

# 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 Hedke presents staff report.

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

Planner Hedke: 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 5<sup>th</sup> and the 19<sup>th</sup>.

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