

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting

February 11, 2021 at 7:00 p.m.

Trinity County Library Conference Room

351 Main St, Weaverville, CA

Chairman Diana Stewart

Vice-Chairman Duncan McIntosh

Commissioner -vacant

Commissioner Mike McHugh

Commissioner - vacant

PLANNING COMMISSION 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:

Meeting started late due to technical issues. Director Hunter apologized for the late start and we appreciate your patience.

Chair Stewart called the meeting to order at 7:27 p.m.

Commissioners present: Diana Stewart, Mike McHugh, Duncan McIntosh

Staff Present: Planning Director Kim Hunter; Planning Deputy Director, Lisa Lozier; Senior Planner Cannabis Division, Marge DeRose; Administrative Coordinator, Deborah Rogge

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.

Public comment opened at 7:35 p.m.

Speakers:

Jake- Would have liked to be in person. I know that my wife's project is a continuance. Would urge the Planning Commission to hear the item and not continue it to a later date. Please make a decision on this project.

Commissioner Stewart-If it is something that we are going to be discussing on the agenda, there will be a public comment session then. The only item that will not have public comment is Item 5. Item 5 is the Variance on Lakeview Drive in Trinity Center.

Commissioner Stewart-the Item is on later in this agenda.

Liz McIntosh, Junction City- My comments tonight are to remind you to keep your attention on the Smith Pit tailings project that has been open for 33 months, which goes back to 1995. I want to commend Planning staff, Kim Hunter, and Bella Hedtke for always being patient and being a public liaison between us, and grateful for the communication. I want to go back to the Oct. 8th meeting and even if there is going to be new Commissioners and that they be directed to review the minutes of that meeting. There are code complaints, photos, letters and in person comments made about site operations happening outside permit limits. Staff was directed to bring this back at the next meeting possible and it has been months and it has not been put back on the agenda. Operations have slowed at the site; however, they still use equipment that they are not allowed, and drive in the school zone at un-allowed times. I am concerned about the fairness of this. Please move this Item forward. Thank you.

Lisa Wright, Lewiston-Diana congratulations on position of Chair. I wanted to share a few thoughts. As a fourth grader I had a voracious appetite for US presidents. Fast forward 50 years after becoming a student and an administrator of government and a local business woman of regulatory compliance, I hold dear the rule of law. As elected representatives of the commission the people look to you to ensure that the rules, and adopted codes of the law are being upheld and followed

by our government. I am asking you in this roll to please remain aware of some important Trinity County codes. Of particular attention 17.30E.020, that paraphrases within 30 days of submitting and paying for an application the Planning Director shall determine complete or notify of incomplete of information needed. If no notification of incomplete is made the application is deemed complete where by no further review is allowed under the law. If the application is deemed incomplete the applicant has 30 days to provide the info unless otherwise agreed. Once complete the Planning Director shall not extend the period beyond the 30-day period unless the applicant agrees to waive the 1-year time limit that is imposed in government section 65950. Section 65950 allows a one-time use extension pursuant to section 65957. Section 65957 goes on to say that mutual written agreement cannot extend 90-days from the date of the extension. Important to note failure to act with-in these time limits may result in the project being deemed approved. The citizens can understand and empathize that with lack of staffing and resources but I believe it is unreasonable to expect decisions to allow to government to ignore the rule of law and the obligation of government to follow it as well. I ask you Commissioners as representatives of the citizens that you would be sure that adherent to the law be first and foremost on the part of all parties. Thank you.

Amanda Barrister, Junction City- I am here to speak to the Smith Pit Operations. This has been ongoing for almost 3-years, and this is getting out of control the amount of time we are waiting for this item to be on the agenda. The Smith Pit Mines operated under Trinity Sand and Gravel are operating grossly outside of the permit. They impact the community in a huge way, they impact the environment, they operate on holidays and ignore the parameters of the permit. I am curious how many new Directors and Commissioners are we going to have to educate about this issue. We are on the third Planning Department Director and multiple Commissioners and still we can't get heard and have the item on the agenda. Why has this not been addressed. Hundreds of complaints have been filed. I would encourage you to get this on the agenda as promised.

Tom Balanco, Douglas City- Let me say first, on behalf on District 3 I am happy to see Madam Chair Stewart on the Commission panel. Every day I drive past the Indian Creek Project, which was really a B.L.M. and Yurok Tribe project, but Trinity County participated, and this Commission participated in the channel restoration project. It is such a good example of how to do an environmental project. The Tribe came and talked to the residents. This was a very courageous undertaking, unprecedented channel restoration project. Different then many of us thought. As we are seeing the first precipitation of the year since they started the work, it is doing what they anticipated. From my view every day the water is cutting a new channel just as they had anticipated and it seems to be working. The other thing I want to say is this meeting is a good example of the challenges of meeting with ZOOM. I am hoping that future meetings of the Commission can be in person, even if it is only the one speaker in the room at time, I think that helps convey the message. ZOOM is the next best thing. Thank you.

