista Pacifica to provide residential long-term care and rehabilitative services to Trinity County residents in accordance with State and Federal Law.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Clerk of the Board

3.6 Approved an agreement with Northern California EMS, INC to provide EMS services to Trinity County.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.7 Approved the regular meeting minutes of May 4, 2021, and May 18, 2021, and the special meeting minutes of May 14, 2021 as submitted by the Deputy Clerk.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.8 Adopted Resolution No. 2021-060 which confirms the continuance of a Local Emergency in the County of Trinity due to the novel coronavirus known as COVID-19.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.9 Adopted Resolution No. 2021-061 which confirms the continuance of a Local Emergency in the County of Trinity due to wildfires.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.10 Adopted Resolution No. 2021-062 which confirms the continuance of a Local Health Emergency in the County of Trinity due to debris and air quality concerns created by the wildfires.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.11 Adopted Resolution No. 2021-063 which confirms the continuance of a Local Health Emergency in the County of Trinity due to the novel coronavirus known as COVID-19.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

General Services

3.12 *This item was pulled from consent and considered separately.*

Approved amendment number one to the agreement with Hane's Flooring increasing the maximum cost by \$80,000 to remove and replace floor coverings in various County Facilities.

Received comments from County Administrative Officer Richard Kuhns and Director of Transportation Rick Tippet.

Motion: Keith Groves **Second:** Jeremy Brown **Carried**

Ayes: Brown, Frasier, Gogan, Groves

Nays: Cox

Health and Human Services

3.13 Approved amendment number one to the addendum with JUMP Technology Services, revising BOUNDS remittance order form to provide online In-Home Supportive Services (IHSS) Provider enrollment, registry, and orientation services via their BOUNDS IHSS Provider Portal to IHSS Public Authority offices.

Motion: Keith Groves **Second:** Dan Frasier **Carried**

Ayes: Brown, Cox, Frasier, Gogan, Groves

3.14 Approved an agreement with the California Department of Health Care Services for Trinity County to perform Medi-Cal Administrative Activities.

Motion: Keith Groves **Second:** Dan Frasier **Carried**

Ayes: Brown, Cox, Frasier, Gogan, Groves

Library

3.15 Approved a budget adjustment for Library - Dept. 6000 increasing revenues and Services & Supplies by \$7,700.

Motion: Keith Groves **Second:** Dan Frasier **Carried**

Ayes: Brown, Cox, Frasier, Gogan, Groves

Sheriff

3.16 Approved an agreement with Brim Equipment Leasing, Inc. dba Brim Aviation to provide helicopter services for marijuana related operations within Trinity County.

Motion: Keith Groves **Second:** Dan Frasier **Carried**

Ayes: Brown, Cox, Frasier, Gogan, Groves

3.17 Approved an agreement with California Department of Parks and Recreation, Division of Boating and Waterways to conduct boating safety and enforcement activities and adopted Resolution No. 2021-064 which authorizes the Sheriff to accept the FY 2021/2022 California Department of Parks and Waterways, Division of Boating and Waterways Financial Aid Program.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.18 Approved an agreement with Deirdre Amaro, M. D. to perform postmortem autopsies on an as needed basis.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Transportation

3.19 Approved a contract with the Human Response Network to administer the Transportation Assistance Program.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.20 *This item was pulled from consent and considered separately.*

Ratified the Road Commissioner's signature on the agreement with Pace Engineering, Inc. of Redding CA, to provide Right of Way delineation and survey services for the removal of hazard trees created by natural disasters, including the 2020 August Fire Complex.

Received comments from Director of Transportation Rick Tippett and County Administrative Officer Richard Kuhns.

Motion: Jill Cox **Second:** Liam Gogan **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.21 *This item was pulled from consent and considered separately.*

Ratified the Road Commissioner's signature on the agreement with Trinity Valley Consulting Engineers Inc., of Willow Creek CA to provide Right of Way delineation and survey services for the removal of hazard trees created by natural disasters, including the 2020 August Fire Complex.

Received comments from Director of Transportation Rick Tippett and County Administrative Officer Richard Kuhns.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Trinity County Transportation Commission

3.22 *This item was pulled from consent and considered separately.*

Adopted Resolution No. 2021-065 which allocates Local Transportation Funds (LTF) for FY 21/22 and adopted Resolution No. 2021-066 which allocates State Transit Assistance Funds (STA) for FY 21/22.

Received comments from Director of Transportation Rick Tippett.

Motion: Liam Gogan **Second:** Jeremy Brown **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

10:00 AM Public Hearings

Trinity County Transportation Commission

4.1 Conducted a public hearing regarding potential unmet transit needs that are reasonable to meet.

Received comments from Director of Transportation Rick Tippett.

Reports/Announcements

- 5.1** I. Received reports from Chief Probation Officer Ruby Fierro, Director of Transportation Rick Tippett, Director of Building and Planning Kim Hunter, Director of Health and Human Services Liz Hamilton, County Counsel Margaret Long, and Director of Human Resources Shelly Nelson.
II. Received report from County Administrative Officer Richard Kuhns.
III. Received reports from Members of the Board of Supervisors.

County Matters

Auditor/Controller

6.1 Approved a budget adjustment for County Audit - Dept. 1101 increasing Services & Supplies by \$1,825 and approved a budget adjustment for Contingency - Dept. 9901 decreasing provisions for contingency by \$1,825.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Groves

Abstain: Gogan

- 6.2** Approved a budget adjustment for Public Defender Realignment - Dept. 8501 increasing revenues and Transfers Out by \$1,914; and approved a budget adjustment for Public Defender - Dept. 2170 increasing Transfers In by \$1,914.

Motion: Jill Cox **Second:** Keith Groves **Carried**

Ayes: Brown, Cox, Frasier, Groves

Abstain: Gogan

Clerk of the Board

- 6.3** Waived provision 2C of the County Fee Waiver Policy, found that that the Weaverville Lions Club Fourth of July activities provides a public benefit and approved their application for waiver of County fees waiving General Services Lowden Park rental fees in the amount of \$691 and Solid Waste fees in the amount of \$832.

Received comments from County Administrative Officer Richard Kuhns.

Motion: Keith Groves **Second:** Dan Frasier **Carried**

Ayes: Brown, Cox, Frasier, Groves

Abstain: Gogan

County Administrative Office

- 6.4** Approved a budget adjustment for Probation Asset Seizure - Dept. 8594 increasing Transfers Out by \$7,420; approved a budget adjustment for Asset Seizure DA - Dept. 8588 increasing Transfers Out by \$7,610; approved a budget adjustment for District Attorney - Dept. 2100 increasing Transfers In by \$15,030 and Other Charges by \$24,895; and approved a budget adjustment for Contingency General Fund - Dept. 9901 decreasing provisions for contingency by \$9,867.

Motion: Jeremy Brown **Second:** Keith Groves **Carried**

Ayes: Brown, Cox, Gogan, Groves

Abstain: Frasier

- 6.5** Adopted Resolution No. 2021-067 which adopts the preliminary budget for FY 21/22, including Reserves, Enterprise Funds and dependent Special Districts in the amount of \$123,824,509.

Motion: Liam Gogan **Second:** Jeremy Brown **Carried**

Ayes: Brown, Cox, Gogan, Groves

Abstain: Frasier

Environmental Health

- 6.6** Authorized the Director of Environmental Health to apply to CalEPA to be the regulatory agency and to become the agency lead for the Trinity County California Unified Program Agency (CUPA).

Received comments from Environmental Health Director Kristy Anderson.

Motion: Jill Cox **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier

Recused: Keith Groves, Liam Gogan

Health and Human Services

- 6.7** Approved amendment number 4 to the agreement with Prentice Long, PC , increasing the monthly cost and changing all reference to Child Protective Services (CPS) to Child Welfare Services (CWS) to provide County Counsel Services.

Received comments from Director of Health and Human Services Liz Hamilton.

Motion: Keith Groves **Second:** Liam Gogan **Carried**
Ayes: Brown, Cox, Gogan, Groves
Abstain: Frasier

Human Resources

- 6.8** Pursuant to Trinity County Code Section 2.60.410(A) authorized hiring Candidate No. 00588/Employee ID No. 02399 as a Code Compliance Specialist I at Range G200 Step E in the Cannabis Department effective July 1, 2021.

Received comments from Director of Human Resources Shelly Nelson.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Gogan, Groves
Abstain: Frasier

Planning and Zoning

- 6.9** Considered introducing, waiving the reading of and enacting an Interim Urgency Ordinance imposing a temporary moratorium on the issuance of new or the transfer of existing Commercial Cannabis Cultivation Licenses in the Lewiston community area.

Received comments from Director of Building and Planning Kim Hunter, Matthew Jefferson, Rhoda Cain, Daniel Cucchi, Ric Leutwyler, Patrick Bertraneu, Adrien Keys, Sam Brinkley, Eddie Fernandez, Natalie Koehler, Heidi Miller, Ana Wright, Nancy Anderson, Lisa Wright, Laurie Wills, Kristel Bell, Tom Ballanko, Patrick Macnerera, Judi Nelson, Sue Leutwyler, Charles Bertraneu, and Environmental Health Director Kristy Anderson.