Public Comment is closed.

Chair Stewart- The First Item on the regular agenda is the rotation of Chair and Vice Chair of the Commission for 2021.

REGULAR CALENDAR:

1. ROTATION OF CHAIR AND VICE CHAIR FOR 2021

Director Hunter- A rotation happens when we have a change of Commissioners. There is a rotation schedule for Chairmanship-Commissioner Stewart was Vice Chair last year (2020), and under the rotation schedule would be chair this year which she has agreed to take. The Vice Chair position needs to be discussed. Generally, the district rotation goes; District 1, 5, 3, which is where we are this year, then 2, 4. However there has been a little bit of a change the Planning Commission where the Commissioner of District 4 has more experience that the new Commissioner for District 2 who would normally be moved to Vice Chair. This is an important consideration for the Planning Commission and we want to bring that to your attention regarding the Vice Chair position.

Commissioner McHugh- I would like to suggest we swap, by a motion, that we change the rotation this one time given that District 2 is brand new and does not have experience yet, that we swap Districts 2 and 4. Commissioner McIntosh (District 4) has been in the saddle for many months and might be more equipped to step-up to Vice Chair. Then District 2 Commissioner would then come up the next year (2022) to Vice Chair. I f that makes sense to the Commission.

Commissioner McIntosh-That seems to make sense; I second the motion.

Commissioner McHugh-So I make that motion.

Motion: Commissioner McHugh

Seconded: Commissioner McIntosh

Vote: Commissioner McIntosh-Aye, Commissioner McHugh-Aye, Chair Stewart-Aye

Chair: All in favor

Chair Stewart- The rotation for this year, will be, myself as Chair, District 4, Commissioner McIntosh as Vice Chair and then next year Commissioner McIntosh will be the Chair and the Vice Chair will be District 2

On to Item 2 Minutes from the November 19, 2020 and December 3, 2020 special meetings and December 10, 2020 regular meeting.

2. **MINUTES:** Approve minutes from the November 19, 2020, and December 3, 2020, special meetings and December 10, 2020 regular meeting.

Commissioner McIntosh-For clarity on December 10th, Item 2 it mentions a 64-acre parcel was that not a 640-acre parcel? If that can be corrected.

Director Hunter and Commissioner McHugh both acknowledged the that it was a 640-acre parcel.

Chair Stewart do we want to make a motion to accept all three sets of minutes together.

Motion: Commissioner McHugh-Motion to accept minutes as corrected (640-acre).

Seconded: Commissioner McIntosh- Second

Chair Stewart-All in favor?

Vote: Commissioner McIntosh-Aye, Commissioner McHugh-Aye, Chair Stewart-Aye

Chair Stewart-The minutes are approved as amended. Now we are on to Item 3 the discussion update on the Commercial Cannabis Program.

3. **DISCUSSION ITEM - UPDATE ON COMMERCIAL CANNABIS PROGRAM:** An update by Cannabis Division staff on status the Cannabis Program including recent changes.

Sr. Planner DeRose to provide an update to the Commission with a general update on the Cannabis program.

Two items are on the agenda for discussion, the December 8 policy memo on inactive file and license transfers as well as the Urgency Ordinance 1355 adopted by the Board of Supervisors on December 9th 2020. Sr. Planner DeRose reads the policy memo:

17.43.030E states, ownership of a license may be transferred under the following conditions;

1. Licensee may transfer the license as part of the sale of a property for which the license has been issued.

So, a license must be issued in order to be transferred. I wanted to clarify that because there have been a lot of questions to staff as to applications of people who have not been issued a license so far.

The December 8th policy memo came in right before the December 9th Urgency Ordinance adopted by the Board of Supervisors regarding extensions of already issued cannabis cultivation licenses. I want to briefly read a section of the Urgency Ordinance. There has been a lot of confusion and mis-understanding from folks about the criteria for which licenses can be extended so I want to go over that quickly. Section II on page 4 of the Urgency Ordinance; Based on the above findings, the Board of Supervisors ordains the following measures be immediately implemented:

A. Extension of Previously Issued Cannabis Cultivation Licenses.

1. The term of any cannabis cultivation license issued on or after January 1, 2019, and for which an application to renew such license had been submitted to the County on the effective date of this Urgency Ordinance, shall be deemed to be extended for the term of this urgency Ordinance, as provided in Paragraph (C) of this section.

We had some folks using that language and only that language to interpret the Urgency Ordinance. There are several other conditions for which licensees must be compliant with in order to qualify for the extension. I will read those and give some additional information.

2. Should any cannabis cultivation license in effect as of the date of this Urgency Ordinance be scheduled to expire after the effective date of this Urgency Ordinance, the term of such license shall be extended for the term of this Urgency Ordinance, as provided in Paragraph (C) of this Section.

3 applies to the previous two that I just read.

3. Applicants for licensees under Sup-Paragraph (1) and (2) of this Paragraph must pay the applicable renewal application fees and submit a renewal application as a condition for receiving the extension of their licenses for the term of this Urgency Ordinance.
4. The County shall take all actions reasonable and prudent to advise California state licensing authorities of the extensions of their local authorities as evidenced by the licenses as provided under this Urgency Ordinance.

On # 5, I will provide some additional information to you after I reading.

5. Nothing in this Urgency Ordinance shall be interpreted to allow any licensee to violate any term or condition of any issued cannabis cultivation license or any provision of the Trinity County Code or state law. Nor shall anything in this Urgency Ordinance be interpreted to abridge or preclude the County's authority to suspend, revoke, or modify any license or seek any remedy authorized by law.
6. Transfer of an existing license to a new property shall be treated as a new application, and shall be subject to the prohibition to the Urgency Ordinance as stated in Paragraph B

B. Prohibition on Issuance of New Cannabis Cultivation Licenses. The County may not accept, approve, or issue any application for a new cannabis cultivation license for the term of this Urgency Ordinance, as provided in Paragraph (C) of this Section.

C. Terms of this Urgency Ordinance. This Urgency Ordinance shall take effect immediately and shall expire on the earlier of (1) 270 days from the effective date of this ordinance, as stated in Paragraph (D) (*which is September 5 2021, just for clarity*), or (2) the effective date of any further or subsequent ordinance suspending, repealing, amending, or superseding this Urgency Ordinance.

D. Effective Date. The effective date of this Urgency Ordinance is December 9, 2020.

I want to speak to a few things that have caused some confusion or are not clear to some folks. One of the requirements of a cannabis cultivation operation license in Trinity County is that within 90-days of receiving a county license the licensee must apply for a state license to cultivate, and that's a requirement in our code. The county reviewed approximately 181 pending licenses for renewal. Not only to see if they had a state license but to make sure they had submitted an application and paid the fees as described in the ordinance. Unfortunately, more than 50% of those 181 files did not qualify for the extension and 15% of those did not have a state license.

Meaning that they have been licensed with the County for more than a year and have not held a California State license for cultivation. Which means that all the cannabis produced from their operations could not be sold legally in the state of California, they could not transfer their products in the Track and Trace system, or have them tested and sold at a licensed retailer. Therefore, if folks did cultivate during that time without a state license that means they sold their products in the Black Market.

So that is a requirement in the code and state law and we are holding folks accountable for that requirement, and we are getting a lot of push-back. That being a true reading and using discretion in how we are interpreting the Urgency Ordinance. The other pieces are about 24% of the licenses we screened did not submit a renewal application or pay fees by the Dec 9th Urgency Ordinance date, meaning their licenses had expired sometime the year prior and they operated that season without a county cultivation license. So, the cannabis division has been receiving a lot of negative feedback regarding the problem licensee or their representatives for not receiving an extension of their licenses and I just wanted to explain why folks did not receive extensions. Under the Urgency Ordinance and these criteria that was established in the Ordinance that we used to determine whether someone qualified or not. This is not a discretionary decision that staff is making we are clearly following the language in the Ordinance and requirements in the County Code for cultivation of a licensee. The Board of Supervisors decide to enact this Urgency Ordinance, is that as you know and have reviewed was the Cannabis Program Environmental Impact Report, adopted formally on December 28, 2020 and with that an amended program ordinance that included 64 mitigation measures. All licensees in the program, which is just under 500 currently, with 60% having an active valid license or extension, will have to transition to that new program ordinance. Thus, it is not the expectation of the county that these folks will have to immediately implement all the requirements of these mitigations. We are in the process of developing a transition plan which will outline the requirements of the mitigation and a timeline for which compliance is expected, and which one apply. For example, and existing operation, where there are no changes to the operation or ground disturbance, compared to a brand-new operation on a site that has not yet been developed. There will be different mitigation compliance levels depending on what is being invoked. The county is diligently working on a path forward from operations under the old ordinance with no mitigations required to the new amended program with those mitigations, and the Urgency Ordinance allows us time to dedicate to that process and the overall concept and idea is that all these licenses must undergo California Environmental Quality Act compliance every time a license is issued. With 500 licenses issued that is 500 CEQA reviews every year the County must complete. Under the Environmental Impact Report, the program itself has been analyzed for impacts and those impacts have been disclosed in mitigations included to reduce the significance of those impacts so the licensee will be tiering of the analyzes of that EIR in going thought a checklist to show compliance with that and they will not have to do an individual site specific CEQA every year. It is meant stream-lined, the process for the licensees and the County. We are taking time to complete that step and provide a path forward for licensees and create efficiency and sustainability for the program. During this process we recognize that numerous folks that did not qualify for an extension, and may be allowed to transition into that program if they come to compliance with the County code and ordinance. In the transition plan we will describe a path forward for them as well as continue to provide local verification to the state agencies that these folks are pending compliance with Trinity County and obtain a state license and not be kicked out of that program while we are in transition. We are also doing the same thing for CEQA compliance with the state. We have been having meetings, phone calls, and conversations with state agencies to ensure they understand we are in the process and don't disqualify folks because the county is in transition. We are working hard to get everybody thru this program. We want licensees to be accountable and compliant with commercial cannabis activity and we are hoping that folks recognize that this is a difficult transition. I know it is very hard on the licensee and their businesses but it is important for long term sustainability in the program.