Deny an Interim Urgency Ordinance imposing a temporary moratorium on the issuance of new or the transfer of existing Commercial Cannabis Cultivation Licenses in the Lewiston community area.

Motion: Liam Gogan **Second:** Failed due to lack of a second

Introduced, waived the reading of and enacted Interim Urgency Ordinance No. 315-850 imposing a temporary moratorium on the issuance of new or the transfer of existing Commercial Cannabis Cultivation Licenses in the Lewiston community area with the revisions to Section 3.A reading, "During the term of this interim ordinance, no new Commercial Cannabis Cultivation Licenses shall be issued within the Lewiston Opt Out Extension area. Current Commercial Cannabis Cultivation Licensees within the Lewiston Opt Out Extension area can transfer their licenses to properties outside of the Lewiston Opt Out Extension area or to a new owner of thier legally licensed property within the Lewiston Opt Out Extension area, pursuant to County Code," and the change of any references of "Industrial Hemp" to "Commercial Cannabis".

Motion: Keith Groves **Second:** Jill Cox **Carried**

Ayes: Brown, Cox, Frasier, Gogan, Groves

Transportation

6.10 Adopted Resolution No. 2021-068 approving the FY 21/22 List of Projects/Work Plan for funding from the Road Maintenance and Rehabilitation Account (RMRA).

Received comments from Director of Transportation Rick Tippett.

Motion: Keith Groves **Second:** Liam Gogan **Carried**

Ayes: Brown, Cox, Frasier, Gogan, Groves

Closed Session

7.1 Government Code Section 54954.5(c) - Conference with Legal Counsel - Existing Litigation

No. of Cases: 2

Trinity Action Association, Inc. v County of Trinity, et al (Trinity County Superior Court Case No. 19CV001)

Wilhite v. Trinity County (Trinity County Superior Court Case No. 21CV054)

Direction was given to staff.

7.2 Government Code Section 54954.5(e) - Public Employee Evaluation: County Administrative Officer

Direction was given to staff.

Adjourn

TRINITY COUNTY BOARD OF SUPERVISORS

Jeremy Brown, Chairman
Board of Supervisors,
County of Trinity.
State of California

Attest:

Richard Kuhns, Psy.D
Clerk of the Board of Supervisors

By:

Deputy

**TRINITY COUNTY
BOARD OF SUPERVISORS
Trinity County Library
Conference Room
351 Main Street
Weaverville, CA**

**SPECIAL MEETING AGENDA
July 30, 2021**

**Chairman
Supervisor Jeremy Brown - District 4**

**Vice-Chairman
Supervisor Dan Frasier - District 5**

**Supervisor Keith Groves - District 1
Supervisor Jill Cox - District 2
Supervisor Liam Gogan - District 3**

**Richard Kuhns, Psy.D - County Administrative Officer / Clerk of the Board
Margaret E. Long - County Counsel
Emma Purvis - Deputy Clerk of the Board**

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In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify Emma Purvis at the County Administrative Office three (3) full business days prior to the meeting at (530) 623-1382 or clerkoftheboard@trinitycounty.org.

ZOOM INFORMATION

This meeting used Zoom due to the coronavirus (COVID-19).

Meeting called to order in open session at 10:00 AM

Pledge of Allegiance

Pledge led by Chairman Jeremy Brown.

10:00 AM Public Hearings

Planning and Zoning

1.1 Conducted a public hearing and introduced, waived the reading of and extended Urgency Ordinance (UO) 315-850 enacted on June 15, 2021, imposing a temporary moratorium on the issuance of new Commercial Cannabis Cultivation Licenses (CCCL) in, the transfer of existing CCCLs into, or the issuance of cannabis manufacturing licenses in, the Lewiston community area for 10 months and 15 days, clarification was provided that current CCCL in the opt-out area are prohibited from expanding their currently licensed cultivation site under this UO.

Received comments from Director of Building and Planning Kim Hunter, County Counsel Margaret Long, Paul Hauser, Tony Miller, Andy Walafield, Gale Ward, Kristel Bell, Jake Grossman-Crist, Lisa Wright, Tom Ballanco, Joan Carr, Ana Wright, Nancy Anderson, Laurie Wills, Daniel Cucchi, Candyce Thao, Heidi Miller, and Chriss Williams.

Motion: Keith Groves **Second:** Liam Gogan **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

County Matters

Planning and Zoning

2.1 Continued from July 20, 2021 the appeal hearing and modified the Planning Commission's decision to make a determination for a Mitigated Negative Declaration in accordance with the California Environmental Quality Act, approved a Conditional Use Permit for Trinity Equipment & Materials, LLC on Assessor's Parcel Number 024-220-56-00, and required the applicant indemnify the County from any grant funding requirements. (Project Applicant: Thomas Ballanco; Appellant: Citizens for Proper Community Planning).

Received comments from Director of Building and Planning Kim Hunter, County Counsel Margaret Long, Dana Ryan, Ana Wright, T Om Ballanco, Dick Morris, Dero Forslund, Tony Miller, Jake Grossman-Crist, Jenn Hill, John Brower, Chriss Williamson, Paul Hauser, Andy Johnson, and Jim Underwood.

Motion: Liam Gogan **Second:** Keith Groves **Carried**
Ayes: Frasier, Gogan, Groves
Nays: Cox
Recused: Brown

Deny the Planning Commission's decision to make a determination for a Mitigated Negative Declaration in accordance with the California Environmental Quality Act, and approve a Conditional Use Permit for Trinity Equipment & Materials, LLC on Assessor's Parcel Number 024-220-56-00 continued from July 20, 2021. (Project Applicant: Thomas Ballanco; Appellant: Citizens for Proper Community Planning).

Motion: Jill Cox **Second:** **Failed due to lack of a second**

Adjourn

TRINITY COUNTY BOARD OF SUPERVISORS

Jeremy Brown, Chairman
Board of Supervisors,
County of Trinity.
State of California

Attest:

Richard Kuhns, Psy.D
Clerk of the Board of Supervisors

By:

Deputy

**TRINITY COUNTY
BOARD OF SUPERVISORS
Trinity County Library
Conference Room
351 Main Street
Weaverville, CA**

MEETING MINUTES

April 20, 2021

Chairman

Supervisor Jeremy Brown - District 4

Vice-Chairman

Supervisor Dan Frasier - District 5

Supervisor Keith Groves - District 1

Supervisor Jill Cox - District 2

Supervisor Liam Gogan - District 3

Richard Kuhns, Psy.D - County Administrative Officer / Clerk of the Board

Margaret E. Long - County Counsel

Emma Purvis - Deputy Clerk of the Board

The Trinity County Board of Supervisors welcomes you to its meetings which are regularly scheduled for the first and third Tuesday of each month, unless altered to accommodate a holiday, starting at 9:00 a.m. at 351 Main Street, Weaverville, California.

This Board Agenda contains a brief, general description of each item to be considered. Supporting documentation is available online at www.trinitycounty.org, at the County Administrative Office located at 11 Court Street, Room 230, Weaverville, CA, during normal business hours, and in the Public Packet at the rear of the Board Chambers during the meeting.

If you would like to receive notification via email that the agenda has been posted, please send your request to clerkoftheboard@trinitycounty.org.

Members of the public wishing to present documents to the Board of Supervisors during the meeting must submit ten (10) copies to the Deputy Clerk of the Board.

During the meeting the Trinity County Board of Supervisors may take action sitting as the Board of Supervisors and as the governing body of: The Trinity County Transportation Commission, the In-Home Supportive Services Authority, the Consolidated Transit Services Agency, the Trinity County Board of Equalization, the Trinity County Housing Authority and the Solid Waste Local Task Force.

In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify Emma Purvis at the County Administrative Office three (3) full business days prior to the meeting at (530) 623-1382 or clerkoftheboard@trinitycounty.org.

ZOOM INFORMATION

This meeting used Zoom due to the coronavirus (COVID-19).

Meeting called to order in open session at 9:00 AM

Pledge of Allegiance

Led by Supervisor Jill Cox.

Public Comment

Received public comment from Lisa Wright, Adrien Keys, and John Brower.

Presentations

Board of Supervisors

- 1.1 Adopted a proclamation of appreciation recognizing Chief Probation Officer Tim Rogers upon his retirement.

Received comments from Chief Probation Officer Tim Rogers, County Administrative Officer Richard Kuhns, Director of Human Resources Shelly Nelson, and Sheriff/Coroner Tim Saxon.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

- 1.2 Received a presentation from District Director Bruce Ross regarding Senate Bill 208: the Sierra Nevada Conservancy Expansion.

- 1.3 Received a presentation from US Forest Service Regional Forester Randy Moore regarding Trinity County.

Planning and Zoning

- 1.4 Received a presentation from Jim Harnish of Mintier Harnish regarding the General Plan and Zoning Update Project.

Received comments from Director of Building and Planning Kim Hunter.

Consent Calendar

Behavioral Health Services

- 2.1** Adopted Resolution 2021-038 which removes from Behavioral Health Capital Asset Inventory Listing Asset I.D. # 13214, 3Com Phone System.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

- 2.2** Approved amendment number one to the agreement with Mental Health Management I, Inc, dba Canyon Manor to include FY 21/22 rates for sub-acute residential Mental Health Services for Trinity County Residents in need of such services.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Child Support Services

- 2.3** Adopted Resolution 2021-039 which removes from the Child Support's Capital Asset Inventory listing Asset ID # 13271, Retina Network Security Scanner software.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

- 2.4** Approved a budget adjustment for Child Support Services - Dept. 2130 decreasing revenues and Fixed Assets by \$35,000.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Clerk of the Board

- 2.5** *This item was pulled from consent and considered separately.*

Authorized the Chairman to sign a letter supporting SB 59: Cannabis Licenses.

Received comments from Lisa right, John Brower, Ryan Tarbell, and Deidre Brower.

Motion: Dan Frasier **Second:** Liam Gogan **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Health and Human Services

- 2.6 Approved amendment number two to the agreement with the California Department of Public Health (CDPH), Women, Infants and Children (WIC) Division, increasing the contract by \$37,768 for a total of \$1,108,538, and shifting funds between federal fiscal years.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Sheriff

- 2.7 Approved an agreement with TJ Customs 4x4, LLC to provide repairs and maintenance to Sheriff's Office equipment on an as needed basis.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

- 2.8 Approved an agreement with Trinity Services Group to operate inmate food services at the Trinity County Jail.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

- 2.9 Approved an agreement with Trinity Welding, LLC to provide repairs and maintenance to Sheriff's Office equipment on an as needed basis.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Transportation

- 2.10 Adopted Resolution 2021-040 which authorizes the Director of Transportation to execute Federal Transit Administration 5311, 5311(f), and CRRSAA agreements with Caltrans on behalf of the Trinity County Department of Transportation – Trinity Transit.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

- 2.11 Authorized the Director of Transportation to sole source the purchase of equipment for inmate property control at the new Trinity County Sheriff's Detention Facility from CPI/Guardian.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Trinity County Transportation Commission

2.12 Adopted Resolution 2021-041 approving the Overall Work Program (OWP) and budget for fiscal year 2021/2022 and authorized the Executive Secretary to execute the Regional Transportation Planning Certifications.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

10:00 AM Public Hearings

Grants

3.1 Conducted a public hearing and adopted Resolution 2021-042 authorizing an application for funding and the execution of a grant agreement and any amendments thereto from the 2020 Community Development Block Grant (CDBG-CV2 & 3) Program-Coronavirus response rounds 2 and 3.

Received comments from Grants Coordinator Suzi Kochems.

Motion: Jeremy Brown **Second:** Liam Gogan **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Reports/Announcements

4.1 I. Received reports from Director of Health and Human Services Liz Hamilton, Public Health Branch Director Marcie Cudziol, Director of Human Resources Shelly Nelson, Director of Building and Planning Kim Hunter, and Environmental Health Director Kristy Anderson.
II. Received a report from County Administrative Officer Richard Kuhns.
III. Received reports from members of the Board of Supervisors

County Matters

Agriculture

5.1 Waived the reading of and enacted Ordinance 1358 implementing a ban of Industrial Hemp within the unincorporated areas of Trinity County.

Received comments from Agricultural Commissioner/Sealer Joe Moreo.

Motion: Keith Groves **Second:** Liam Gogan **Carried**
Ayes: Cox, Frasier, Gogan, Groves

Recused: Jeremy Brown

Board of Supervisors

- 5.2** Directed County Administrative Officer to review the feasibility of allowing Limited Density Rural Dwellings (Type K Housing) in Trinity County and present back to the Board.

Received comments from Lisa Wright, John Brower, and Director of Building and Planning Kim Hunter.

County Counsel

- 5.3** Received a presentation from County Counsel Margaret Long regarding the redistricting process.

Human Resources

- 5.4** Took the following actions in the Health and Human Services Department effective April 1, 2021:
1. Approved the job description, set the salary range and added to the alphabetical listing of classifications a Community Health Worker I at range G168 and a Community Health Worker II at range G178;
 2. Modified the Public Health Branch departmental allocation list to read: Four (4) Health Education Specialist I/II or Community Health Worker I/II and Two (2) Health Program Coordinator I/II/III;
 3. Removed from the Welfare Division's departmental allocation list one (1) Work Crew Leader allocation;
 4. Pursuant to Trinity County Code section 2.60.360, reclassified Employee ID No. 01231 from a WIC Nutrition Assistant II to a Community Health Worker II at Step G; and
 5. Deleted the WIC Nutrition Assistant I/II from the Alphabetical Listing of Classifications.

Received comments from Director of Human Resources Shelly Nelson.

Motion: Keith Groves **Second:** Liam Gogan **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Planning and Zoning

5.5 Considered upholding, modifying, or overturning the Planning Commission's decision to deny an appeal of the Planning Director's approval of Commercial Cannabis Cultivation License #453 on Assessor's Parcel Numbers 025-290-13 & 29 in the Lewiston area (Planning file P-20-31).

Received comments from Rachel Doughty, Daniel Cucchi, Nancy Anderson, Gary Griffith, Phyllis Swanson, Sally Barrow, Ric Leutwyler, Veronica Kelly-Albiez, Deidre Brower, Lisa Wright, John Brower, Dave Wolock, Laurie Wills, Crystal Bell, Ilym Macorov, and Sue Leutwyler.

Overtured the Planning Commission's decision to deny an appeal of the Planning Director's approval of Commercial Cannabis Cultivation License #453 on Assessor's Parcel Numbers 025-290-13 & 29 in the Lewiston area (Planning file P-20-31).

Motion: Jill Cox **Second:** Keith Groves **Failed due to passing of a subsequent motion**

Upheld the Planning Commission's decision to deny an appeal of the Planning Director's approval of Commercial Cannabis Cultivation License #453 on Assessor's Parcel Numbers 025-290-13 & 29 in the Lewiston area (Planning file P-20-31).

Motion: Jeremy Brown **Second:** Failed due to lack of a second

Upheld the Planning Commission's decision to deny an appeal of the Planning Director's approval of Commercial Cannabis Cultivation License #453 on Assessor's Parcel Numbers 025-290-13 & 29 in the Lewiston area (Planning file P-20-31) if Director of Building and Planning can get confirmation from both the School Board and the CHP that there were no issues with legal school bus stops in proximity to the cultivation site.

Motion: Jeremy Brown **Second:** Liam Gogan **Failed due to passing of a subsequent motion**

Continued the appeal of the Planning Commission's decision to deny an appeal of the Planning Director's approval of Commercial Cannabis Cultivation License #453 on Assessor's Parcel Numbers 025-290-13 & 29 in the Lewiston area (Planning file P-20-31) to May 4th, 2021.

Motion: Dan Frasier **Second:** Jeremy Brown **Failed due to lack of a majority**
Ayes: Brown, Frasier
Nays: Cox, Gogan, Groves

Rescinded the action to continue the appeal of the Planning Commission's decision to deny an appeal of the Planning Director's approval of Commercial Cannabis Cultivation License #453 on Assessor's Parcel Numbers 025-290-13 &

29 in the Lewiston area (Planning file P-20-31) to May 4, 2021.

Motion: Liam Gogan **Second:** Keith Groves **Carried**

Ayes: Brown, Cox, Frasier, Gogan, Groves

Continued the appeal of the Planning Commission's decision to deny an appeal of the Planning Director's approval of Commercial Cannabis Cultivation License #453 on Assessor's Parcel Numbers 025-290-13 & 29 in the Lewiston area (Planning file P-20-31) to May 4th, 2021.

Motion: Dan Frasier **Second:** Jeremy Brown **Carried**

Ayes: Brown, Frasier, Gogan

Nays: Cox, Groves

- 5.6** Waived the reading of and enacted Urgency Ordinance 1355.AMEND1 amending Urgency Ordinance number 1355 making various language modifications regarding commercial cannabis cultivation licensing.

Received comments from County Counsel Margaret Long, Rachel Doughty, and John Brower.

Motion: Keith Groves **Second:** Dan Frasier **Carried**

Ayes: Brown, Cox, Frasier, Gogan, Groves

Closed Session

- 6.1** Government Code 54954.5(c) - Conference with Legal Counsel - Anticipated Litigation
No. of Cases: 2

Continued to May 5th, 2021.

- 6.2** Government Code Section 54954.5(c) - Conference with Legal Counsel - Existing Litigation
No. of Cases: 1
Trinity Institute for Permaculture Farming and Restorative Forestry, LLC v County of Trinity, et al. (Trinity County Superior Court Case No. 21CV017)

Received comments from Tom Ballanco.