Do you have any questions?

Commissioner McHugh-Margie presumably the 270 days, is the period the Board decide, that is the period in which you are going to be developing the transition program, hopefully not all that time is needed. But the purpose of that was given to provide time to create the Transition plan.

Sr. Planner DeRose-Correct. Our goal is to get the Transition plan out much sooner than 270 days, with direction to the licensees on what they need to do next.

Commissioner McIntosh-During the transition from one owner to the next or if the site has not been moved, would that fall under the original or under the new EIR mitigations?

Sr. Planner DeRose-All licensees, no matter if it has been transferred on the same parcel to a new owner will have to come into compliance with the new ordinance. Everyone in the program regardless if they conducted CEQA analysis previously, or initial study because the requirements were different, to issue a new license they must be in compliance with the new requirements.

Chair Stewart-My questions is about the transferring of a license. If somebody sells their property with the license at the same time, that the new owner cannot start working that property until September 5th?

Sr. Planner DeRose-Transfers of licenses to new owners on the same parcel are still moving forward. We have a little different process because of we are not currently issuing new licenses which triggers a CEQA review. We transfer ownership of the license to the new owner and they will have to comply with the terms of the original license.

Chair Stewart-I read that because of what it says in 6, it says ‘that the transfer of an existing license to a new property shall be treated as a new application,’ and you aren’t issuing new licenses and applications until September 5th.

Sr. Planner DeRose-To clarify, there are two types of transfers. 1. Transferring the license on the existing parcel to a new owner. 2. Transferring to a new parcel with the same owner. The Urgency Ordinance puts the transfer of license to a new parcel on hold, because of the new development. One more item to clarify, because these licenses are being extended, the operations must be conducted under the terms of the original licenses. Many people are wanting to expand, create new development and the ground disturbance activities must be analyzed under CEQA for that to be approved. Since we are not issuing new licenses or renewals, we are just extending the previous license, all operations must occur under the terms of the previously issued license.

Chair Stewart ask the Commission for further questions. There were no further questions.

Chair Stewart-There will be no public comment on this Item as it is a discussion item. We will move on to Item 4.

4. CANNABIS CONDITIONAL USE PERMIT & VARIANCE (P-18-01): A request to expand cannabis cultivation operations on the project site a variance from the 500-foot property line setback requirement in Trinity County Ordinance 315-823. The applicant is currently holding a Type 2 (Outdoor – Small) Commercial Cannabis Cultivation License (CCL) to cultivate up to 10,000 square feet (sf) of cannabis canopy area and is applying for an expansion to allow up to one-acre (43,560 sf) of outdoor and/or mixed-light cannabis canopy area. To allow the expansion, the applicant is applying for a Type 3 (Outdoor - Medium) CCL. Cultivation would occur in outdoor raised beds and within greenhouses that would be developed on four previously disturbed and graded portions of the project site. In addition to the expanded cultivation activity, the applicant also proposes a 900-square-foot cannabis waste compost area, access road improvements including replacement of a bridge, and three culverts. Project is located on an approximately 640-acre property within Trinity County, approximately 6 miles northeast of the unincorporated community of Hayfork. The project site is located at 3800 Barker Creek Road, Assessor parcel Number 015-030-01.

Applicant: Olivia Caccavo. The proposed CEQA determination is a Mitigated Negative Declaration.
(continued from the December 10, 2020 meeting)

Director Hunter read a memo recommending Item 4 be continued and clarified the memo as posted was incorrect and that information requested for the project had been received in January and had been forwarded to the County's Consultant, SHN for review. Staff is requesting Item 4 to be continued to review the information provided and update the CEQA document as requested by CDFW and CDFA.

Chair Stewart-Public Comment is open for Item 4. Does anyone wish to speak?