Continued to May 5th, 2021.

- 6.3** Government Code Section 54954.5(c) - Conference with Legal Counsel - Initiation of Litigation
No. of Cases: 1

Direction was given to staff.

Adjourn

TRINITY COUNTY BOARD OF SUPERVISORS

Jeremy Brown, Chairman
Board of Supervisors,
County of Trinity.
State of California

Attest:

Richard Kuhns, Psy.D
Clerk of the Board of Supervisors

By:

Deputy



TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

Kim Hunter, Director

MEMORANDUM

DATE: May 3, 2021
TO: Board of Supervisors and members of the public
FROM: Kim Hunter, Director of Building & Planning *KH*
SUBJECT: Agenda Item 6.3 – Appeal of Planning Director’s Approval (P-20-31)

Based on the environmental concerns expressed by Lewiston community members and the Board of Supervisors, Mr. Dos Santos has requested that the Director’s approval of commercial cannabis cultivation license (CCL) #453 be withdrawn to allow for a complete environmental analysis to be completed in accordance with the California Environmental Quality Act (CEQA).

Per this request, I have withdrawn my approval of CCL #435 and the appeal is moot.

**TRINITY COUNTY
BOARD OF SUPERVISORS
Trinity County Library
Conference Room
351 Main Street
Weaverville, CA**

MEETING MINUTES

May 4, 2021

Chairman

Supervisor Jeremy Brown - District 4

Vice-Chairman

Supervisor Dan Frasier - District 5

Supervisor Keith Groves - District 1

Supervisor Jill Cox - District 2

Supervisor Liam Gogan - District 3

Richard Kuhns, Psy.D - County Administrative Officer / Clerk of the Board

Margaret E. Long - County Counsel

Emma Purvis - Deputy Clerk of the Board

The Trinity County Board of Supervisors welcomes you to its meetings which are regularly scheduled for the first and third Tuesday of each month, unless altered to accommodate a holiday, starting at 9:00 a.m. at 351 Main Street, Weaverville, California.

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ZOOM INFORMATION

This meeting used Zoom due to coronavirus (COVID-19).

Meeting called to order in open session at 9:00 AM

Pledge of Allegiance

Pledge led by Supervisor Gogan.

9:00 AM Closed Session

- 1.1** Government Code Section 54954.5(f) - Conference with Labor Negotiators
County's Designated Representatives: Sophia Meyer and Shelly Nelson
Employee Organizations: Deputy Sheriffs Association, Probation Peace Officers
Association and Skilled Trades Unit.

Direction was given to staff.

Public Comment

Received public comment from Rachel Doughty, John Brower, Adrien Keys, Jeff Ghidella, Nancy Anderson, email from Chris Losi read by Jill Cox, and Bill Burton.

Presentations

Behavioral Health Services

- 2.1** Adopted a proclamation which recognizes May 2021 as Mental Health Awareness Month.

Received comments from Director of Behavioral Health Services Connie Cessna-Smith.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Trinity County Transportation Commission

- 2.2** Received a presentation from Caltrans Project Manager, Kelly Timmons, on District 2's 2021 Trinity County Construction Look Ahead.

Sheriff

- 2.3** Adopted a proclamation of appreciation recognizing Corporal Ronald Hanover upon his retirement.

Received comments from Sheriff/Coroner Tim Saxon.

Motion: Keith Groves **Second:** Jill Cox **Carried**

Ayes: Brown, Cox, Frasier, Gogan, Groves

Consent Calendar

Behavioral Health Services

- 3.1** Approved the following budget adjustments for:

Behavioral Health - Dept. 4200 increasing revenues by \$68,610, Salaries & Benefits by \$25,485, Services & Supplies by \$5,017 and Other Charges by \$108,322 and decreasing Transfers In by \$132,144, Fixed Assets by \$11,000 and Interfund Expense by \$57,551;

Substance Use Disorder - Dept. 4230 decreasing revenues by \$5,290, and increasing Transfers In by \$50,972, Services & Supplies by \$21,918 and Other Charges by \$40,000;

BHS Realignment 2011 - Dept. 8504 increasing revenues and Transfers Out by \$188,786;

Mental Health SMA Reserve - Dept. 8563 increasing revenues by \$288,000 and decreasing Transfers Out by \$21,893;

MHSA CSS - Dept. 8570 decreasing Transfers Out by \$189,659;

MH Audit Exceptions Reserve - Dept. 8579 increasing revenues and Other Charges by \$288,654 and decreasing Transfers Out by \$34,510;

MHSA PEI/INN - Dept. 8577 decreasing Transfers Out by \$89,000 and

Realignment Mental Health - Dept. 9494 increasing revenues and Transfers Out by \$65,104.

Motion: Keith Groves **Second:** Dan Frasier **Carried**

Ayes: Brown, Cox, Frasier, Gogan, Groves

Board of Supervisors

- 3.2** Adopted Resolution No. 2021-043 supporting Rotary Club of Weaverville's 2021 Fourth of July Parade and adopted Resolution No. 2021-044 pertaining to parking during the 2021 Fourth of July Parade.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.3 Adopted a proclamation recognizing May 2021 as Older Americans month.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Clerk of the Board

3.4 Adopted Resolution No. 2021-045 which confirms the continuance of a Local Emergency in the County of Trinity due to the novel coronavirus known as COVID-19.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.5 Adopted Resolution No. 2021-046 which confirms the continuance of a Local Emergency in the County of Trinity due to wildfires.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.6 Adopted Resolution No. 2021-047 which confirms the continuance of a Local Health Emergency in the County of Trinity due to debris and air quality concerns created by the wildfires.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.7 Adopted Resolution No. 2021-048 which confirms the continuance of a Local Health Emergency in the County of Trinity due to the novel coronavirus known as COVID-19.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.8 Approved the regular meeting minutes of April 6, 2021 and April 20, 2021 as submitted by the Deputy Clerk.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

General Services

3.9 Adopted Resolution 2021-049 which extends the vehicle abatement registration fee through April 30, 2032.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

3.10 Approved a budget adjustment for Cemetery - Dept. 9300 increasing revenues by \$2,650 and increasing Services & Supplies by \$2,650.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Grants

3.11 Adopted Resolution 2021-050 which gives signature authorization on all grant applications to be submitted by Trinity County.

Motion: Keith Groves **Second:** Dan Frasier **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Trinity County Transportation Commission

3.12 *This item was pulled from the consent calendar and considered separately.*

Approved a memorandum of understanding with the Town of Los Altos Hills, CA to facilitate the exchange of Rule 20a underground credits.

Received comments from Director of Transportation Rick Tippett.

Motion: Keith Groves **Second:** Jeremy Brown **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

10:00 AM Public Hearings

Grants

4.1 Conducted a public hearing and adopted Resolution No. 2021-051 authorizing an application for funding and the execution of a grant agreement and any amendments thereto from the 2020 Community Development Block Grant (CDBG-CV2 & 3) Program-Coronavirus response rounds 2 and 3.

Received comments from Grants Coordinator Suzi Kochems and County Administrative Office Richard Kuhns.

Motion: Jill Cox **Second:** Liam Gogan **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Reports/Announcements

- 5.1 I. Received a report from Director of Transportation Rick Tippett.
II. Received a report from County Administrative Officer Richard Kuhns.
III. Received reports from Members of the Board of Supervisors.

County Matters

Human Resources

- 6.1 Pursuant to Trinity County Code Section 2.60.410(A) authorized hiring applicant No. 00635 as a Community Health Nurse II at Range G227 Step D in Health and Human Services, Public Health Branch, effective May 1, 2021.

Received comments Director of Human Resources Shelly Nelson.

Motion: Keith Groves **Second:** Jill Cox **Carried**
Ayes: Brown, Cox, Frasier, Gogan, Groves

Planning and Zoning

- 6.2 Received an update on the Commercial Cannabis Program from Director of Building and Planning Kim Hunter and Senior Environmental Compliance Specialist David Colebeck.

Received comments from Bill Burton and Ana Wright.

- 6.3 Pulled from consideration the appeal of the Planning Commission's decision to deny an appeal of the Planning Director's approval of Commercial Cannabis Cultivation License #453 on Assessor's Parcel Numbers 025-290-13 & 29 in the Lewiston area (Planning file P-20-31)

Trinity County Board of Equalization

- 6.4 Continued deliberations of Assessment Appeal number 2019-01 from Diane Richards and Diane DePould, for APN 017-330-0900 in Closed Session.

Closed Session

7.1 Government Code 54954.5(c) - Conference with Legal Counsel - Anticipated
Litigation
No. of Cases: 2

Continued to May 18, 2021.

7.2 Government Code Section 54954.5(c) - Conference with Legal Counsel - Existing
Litigation
No. of Cases: 1
Trinity Institute for Permaculture Farming and Restorative Forestry, LLC v County
of Trinity, et al. (Trinity County Superior Court Case No. 21CV017)

Received comments from Tom Ballanko.