Jake Grossman-With all due respect, I am not sure why Kim Hunter is still on this. She is named in a lawsuit directly involved with that property she also not in charge of the Cannabis division. With regards to the allegations (uncertain verbiage) she was engaged with Flowra and looking forward to working with us. Every garden under this CUP is a previously active garden site for the last 6 years. When these requests first came in we asked Kim Hunter if she wanted us to give the answers to SHN, she said no. A month and half later she asked us for the answers to these questions we responded to them in, I believe less than 24-hours. So this timeliness thing falls on deaf ears especially after hearing 45-minutes about people not getting their licenses, revoked and taken because of timeliness but it seems that burden is on the applicant and that there is literally is the reverse of that from the county. This is now the 3rd year for these active grow sites with no further disturbance 640-acres no neighbors and now we will be looking at a 3rd season of not being able to go back to our original operating size. We downsized to come into compliance four or five years ago with the county and we have been in this program. We have done everything for this. The answers are in the original documents. I request that we move forward with this tonight. I would ask that you move forward with this so we can continue to pay taxes. By the January 1st deadline we have, may well be the first licensed sale out of Trinity County that you guys make tax dollars on, I would love for it to be more. We want to move forward with our 1-acre CUP. Thank you.

Tom Ballanco, Douglas City-Following up on what Jake said this if you look at the CUP number and to the license number that it is anchored to, I believe it is number 004. They are among the first people to enter the program. Jake and Olivia were the very first people in this room to even approach the subject of 1-acre grows in Trinity County. I think they convinced a number of people, myself included, that make 1-acre on the right kind of parcel, like a 640-acre parcel. This is 3-mile down a private road, no neighbors, no smell, no one can see any kind of light, this is a good spot for cannabis to the extent we see problems in the communities from cannabis operations being too close to neighbors. I understand the telephone game that goes on with information, SHN wants to see something, the Consultants, there are a lot of layers in view. I really urge the Commission, if you are going to re-schedule this, rather than put it to a date uncertain. Put it on the next Planning Commission meeting. February is already right on the cusp of a viable season for this summer, to the extent that we can make that happen. Put staff to the task to get this ready for the next commission meeting. This is a great spot and very appropriate for a Conditional Use Permit all it has to do is be presented to you. If staff needs more time, don't give unlimited amount of time, say until the next meeting. Thank you.

Chair Stewart-There are no more speakers so I will close the public comment.
Meeting is brought back to the Commission.

Director Hunter- Madam Chair, I am happy to revise my recommendation to continue to the March 11.

Commissioner McHugh—Margie can you help us understand how this Application moving forward fits into the context of the Urgency Ordinance?

Sr. Planner DeRose-There is language in the Urgency Ordinance that excludes the Type 3 Medium Licensees from the Urgency Ordinance—meaning that those are allowed to move forward.

Director Hunter-On the basis's that they are Conditional Use Permits, have approval of the Planning Commission and have a site specific CEQA.

Chair Stewart-Do we have a Motion?

Motion-Commissioner McHugh, I make the motion that we continue to March 11, 2021

Second-Commissioner McIntosh

Vote- Commissioner McIntosh-Aye, Commissioner McHugh-Aye, Chair Stewart-Aye
Chair Stewart this Item is continued to the March 11 meeting.

We will take a 5-minute break.

Chair Stewart-I call the meeting back to order, and on to Item 5.

5. VARIANCE (VAR-20-01): A request for a variance from the required 20-foot rear yard setback in an R1 zone district. The project site is located on an undeveloped lot on Lakeview Dr, Trinity Center, and directly adjacent to the Trinity Center Airport. Assessor Parcel Number 007-560-14-00. Applicant: T Lorenzo. Planner: L Lozier

Commissioner McHugh-Madam Chair whereas this property is in close proximity to my house and the nature of the request is similar to my own situation, I am going to have to recuse on this Item.

Deputy Director Lozier- Madam Chair at this point due to a lack of quorum this item will be canceled and rescheduled to the next available meeting.

Chair Stewart-Thank you. There will not be a public hearing for Item 5, we will continue on to Item 6

6. APPEAL OF DE FACTO DECISION (P-20-32): A de facto denial appeal of Commercial Cannabis License renewal and transfer application (CCL-358) for 5001 Stewart Ranch Road, Zenia. Appellant: Flowra (Ana Wright). Licensee: Rich Harvest Group, LLC (Ivan Mihalev). Assessor Parcel Number 020-170-18-00.

Director Hunter-I want to provide a little bit of information before we get started on Item 6, and Items 7, 8, and 9 because they are all related de facto denials of these licenses meaning there was not an actual denial by the Planning Director of these licenses. They all have different circumstances. But I want it to be clear that the basis of the Appeal, Colin is stating since no action was taken it was ultimately a denial of the application. These files have been on the books for years, I am familiar with these files and apologize for the lengthy staff report for Item 7. But I erred on the side of caution and added additional information. So back to Item 6, are there any questions for that Item?

Commissioner McHugh-I have a question, as to whether the de facto denial is in fact a denial? We were lectured by County Council when there was an Appeal of the issuance of a license in Lewiston last year that even though the department had published the intent to issue the license the license had never actually been issued and in the absence of a license issuance there was nothing to appeal. I'm curious to hear how that notion that there needs to be something to appeal applies to this concept of a de facto denial.

Director Hunter- I would defer to county council. If we have county council on the line.

Ana Wright, Flowra - I like to jump in here, I think if we listen to the opponent's arguments it will make a little bit more sense. We are really calling

Commissioner McHugh- Are we in public comment Madam Chair?

Chair Stewart-No, no we are not.

Margaret Long, County Council- I am present and you do raise a very interesting point. My understanding is that the concept is using the permits streamlining the act to have them deemed denied and I would've liked to have an opinion for this commission so that they can make a decision going forward. But I have not researched that in its entirety. There are a number of exceptions to the permitting distribution act that I do believe would likely apply here, but, I can't say that without digging into it further. I am looking specifically at the situation. So at this point my recommendation would be if you would like me to opine on that question which I believe is a very valid question I would need an opportunity for this to be continues so I could do so.

Commissioner McHugh- Well it seems to me that council wants to have a chance to tell us whether we should even be hearing these items.

Chair Stewart-I agree. But that would apply to 6, 7, 8, & 9. All of them would need to continue. They are all de facto's.

Ana Wright- May I ask, if we continue them can we put a certain date to this? These appeals have been sitting there since July of last year and we're just now getting to hearing them. We have some concerned people. I understand if County Council wants a little bit more time to do research into this particular instance. I would just really hope that we put some timelines around this. Please.

Chair Stewart- let us finish our conversation as to whether we are going to consider continuing it and then I will open Public Comment. Thank you.

Director Hunter- we are having a meeting on the 25th of February.

Chair Stewart- Do you think we would be able to do it then?

Director Hunter- County Council is that good.

Margaret Long, County Council- that would be sufficient time for us to look into this. As the applicant has said they have a position or potentially their legal authority which they are relying on, they are welcome to submit that to me as well. So that I can analyze it and provide a full and comprehensive response to this Commission.

Chair Stewart- I will go ahead and open Public Comment on Item 6. Will I have to open Public Comment on each one, is that correct?

Director Hunter-Yes.

Lisa Wright, Flowra- Thank You Madam Chair I appreciate your patience with me and zoom and wanting to just make sure we get this heard. I am going to jump fast forward since it sounds like a lot of the arguments are going to be made on the 25th. The Appeal that was submitted in July has most of it in there. I want to point to a different section of our County Code that's not my own legal representation, it's actually in our Trinity County code, happy to send off these copies to County Council after this Public Comment. 17.30 E .030 letters D and E both give powers to the Planning Commission to step in when no decisions are being made or action happening from the Planning Department. Specifically, letter D, the Commission may grant an extension of time if it determines there are unusual circumstances beyond the control of the Applicant which have precluded timely compliance with a request. And letter E, the Commission may relieve an Applicant from providing information requested by the Director if it determines that the information is not necessary or relevant to the decisions to be made. With respect to the project, each of these individual de facto denials were filed because no action has happened from the County's end since 2019, one of them since 2018. Regardless of our follow-ups diligently, regardless of our letters, before we filed the Appeals, to ask to come to the table to talk about these and they were ignored. When we look at our administrative remedies as citizens and development projects our administrative remedies are first to come to you and ask you to help us step in and help direct the Planning Department and if it fails there, we go to the Board of Supervisors as our last administrative remedy. We are just trying to and when I say we, I am speaking of Flowra and myself who submitted these appeals. We are trying to assist people who are not getting answers. We are not getting licenses and who have never been issued any notice to cure periods, the 7-days in our code. With-in 30-days of submitting their renewals the past 2-years have never been issued deficiencies in that 30-day timeline that's in our code. Again, I am happy to spell this all out for County Council, as well before the next meeting. But, specifically in this case this transfer of ownership in 2019 has been pending since that renewal as well. We continue to move forward and make progress. If the dwelling and the septic are the only things holding up the County, I can bring the Applicant in here next week or the week after to pay those fees. But the problem is we're not getting the communication about this and there is in our guidelines to be able to receive communication so that we can act in a timely manner and don't have to come to this point. I understand that we're all busy, we're all dealing with the COVID pandemic issues, still we're all dealing with staffing issues and we're trying to work together and this is our only option, to come before you to ask for your help when that's not happening at department level. We are simply following the next administrative remedy we can find with nothing be provided to us that this application has been denied not any communication of when the license will be issued in 2-years and like I said one case is past 3-years. I'm not sure what else we are supposed to do. I appreciate the Commissions time; I believe the appeal document speaks for itself. This licensee not only has a valid state license, they have turned in and paid for renewals in the past 2-years as well with just no information. So, if there are deficiencies on this file, I ask the Planning Department to please issue those like they should with their notice to cure. We will respond to it in the timely manner that we are supposed to and then I ask the county to then follow their own timelines and get back to us because season is upon us and the amount of people that aren't going to be able to cultivate this year, including these people with valid state licenses is just even more tax revenue lost. So speaking for the client, and speaking for the greater of the community and really hoping that the Planning Commission can do what you're allowed to do according to our County Code, step in and please give the Planning department some direction on this license. Thank you so much.