No reportable action taken.

Adjourn

TRINITY COUNTY BOARD OF SUPERVISORS

Jeremy Brown, Chairman
Board of Supervisors,
County of Trinity.
State of California

Attest:

Richard Kuhns, Psy.D
Clerk of the Board of Supervisors

By:

Deputy



COUNTY OF TRINITY
APPEAL OF PLANNING DIRECTOR'S
DECISION TO PLANNING COMMISSION

RECEIVED
MAY 14 2021
TRINITY COUNTY
PLANNING DEPARTMENT

BH

Received Stamp

Name: [Redacted] Phone: [Redacted]

Email: [Redacted]

Physical Address or APN: [Redacted]

Mailing Address: [Redacted]

Decision of Planning Director rendered on (date): May 4, 2021

Planning Director's Decision was to: Approve Deny Continue other

Request for: APN Nos: 025-290-13 + 29

The matter of CCL-453 to be set to be heard based on new decision by the Planning Director.

Reason for Appeal: See attached.

Signature: [Redacted] Date: May 14, 2021

Clerk's Use Only

Date Filed: _____ Fee Collected: _____
Hearing Date: _____ Receipt No.: _____
Notice Published: _____ Notice Mailed: _____

Attachment G

NA

From: [REDACTED]
Subject: Request to Withdraw our Appeal
Date: August 24, 2021 at 9:36 AM
To: Kim Hunter khunter@trinitycounty.org, Keith Groves kgroves@trinitycounty.org, Richard Kuhns rkuhns@trinitycounty.org, Emma Purvis epurvis@trinitycounty.org
Bcc: [REDACTED]

Good Morning Director Hunter,

Please accept this email communication as "Notice to Withdraw our Appeal" filed on May 14, 2021, on behalf of the Friends of the Lewiston Grass Valley Creek pertaining to your May 3, 2021 decision to withdraw your July 24, 2020 approval of CCL 2020-453 in the Mark Dos Santos matter located at 4790/4798 Lewiston Road, Lewiston (APN Nos. 025-290-13-00 and 025-290-29-00). We are electing to withdraw our appeal after receiving written confirmation from you on August 23, 2021, that CCL-453 cannot be grandfathered into the Lewiston Opt-Out Expansion Area pursuant to the recently enacted Urgency Ordinance No. 315-850 Ext. 1 unanimously approved by the Board of Supervisors at their Special Meeting on July 30, 2021.

Please acknowledge receipt of this email. I will submit a refund request for the \$500 appeal fee subsequent to this notification.

Thank you,

[REDACTED]

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting
September 10, 2020 at 7:00 p.m.
Trinity County Library Conference Room
351 Main St, Weaverville, CA

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

MEETING MINUTES

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

CALL TO ORDER:

Temp Chair Matthew called the meeting to order at 7:06 p.m.

Commissioners present: Mike McHugh, Graham Matthews, Duncan McIntosh.

Commissioners absent: Dan Frasier

***Commissioners Present via ZOOM:** Diana Stewart.

Staff present: Planning Director Kim Hunter, Planning Deputy Director Lisa Lozier, Associate Planner Bella Hedtke, Administrative Coordinator Mary Beth Brinkley.

Director Hunter made a request to appoint an alternate Chair for the meeting do to absence of Chair Frasier and Vice Chair Stewart using Zoom and possible technical difficulties. Motion/Second (2nd Chair Stewart/McHugh) to appoint Commissioner Matthews to chair tonight’s meeting.

Vote 4-0: aye McIntosh, aye Matthews, aye McHugh, aye Stewart.

Director Hunter: Memo note to Item #2 P-20-25 Recommends that this item be pulled from the agenda and that any members of the public here to comment on this item be allowed to do so during the Public Comment period. Motion/Second, (McHugh/McIntosh) to remove the item #2 from the agenda.

Vote 4-0: aye McIntosh, aye Matthews, aye McHugh, aye Stewart.

PUBLIC COMMENT: During the Public Comment period members of the public may address the Planning Commission on any matter not listed on the agenda, this includes Item #2 since it has been removed from the Agenda that is within the subject matter jurisdiction of the Planning Commission.

David R., Alisha Vincent, Mr. McDonald, Mr. Ferguson, Mr. Wakefield, Mrs. Edwards- (Lewiston) All are property owners in the Mountain View subdivision which is related to Item #2/P-20-25. All have grave concerns of the increased traffic, speed of traffic and noise from such traffic day and night, depletion of area ground water, loss of quality of life, safety with regard to out of area persons and “guard” dogs used by and due to legal and illegal Commercial Cannabis businesses/grows that were allowed to conduct business a residential area. There is also great frustration and disappointment in the processes of the Commission of All in favor of the Directors denial of application.

Public comment closed.

REGULAR CALENDAR:

1. MINUTES: Approve meeting minutes of the June 11, 2020 and July 9, 2020 regular meetings.

June 11, 2020 Motion/Second to approve the minutes Comms. McHugh/Stewart. Vote: 3 to 1 aye McHugh, aye Matthews, aye Stewart. Abstain, McIntosh. & July 9, 2020 Minutes Motion to accept by Comms. Stewart/McIntosh. Vote: 3 to 1 aye-Stewart, aye Matthews, aye McIntosh. Abstain, McHugh.

2. APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-25): An appeal of Planning Director's Decision to deny a Commercial Cannabis License application (CCL-649) for 800 Mountain View Drive in Lewiston. Appellant/Licensee: S. Sarkisyan. APN 025-200-19-00. (Item continued from 8-13-2020 meeting) REMOVED FROM AGENDA see above action.

3. EXTENSION OF TIME (P-20-21): A request for a one-year extension of time for a Conditional Use Permit (P-17-51) originally approved May 24, 2018 for SJH Timber, Inc. to allow the establishment of a Commercial Cannabis Nursery located in the Trinity Alps Business Park Specific Unit Development (SUD) district. The property has since been purchased by Kultured Cannabis, Inc. who is requesting an extension of time to commence development of the project. A Conditional Use Permit may be extended up to one year upon show of good cause by the applicant. The project is located at 271 Industrial Pkwy in Weaverville, Applicant K. Koffler APN 024-220-55-00.

Deputy Director of Planning, Lisa Lozier presented the staff report.

Chair Matthews opened the public hearing.

Tom Ballanko (Douglas City), feels the location is appropriate and would like to see the Commission grant the extension.

Mr. Brower (Junction City) is in agreement to grant an extension to this project.

Zoom: this is a 2-year-old CUP, can there be additional conditions added to this extension as it is old.

Public hearing closed:

Commissioner McIntosh: Is this one-year extension for a partial year and the reason of this. Deputy Director-Lozier; yes, the original extension ended June 7, 2020, and the owner submitted a request for an additional year and if approved will end on June 7, 2021.

Motion and Second: Comms. Stewart/McIntosh that the Commission finds the requested extension of time to be exempt from the requirements of the California Environmental Quality Act under the General Rule exemption 15061(b)(3) on the basis that there are no substantial changes to the project or to circumstances under which the project is proposed to be undertaken, and no new information has become available or been made known showing unanalyzed environmental effects; and 2. Makes the following map findings: A. That an extension of time to June 7, 2021, may be granted in accordance with the Title 17, Trinity County Zoning Code Section 17.32.050(D) B. That no evidence has been presented which would substantiate denial of the extension of time. C. That the Conditional Use Permit P-17-51 is substantially the same as the original approved project. 3. Approves the one-year extension of time set to expire June 7, 2021, for Conditional Use Permit P-20-21, subject to the conditions of approval adopted on May 24, 2018.

Roll call vote

Vote: 3-1 in favor: aye McIntosh, aye Stewart, opposed McHugh, aye Mathews,

4. ZONE AMENDMENT (P-20-01): The Planning Commission will consider recommending the Board of Supervisors adopt an Ordinance to amend the Riverview Drive Specific Unit Development district which has not been formally defined to the Hayfork Transition Specific Unit Development for the establishment of regulations and standards to facilitate an educational, recreational, and agricultural property to benefit citizens of Hayfork. The project would include a community garden and orchard, public walking paths with fire-safe native plants and drought tolerant landscaping, benches and picnic tables, two greenhouse structures not to exceed 3,000-square-feet, vegetable cooling room, tool shed, 2,800-square-foot multipurpose hall, perimeter fencing, required parking and caretaker's residence. The project is located at 541 Riverview Drive, Hayfork CA 96041. Applicant: C. Pierce. APN 014-030-06-00.

Deputy Director Lozier presented the staff report. Recommends that the item be pulled due to noticing issues.

Chair Matthews comments that it is not appropriate at this time to have a public hearing, so this should be removed from the agenda.

Commissioner McHugh: Motion to remove the Item 4 from the agenda.