Chair Stewart-Is there anyone else who would like to speak on Item 6?

Tom Ballanco, Douglas City-Good Evening Madam Chair, and Commissioners. I want to say thank you Commissioner McHugh, I feel like I've gotten back a few of the hours we lost at that meeting you were talking about in Lewiston. By stepping out in front of this conversation. Nobody likes continuances, everybody, you know waits for these meeting to happen. However, there is nothing worse than going through a presentation and finding out, you know what thanks for your comments. We didn't need them so I think it's a reasonable question

and it's a good approach. I might also encourage looking into my crystal ball, I see there's 3 or 4 of these de facto denials, I have a feeling we're going to have 35 percent of 181 appeals coming through. So maybe if we could frame some of those basic questions into some...get council read-up on that and maybe agendas, I don't know what topic but, the less individual questions we have to put before you that can be answered in general questions the better. So anyway, I do think we have to go to the 25th, so be it. I think this is a positive development to getting those questions the threshold questions answered first. So, let's do it and we'll see you again soon. Thank you.

Chair Stewart-Thank you. Is there anyone else?

Jake - I agree with what Tom said, and I think that the big message we have been hearing this entire Planning Commission meeting and I know it's not a not a new one, not just about cannabis but also about the CUP in Junction City. The timelines of communication with the county is sometimes virtually non-existent. I spoke about earlier a serious hand of the law on the side of the county as far as cracking down any tiny step or delay or anything of that nature. Is sweeping the rug out from under you, while on their side zero response on anything. Personally, I've dealt with responding to an email with a simple question, six months later where you know three months later, we'll finally hear back after

Chair Stewart: Excuse me Jake do you have something specific about this item (Item 6)

Jake: what I'm specifically saying is that I would love to see you guys put timelines on these issues. So we don't have to waste more Planning Commission time talking about this or more Planning Commission time bring these up and then they're saying, oh we need to look more into this or oh well this is years ago year as we're talking about. I would love to see you guys with some timelines on this. Thank you.

Chair Stewart: Since there is no one else to speak for this Item I will close the Public comments for Item 6 and bring this back to the Commission.

Motion: Commissioner McHugh: I move we continue Item 6 to February 25, 2021

Second: Commissioner McIntosh

Chair Stewart: All in favor?

Commissioner McIntosh-Aye, Commissioner McHugh-Aye, Chair Stewart-Aye

Chair Stewart: Item 6 will be continued to February 25, 2021, and now we will move on to Item 7, which is another appeal of De-Facto decision. (to Kim Hunter) do you want to say anything about this Item? I imagine we will be doing the same thing with all of them. Director Hunter responds Yes, please. I will open public comment for Item 7 Appeal of De Facto Decision P-20-33

7. APPEAL OF DE FACTO DECISION (P-20-33): A de facto denial appeal of Commercial Cannabis License renewal application (CCL-427) for 441 and 553 Henrietta Road, Lewiston. Appellant: Flowra (Ana Wright). Licensee: Fat Wallet Farms, LLC (Helene Kuehl). Assessor Parcel Numbers 025-350-52 and 53).

Chair Stewart: Is there anyone who would like to speak to this Item?