Second, Commissioner McIntosh

Vote: aye McHugh, aye McIntosh, aye Stewart, aye Matthews,

Action: Motion passes unanimously (4-0)

5. APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-28): An appeal of Planning Director's Decision to approve a Commercial Cannabis License application (CCL-691) for 150 Coffin Road, Lewiston. Appellant: E. Bell and K. Bell. Licensee: M. Konior. APN 025-180-37-00.

Chair Matthews: The Remote members can hear us however, we cannot hear them, taking a pause to check connections. Restored.

Director Hunter presented staff report.

Representative to Appellant Jim Underwood: see attachment #2 in Staff Report.

Representative to the Licensee Ana Wright: July 1st 2020- 10-day public 6 days after deadline I we should not be here. Everything has been done and this CCL should be allowed to go forward.

Public hearing:

Krystal Bell (Lewiston): Opposed to the approval of the CCL at 200 Coffin Rd, Lewiston. Other cannabis grows on the same road have had severe negative impact on our business and quality of life.

Tony Miller (Lewiston): Appreciates the need for business growth in Trinity County. However, the County Plan needs to reconsider how, where and under what federal, state and county ordinances cannabis operations are allowed to operate, and the negative impact these grows have in residential areas.

Dave Wilcox (Lewiston), Tony Miller (Lewiston), Mason Miller (Lewiston), Female (Lewiston): All express support of Ernie and Krystal Bell and their business (One Maple Winery). All also have suffered loss in quality of life due to the increased noise, traffic, foul smell, and most importantly the negative impact on available water the current current cultivations have and the increased negative impact of all these issues another grow will cause.

Michael Konier (Lewiston) Licensee: Expresses interest in working with neighbors, and being an owner who is

present in the community.

Dave Wellock (Lewiston): 4th generation land owner in the area. Concerns about well water levels, permitting, and smell.

Don Swanson (Lewiston): As a retired Forest Service Fire Investigator, letter on file.

Kathy Mitchell (Lewiston): Concerned that the Dept. (Planning)/Commission (Planning) need to reexamine the requirements to what businesses get approved and those that don't. (Referenced C.E.I. formerly in Lewiston).

Chair Matthews we will continue this item until date uncertain due to technical difficulties. Motion/Second to continue Item 5, Comms. McHugh/McIntosh.

Vote: 4-0 in favor: aye McIntosh, aye Stewart, aye Mathews, aye McHugh.

6. APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-27): An appeal of Planning Director's Decision to approve a Commercial Cannabis License application (CCL-106) for 1050 Rowdy Bear Road, Post Mountain. Appellant: J. Coogan. Licensee: P. Petkov. APN 019-280-03-00.

Director Hunter recommends that item 6 be moved to a date uncertain, due to continued technical difficulties.

Motion/Second to continue Item 6 to date uncertain. Comms. McHugh/Stewart.

Vote: 4-0 in favor; aye McIntosh, aye Stewart, aye Mathews, aye McHugh.

Action:

PLANNING COMMISSION REPORTS:

Commissioner Stewart has an upcoming surgery scheduled for Oct 14 and may not be able to attend a second meeting in the month of Oct.

Commissioner McIntosh asks about when the Smith Pit meeting can be added to the agenda.

Director Hunter comments that the owner was notified the Item will be on the October 8 agenda.

PLANNING DEPARTMENT REPORTS:

ADJOURNMENT:

The Planning Commission adjourned at 9:17 pm.

Submitted by: Debbie Rogge



Kim Hunter, Planning Director
Secretary of the Planning Commission

Attachment I

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting
October 8, 2020 at 7:00 p.m.
Trinity County Library Conference Room
351 Main St, Weaverville, CA

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

MEETING MINUTES

*NOTE: The public was invited to attend the public hearing via Zoom Link and limited public access for specific agenda items was made available by request and during the public meeting.

CALL TO ORDER:

Vice Chair Stewart called the meeting to order at 7:00 p.m.

Commissioners present: Diana Stewart, Graham Matthews, Mike McHugh, Duncan McIntosh

Commissioner Absent: Dan Frasier

*Commissioners Present via Zoom Link: None

Staff Present: Planning Director Kim Hunter, Planning Deputy Director Lisa Lozier, Associate Planner Bella Hedtke, Administrative Coordinator Mary Beth Brinkley, Margie DeRose, Sr. Planner Cannabis, Deborah Rogge, Admin. Coordinator, Planning.

PUBLIC COMMENT: During the Public Comment period members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission.

Jennifer (Arcata): Retail Cannabis/Letter from mother (resident of Trinity County) discussing benefits of cannabis for health reasons.

Liz McIntosh (Junction City): Came to comment about the Darksky portion of ordinance is not being followed and request that a letter be sent to all Cannabis growers to observe the ordinance.

Justin Hawkins: Commenting on EIR Program and problems related to it. That the fees (Water Board, CDFW) go to regional enforcement not Trinity County specifically, and 1/3 of fees earmarked for code enforcement need to go to the sheriff's dept.

Vice Chair Stewart closed public comment.

REGULAR CALENDAR:

1: Approve meeting minutes of the July 23, 2020 regular meeting.

Commissioner Matthews: Motion to approve Minutes as corrected

Commissioner McIntosh: Second

Vote: Commissioner Matthews – Aye, Commissioner McIntosh – Aye, Commissioner McHugh – Aye, Vice Chair Stewart – Aye. Motion passes Unanimously

2. APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-28): An appeal of Planning Director's Decision to approve a Commercial Cannabis License application (CCL-691) for 150 Coffin Road, Lewiston. Appellant: E. Bell and K. Bell. Licensee: M. Konior. APN 025-180-37-00. (Item continued from 9-10-2020 meeting)

Director Hunter presented the staff report. As a part of the staff report, Director Hunter stated that the additional correspondence was received with attachments but the attachments were not forwarded to the Planning Commissioners due to a miscommunication.

Vice Chair Stewart: Asked about the nature of missing attachments.

Director Hunter: Board report from when the Ordinance was approved and CDFA licensing information.

Vice Chair Stewart opened the public hearing:

Lisa Wright: Statement about previous speakers for this item.

Representative for Appellant, J. Underwood: Should not be asking for a CEQA review after the fact and Questions whether CEQA was adhered to at the time the application was submitted/approved.

Tony Miller (Lewiston): Cannabis grows are not community oriented is against additional grow in the area.

Ana Wright (Weaverville, Flowra): Appeal was not filed in timely manner, please review my report submitted earlier. Urges commission to look at facts applicant has completed all required items.

Kristal Bell (Lewiston): Jessica Boyd (Chico-Bells daughter), Scott Diaz (Lewiston), Heidi Miller (Lewiston), Gail Ward (Lewiston), all expressed concerns about the negative impact to the area with regard to diminishing water tables, noise, heavy equipment operation, light pollution, offensive smell and overall dismissed quality of life and reduction of tourism business.

Tom Ballanco (Douglas City): Cannot punish legal cannabis who have met all criteria.

Lori Wills (Lewiston), concerns about water, quality of life, loss of business of One Maple and others in community.

Mason Miller (Lewiston): Complaints about continuous fan noise and year round problems of cultivation.

Peggy Wellock (Lewiston): Has family/community members buried on the property and feels that the requested land use is disrespectful where people are buried.

Tina Tueshar (Lewiston): voicing comments she received from biologist working in area and the destruction to land due to cannabis cultivation.

Justin Hawkins: Was the appeal filed in a timely manner.

Lisa Wright (Lewiston): Moved to California for medical need of cannabis. Cannabis users also like outdoor activities. Was the appeal filed in a timely manner? Provisional license is permitted with the State. Please issue license.

Unknown (Lewiston): Feels cannabis is ruining our country, state and county. Cannabis is GREED.

John (Lewiston): Understands commercial cannabis is here, however feels people should not have to suffer the negative impacts of its production in a residential area.

Unknown male: Feels that cannabis supports Trinity County and if you (Planning Dept) can't get the job done hire more people.

Kathy Mitchell (Lewiston): We are not against marijuana, but there are more suitable areas to cultivate.

Veronica Albes (ZOOM Douglas City): The interest was to promote sustenance grows. Commercial grows do not belong everywhere. It is the purview of the PC to review where cultivation is placed. Cumulative impact of clustered grows should be studied.

Unknown (Douglas City): family has been in area since the 1850's. Cumulative impacts on the water are not studied.

Joan Carr (Lewiston): letter on file.

Rick Lewiller: Is not opposed to Commercial cannabis but believes there are better places to grow than in residential neighborhoods. Lewiston is 10% of the population, but is overrun with Cannabis grows.

William Sharp (Weaverville): County seems to put "money" before thought (people), example: mining, logging, now Cannabis.

Close Public Hearing 8:12 p.m.

Derik Cole-County Attorney. Explains CEQA documents and the timelines, and baseline exemptions. Makes a recommendation the PC vote to table this item (P-20-28) until CEQA studies have been done.

STAFF RECOMMENDATION: Staff recommends to defer the approval of this commercial cannabis license (CCL #691) until a site-specific environmental review and determination can be completed in accordance with the California Environmental Quality Act (CEQA).