Anna Wright, Lewiston: We are talking about de facto denials for all of them but there are different. This one was specifically was the 3-year one I was just talking about; these guys haven't had a license since 2018. There were fish and wildlife and water board issues as the county points out in the timeline. Those issues have been resolved and are still in progress. I brought reports, I thought I could come to the meeting I'm going to send these to you as well as staff tomorrow. But the one I'm holding up is from December 30, 2020 and this is a correspondence with fish and wildlife to show according the LSA agreement that is in place by Gregory Engineering to show the updates that are happening. So, Fish and Wildlife are holding this applicant to periodic updates according to their LSA application to restoring their property. Specifically, in regards to this past summer during the dry season there was some work regarding the stream channels that Fish and Wildlife wanted to see in the agreement and this will continue to be monitored as outlined in the permit so to show that there has been updates Fish and Wildlife did clear their violation and we are still working very closely with them. January 25th of this year with the Water board, same thing Gregory Engineering communicated with them the updates on what's happening. During the dry period last year, the re-vegetation plans were implemented in the stabilization plans, and re-vegetation will continue to be implemented. We show great pictures of what the progress is and everything is in great condition and expected to re-vegetate fully according to the engineer. So, this license when in 2019, beginning 2020 when we were again talking about this with the Planning Department. They were waiting on violations to be cleared and those have been cleared since spring 2020. So, any other deficiencies that might be on this file we are unknown, do not know if there are. If there are again, please issue the 7-day notice to cure. We are happy to cure them and try to get this license issue as quick as possible. This licensee unfortunately had a state license disqualified this year because of this county issue and we are very ready to hit a resubmit once again. But, obviously I don't want to waste an application fee until we can know for sure the county is going to give that authorization. So, I look forward to talking about this more on the 25th and very excited to give you guys that information that this site is well on their way in showing compliance with the Water board and Fish and Wildlife. One moment I want to see if the licensees want to speak. They will wait until the next meeting. Thank you.

ZOOM speaker: Just a brief comment. I thought that I'm the only one with the problem of emailing and calling the County, and never getting a response back. I guess there's people with three years. I am a year and a half with one of the licenses where I get zero response for anything.

Chair Stewart: I'm sorry, do you have something specific to say about Item 7?

ZOOM speaker: Yes, specifically that the person doesn't get the response from the county there should be some timelines of the response for any question the applicants are asking. We are in this program while there is multiple illegal grows and we are being accounted for everything what is being done and no action is being done to anybody else. Sorry it's my frustration. Excuse me.

Chair Stewart: Public comment is closed on Item 7, and bring it back to the Commission.

Commissioner McIntosh: I motion to continue Item 7 to the February 25th meeting.

Commissioner McHugh: I second.

Chair Stewart: All in favor?

Commissioner McHugh-Aye, Commissioner McIntosh-Aye, Chair Stewart-Aye

8. **APPEAL OF DE FACTO DECISION (P-20-34)**: A de facto denial appeal of the 2019 Commercial Cannabis License renewal application (CCL-201) for 110 Southridge Court, Hayfork (Post Mountain). Appellant: Flowra (Ana Wright). Licensee: North State Creations, LLC (Zachary Jakubowski). Assessor Parcel Number 019-420-30-00.

Chair Stewart: (To Director Hunter) do you have any comment? Director Hunter: No

Chair Stewart: Opened Item 8 to public comment.

Anna Wright: Really quick on this one. This licensee has been part of the program since the very beginning and a renewal application was submitted in 2019 and 2020. The applicant still tracking down now that he's built his house and made the official move into the new home on his site, tracking down that 2019 receipt. We were never invoiced for the one in 2020. So, I think this is another instance where there is a very easy remedy like paying a fee showing proof of his dwelling that just got delivered, whatever the county needs please issue that 7-day notice to cure. We will respond and we can get this license issued immediately. This is another one with a state license and somebody that has been a part of this program the whole time. So, I look forward to February 25th and really hoping that again with this de facto denial because there's been no action for two years. We really are needing Commission's help. Thank you.

Chair Stewart: I will close public comments for Item 8 and bring this back to the Commission.

Transmission of ZOOM meeting was lost at 8:53pm. Staff was unable to contact outside technical support to continue the meeting

Chair Stewart: Remaining Items on calendar 9, 10, & 11 continued to February 25th meeting. Meeting is adjourned, due to technical difficulties with ZOOM. The Planning Commission adjourned at 9:17 pm due to technical issues.

9. **APPEAL OF DE FACTO DECISION (P-20-35)**: A de facto denial appeal of the 2019 Commercial Cannabis License renewal application (CCL-199) for 520 Pine Forest Drive, Hayfork (Post Mountain). Appellant: Flowra (Ana Wright). Licensee: Chengway Yang. Assessor Parcel Number 019-340-16-00.

10. **APPEAL OF DIRECTORS DECISION (P-20-51)**: *CANCELED*

11. **DISCUSSION ITEM – PLANNING COMMISSION MEETING TIME**: Discuss and provide direction to staff regarding a proposed change in the regular Planning Commission meeting time from 7pm to 6pm.

PLANNING COMMISSIONERS REPORT:

PLANNING DIRECTOR'S REPORT:

ADJOURNMENT:

The Planning Commission adjourned at 9:17 pm due to technical issues

Submitted by: Deborah Rogge, Admin. Coordinator, Planning & Lisa Lozier, Deputy Director of Planning



**Kim Hunter, Planning Director
Secretary of the Planning Commission**