Commissioner McHugh made the motion: to table this item per staff recommendation.

Second to the motion: Commissioner Matthews

Vote: Commissioner McHugh – Aye, Commissioner Matthews – Aye, Commissioner McIntosh – Aye, Vice Chair Stewart – Aye. Motion approved 4-0

Vice Chair Stewart announced that there would be a short break prior to moving on to Item #3. After item #3, The Commission would then hear Item #6, Item #4, and Item #5.

3. APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-27): An appeal of Planning Director's Decision to approve a Commercial Cannabis License application (CCL-106) for 1050 Rowdy Bear Road, Post Mountain. Appellant: J. Coogan. Licensee: P. Petkov. APN 019-280-03-00. (Item continued from 9-10-2020 meeting).

Rep. for Appellant, Jim Underwood: Appellant J. Coogan requests a continuance.

Rep for Licensee: Licensee P. Petkov wishes to proceed

Vice Chair Stewart recommended proceeding with the Hearing.

Director Hunter presented staff report.

Commissioner McHugh: Do you have a file history of complaints?

Director Hunter: yes, Mr. Coogan has filed numerous complains over the last few years.

Commissioner McHugh: Have the complaints been verified? Is the site in compliance?

Director Hunter: The site is in compliance.

Commissioner McIntosh: Has a survey been done?

Director Hunter: The licensee would be best to answer this question.

Commissioner McIntosh: The house is on the neighbor's land?

Commissioner McHugh: When was the house built? Mr. Coogan: 1981

Vice Chair Stewart opened the public hearing: 9:04 p.m.

Jim Underwood/ Attorney for Appellant: Ask if the appeal is valid for pre-existing license- there are CEQA Impacts so the appeal should be upheld. Please review letter on file.

Unknown (Hayfork): We need a reality check- by rough estimate the Trinity Pines area has a \$750-million-dollar production zone. Stated that the county does not have the staff /ability to process licenses and focus on the real issues of the program, and not focus on someone who is working with being compliant to Trinity County.

Tom Ballanco (Douglas City): This is a license is a clean site, permanent structures, permanent greenhouses, greenhouses have an impermeable barrier. Problem with neighbor is that Mr. Petkov needs all of his water that he had previous allowed the neighbor to use. The neighbor's structure is on Mr. Petlov's property. The building permit (neighbor's structure) was not explored. This operation should be allowed to continue. Asks for the appeal to be denied.

Diedra Brower (Junction City): Survey results were received (10-07-2020) last night, and the reason there is nothing on file, the house is on Mr. Petkov's and a newer addition is also on Mr. Petkov's property. This does qualify for a categorical exemption there is no new development.

Mr. Coogan: Concerned about the lights, trucks, atv's, water trucks, staff running up and down the roads all hours of the day and night. Believes and impact report needs to be done.

Bruce Gardner (Post Mnt.): Property owner to the south of licensee. Issues with illegal pesticides and its runoff. The Commercial Grows are out of scale for the community. The grow owner's wells (water) run dry by the end of June and water trucks haul water till the end of the grow season.

Thomas: Believes the licensee goes above and beyond to stay compliant.

Mr. Petkov (Licensee): He feels the issue is related to the water provisions that he previously allowed the appellant to use. Admits to having to have water delivered.

Mrs. Petkov: Supports her husband that he is willing to find common ground with neighbors. That the property is safe.

John Brower (Junction City): Another issue as to what Trinity County going to do with the Cannabis issue. Our ordinances are the only thing that can control how thing progress. CEQA and County Ordinances are the most feasible and practical means to regulate Cannabis.

Justin Hawkins: Feels a lot of problems come from neighbors not getting along. References other Rural Residential uses allowed without having use permits and the potential negative impacts. Believes the appeal should be denied.

Mr. Coogan: States he is not against cultivation, the expectation of the ordinance, one example is light pollution. This problem has been going on for 4 years and is documented.

Mr. Petkov (Licensee): Asks to see the pictures for the light issues. Mr. Petkov does not agree with the complaints.

Public Comment closed: 9:26 p.m.

Vice Chair Stewart: asked for more questions from the Commission.

Commissioner McIntosh: This is not a variance?

Director Hunter: Correct, this is an appeal to a Cultivation license.

Commissioner McIntosh: Do you have complaints over the years of light pollution?

Director Hunter: Yes.

Commissioner McIntosh: During different months of the year?

Director Hunter: Usually during a certain period. If I may, the light pollution is a very difficult item to measure.

Commissioner McIntosh: Asked if staff was working on ways to identify light pollution.

Director Hunter stated that staff is currently limited.

Commissioner McIntosh motioned that the commission move to deny the appeal and grant the license for another year.

Second to the motion by Commissioner Matthews.

Vote: Commissioner McIntosh – Aye, Commissioner Matthews – Aye, Commissioner McHugh – No, Vice Chair Stewart – Aye.

Action approved 3-1 in favor

Item Closed 9:31 p.m.

6. SMITH PIT TAILINGS DISCUSSION: A request by members of the public to present information about ongoing complaints regarding the Smith Pit Tailings mining operation (Conditional Use Permit and Reclamation Plan P-97-32) located in the Junction City area off of Red Hill Road (Assessor's Parcel Numbers 012-120-42 & 49). This item has been placed on the agenda as a non-action item per the direction of the Planning Commission at the August 13, 2020 Planning Commission meeting.

Director Hunter presented staff report.

Commissioner McHugh: There is a long history of complaints issues with this area, is there any history of being/coming to compliance?

Director Hunter: Unfortunately, there is not. The years when there was not a Planning Director the issue fell under the Dept. of Transportation, and most issues were not dealt with prior to current Directorship.

Commissioner Matthews: It is my understanding the the county declared an emergency and directed that the slide materials be moved to this site. Director Hunter: Director Pipit was directed to do whatever he needed to do. Eagle Rock also took material.

McHugh: Feels that Director of Transportation should be present to have a complete and through discussion and address these questions as to how/why this condition happened, a compete violation of the use permit.

McIntosh: Speaks to the concern to a potential conflict of interest. My intention is to be fair and impartial as a Commissioner and look at the facts presented and put my personal feelings aside.

Vice Chair Stewart opened the public comment time:

Judd Buick (Owner of Trinity Sand and Gravel): Purchased April 2018. Claims there was concerns received by their company. He has dealt with complaints of recent times as some as they are presented, discussed with employees how to conduct business. Has plans to reclaim the land in 5 years.

Christine Camara, Superintendent of Junction City School: Read letter submitted to file.

John Brower (JC): His children attend Junction City School. Feels the operator at the Smith Pit Mine has ignored the conditions of the use permit.

Liz McIntosh (JC): Has complained for years. The school board has requested that she investigate what the allowable uses for the Pit Operation are.

Lance King (JC): Issues with hours of operation at the site, has created a recording that will be submitted.

Nancy Barton (JC): Home is directly across from the operation. The noise and dust are a health concern and hazard to all.

Cari Buick (Trinity sand and Gravel): An amendment was applied for in good faith. They do investigate complaints that are directed to them. Has tried to work with the county.

Martha Helbert (JC): Has complained to operator and has not received any relief. Believes that the 500,000 of material is a cover-up. This area has been a problem for 25 years (1997).

Josh Brenner (JC): Believes the operator is working out of the limits of the Use Permit. Lives 2000 ft. from the project site and will be participating in the noise study.

Mike McCaplin (Junction City): Requesting that the commission look at the history to verify the conditions of the Use Permit. Please put this on the agenda for revocation.

Amanda Barragar (Junction City): See letter.

Justin Hawkins: states there is activity going on outside of the Use Permit. Please add to agenda for revocation of permit.

Tilman Myers (Chagdud Gonpa Center, JC): Has concerns that the acoustics study will not accurately record the noise impact. Please put this on the agenda

ZOOM speaker, Melissa Nielson (JC): Hears the noise 3 miles away, has 4 children in JC school. Concerned about the one-way in and one-way out during emergencies and the amount to truck traffic on the road.

Public comment closed: 10:35

Commissioner Matthews: Asked Mr. Buick about the contract for receiving material containing lead and certifying that the property was an industrial site and would not be used for sensitive uses in the future.

Mr. Buick: I was misled and revoked the contract immediately and no material was deposited.

Commissioner McIntosh: To Mr. Buick, he had heard that 1600 yards of materials was deposited at the site. Mr. Buick: stated that only a small amount of material was deposited.

Commissioner McHugh: We are clearly heading to hearing. Encourages Mr. Buick to work with the community.

Commissioner Matthews: We are sorry to have Mr. Buick in the situation where the previous owner was violating the use permit. The situation is very concerning and how do we get rid of the 500,000 yards of material that was brought on-site prior to Mr. Buick's ownership. Moving the material would take 200 trucks loads per day for 7 months.

Commissioner McIntosh: When you purchased this business did you also purchase the processing plant in Weaverville?

Mr. Buick: I own the concrete fabrication plant that was tore down 3-months ago, but not the land.

Commissioner McIntosh: Do you own an industrial site where this can be processed off-site?

Mr. Buick: No, I do not.

STAFF RECOMMENDATION: This is a non-action discussion item. Staff recommends that the Planning Commission provide direction to staff.

Commissioner McIntosh: Motion to put Conditional Use Permit and Reclamation Plan (P-97-32) located in the Junction City area off of Red Hill Road (Assessor's Parcel Numbers 012-120-42 & 49) on the agenda for

modification or revocation of the Conditional Use Permit for the Smith Pit Mining Operation at the soonest possible meeting.

Commissioner Matthews: second to the motion.

Vote: Commissioner McIntosh – Aye, Commissioner Matthews – Aye, Commissioner McHugh – Aye, Vice Chair Stewart – Aye.

Action: Motion passes unanimously.

Vice Chair Stewart announced a 5 minute break.

4. ZONE AMENDMENT (P-20-01): The Planning Commission will consider recommending the Board of Supervisors adopt an Ordinance to amend the Riverview Drive Specific Unit Development district which has not been formally defined to the Hayfork Transition Specific Unit Development for the establishment of regulations and standards to facilitate an educational, recreational, and agricultural property to benefit citizens of Hayfork. The project would include a community garden and orchard, public walking paths with fire-safe native plants and drought tolerant landscaping, benches and picnic tables, two greenhouse structures not to exceed 3,000-square-foot, vegetable cooling room, tool shed, 2,800-square-foot multipurpose hall, perimeter fencing, required parking and caretaker's residence. The project is located at 541 Riverview Drive, Hayfork CA 96041. Applicant: C. Pierce. APN 014-030-06-00. Planner: L. Lozier.

Deputy Director Lisa Lozier presents staff report.

Commissioner Stewart: Since this is near an airport and there are building height limits are there tree height limits?

Deputy Director Lozier: There are height limitation of 70ft., there are also other regulations.

Vice Chair Stewart opened the public hearing:

Christina Pierce (Hayfork): Hayfork Transition is a 501(C)(3) corporation and will become the owner of the property. Has 30 volunteers and 15 business offering to help clear the abandoned vehicles and trash from the property and desires to have the property used as an educational, recreation and agricultural property for the community.

Justin Hawkins: In favor of project rezone.

Vice Chair Stewart closed the public hearing.

Commissioner McHugh: The resolution 2020-12, Is Exhibit A, the map or the guideline in the draft ordinance? We need to adopt the guidelines which are in the ordinance, essentially Section 2 of the Ordinance.

Deputy Director Lozier: I did not give you specifically what you are looking for.

Commissioner McHugh: Motion to recommend that the Trinity County Board of Supervisors make the following findings:

The Trinity County Board of Supervisors finds the project exempt from the California Environmental Quality Act (CEQA) by the common-sense exemption 15061(b)(3) which applies only to projects where it can be seen

with certainty that there is no possibility that the activity in question may have a significant effect on the environment, and

Adopt the recommended findings listed in Resolution 2020-12; and

The Trinity County Board of Supervisors introduce, waive the reading of, and adopt an amendment of the Zoning Code of the County of Trinity, identified as Zone Amendment P-20-01, to rezone Assessor's Parcel 014-030-06-00 from Riverview Drive Specific Unit (SUD) Development to Hayfork Transition Specific Unit Development (SUD) zone district as shown in the attached Exhibit A and subject to the SUD guidelines which are part of the Board of Supervisors Ordinance.

Commissioner Matthews seconded the motion.

Roll Call Vote: Commissioner Matthews – Aye, Commissioner McHugh – Aye, Commissioner McIntosh – Aye, Vice Chair Stewart – Aye, Chairman Frasier -- Absent.

Action: Motion carries unanimously.

5. ANNUAL INITIAL VARIANCE (CCV-20-29): A request for a variance from the required 350' Cannabis Cultivation setback from a neighboring residential dwelling (TCC 17.43.050.A.8). Project site is located at 61 Woods Ln., Hayfork. Assessor Parcel Number: 017-430-13-00. Applicant: X. Thao. Planner: B. Hedtke.

Planner Hedtke presents staff report.

Commissioner McIntosh: The person who submitted a letter of opposition, is her property on the site map?

Planner Hedtke: Yes.

Commissioner McHugh: The letter received today is an attempt to negotiate.

Vice Chair Stewart opens public comment:

ZOOM, Michelle G. representative for Thao: I spoke to Betty about her concerns and Mr. Thao is willing to extend fence and that he willing to extend the fence and the other concern is the pesticide storage area be moved to the other side of property. The neighbor was also concerned about the water supply and after a long conversation she is comfortable about moving forward.

Justin Hawkins: Comments about the number of illegal grows around this area and the pesticides being used.

Public comment closed:

Commissioner McIntosh: Makes comments about level of regulations of the water board in regard to chemicals stored on properties.

Commissioner Matthews. Makes comment in favor of neighbors resolving problems.

Commissioner Matthews: motion to approve Commercial Cannabis Variance CCV-20-29 to reduce the cultivation site setback in Trinity County Code 17.43.050.A.8 from 350 feet to 195 feet from the residence located on APN 017-430-016, subject to the findings of fact and conditions as stated in this staff report.

Commissioner McIntosh second to the motion:

Vote: Commissioner Matthews – Aye, Commissioner McIntosh – Aye, Commissioner McHugh – Aye, Vice Chair Stewart – Aye.

Action: Approved Unanimously

PLANNING COMMISSIONERS REPORT:

Commissioner Stewart has there been any action on the compound on Morgan Hill Rd.
Director Hunter: A group did conduct a site visit. I will check on it and report back.

PLANNING DIRECTOR'S REPORT:

Director Hunter introduces new staff members; Senior Planner Cannabis, Margie DeRose and Administrative Coordinator Planning, Debbie Rogge.

Commissioner Matthews asked about the upcoming schedule for meetings.

Director Hunter: Working on a timeline for the EIR and there will be a couple of special meeting scheduled. A timeline has not been decided yet. The EIR will be in early November. Staff is anticipating more than one meeting for the EIR with the hopes of getting the EIR to the Board in December.

There are still many appeals waiting to be heard for Cultivation Licenses.

Commissioner Matthews asked about CUPs

Director Hunter stated that there are several type 3 CUPs at least two are close for CEQA. Those might not make it by the end of the year. There is an interest in moving forward with stacking licenses.

Vice Chair Stewart asked about the status of the retail ordinance.

Director Hunter stated that the current focus was on the workload and the EIR, maybe in December.

Commissioner McHugh asked about scheduling, potentially November 12 and 19.

Director Hunter: We are currently looking at the 5th and the 19th.

Commissioner McHugh verified no meeting on October 22.

ADJOURNMENT:

The Planning Commission adjourned at 11:40 pm.

Submitted by: Debbie Rogge/Lisa Lozier



Kim Hunter, Planning Director
Secretary of the Planning Commission



PLANNING DEPARTMENT

And

Cannabis Division

TRINITY COUNTY

COMMUNITY DEVELOPMENT SERVICES

BUILDING - ENVIRONMENTAL HEALTH - PLANNING

61 AIRPORT ROAD, P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093

PHONE (530) 623-1351, FAX (530) 623-1353

REFUND / CANCELLATION REQUEST

REQUEST FOR:

[] CANCELLATION [X] REFUND - Amount Paid: \$500 CK

I, [Redacted] request a refund and/or cancellation for

Print Name

Application# License# / Permit # P-20-28 APPEAL FEE FOR CCL-2020-691 CULTIVATION LICENSE APPROVAL

Reason for Request:

PER THE RESULT OF THE 10/8/2020 MEETING AT WHICH DEREK COLE (COUNTY ATTORNEY) DETERMINED THE APPEAL IS MOOT AS THE PLANNING DIRECTOR DID NOT MAKE THE DECISION TO ISSUE THE LICENSE.



1/20/2021 Date

The undersigned, under penalty of perjury, states that the above claim and the items as therein set out are true and correct; that no part thereof has heretofore been paid, and that the amount herein is justly due this claimant, and that the same is presented within one year after the last item thereof has accrued.

For County Use Only

Payee/Claimant Name: [Redacted]

Address: [Redacted]

City/Zip [Redacted]

Phone: [Redacted]

Email: [Redacted]

NOTE: Refunds will not be processed unless all information is completed. Only the Payee on the receipt of the permit may receive the amount refunded.

FOR COUNTY USE ONLY

[] Refund Approved [] Refund Not Approved: _____ by _____ Date Name and Title

Explanation: _____

Receipt #: _____ Amt. To Be Refunded: _____

- [] Applied [] Withdrawn / Appeal [] P.C. / Director Denied
[] Inspections [] Change of License Type [] Incorrect Payment Received
[] Issued [] Overpayment / Duplicate Payment [] Other