

MINUTES

1. CALL TO ORDER

Chair Hoard called the meeting to order at 7:00 p.m. Members present: Dan Frasier, Diana Stewart, Graham Matthews and Richard Hoard. Members absent: Mike McHugh. Staff present: Deputy Director of Planning Leslie Hubbard, Deputy County Counsel Joe Lamour and Assistant Planner Bella Hedtke. Others present: SHN Representative Mark Chaney.

2. PUBLIC COMMENT

Members of the public may address the Planning Commission concerning matters within their jurisdiction, which are not listed on the agenda and to request that a matter be agendized for a future meeting. No action may be taken on these matters at this meeting.

No one came forward

3. MINUTES – October 25, 2018.

Upon motion of Commissioner Matthews, seconded by Commissioner Frasier, approves the Minutes of October 25, 2018, as submitted. Motion carried unanimously.

OLD BUSINESS – None.

NEW BUSINESS

4. PROPOSED MITIGATED NEG. DEC. AND CANNABIS CONDITIONAL USE PERMITS

Public Hearing: Proposed Mitigated Negative Declaration and Cannabis Cultivation Use Permit, Cannabis Nursery Use Permit and Cannabis Distribution Use Permit. Located at 61 Wizards Way, Hayfork. APN 014-430-68. Applicant: Hoffman.

CCUPT3-18-002
CCUPN-18-002
CCUPD-18-002

Deputy Director of Planning Hubbard introduced the item. She advised we have Mark Chaney, a Principal Planner from SHN here, who will present the staff report and give an overview of the relationship between SHN and the County and how they are handling all of these use permits.

Mark Chaney introduced himself and stated that he is with the SHN Office in Redding and SHN has been hired by the County to help out with a range of planning projects, specifically for this one is with the Cannabis CUPs and helping the County process them with CEQA documentation and going through the staff reports to make sure they are in compliance with current ordinances. Chaney then spoke briefly about what CEQA is and isn't to inform unaware Commissioners and audience members. Chaney stated that CEQA is a requirement by the State on projects and especially for projects that have discretionary approvals, such as a Use Permit. It's a system that we try to look at in terms of checks and balances and we make sure that what an applicant is asking for complies with environmental rules and regulations and State and County ordinances. We really look at the potential effects of the project, not so much whether we agree with the project or not, has absolutely no bearing on it. The information is really for you as decision-makers to understand the plusses and minuses of the project are in terms of what the physical environmental effects of the project are. Chaney stated CEQA tries to identify impacts and ways to avoid

the impacts as much as possible or reduce them to a level that is acceptable to the County, and it's a venue to give the public an opportunity to review the project and voice their concerns and opinions in favor or against the project, that may or may not have some resonance with the County. He said the biggest thing he tries to let people know is what CEQA isn't; it doesn't advocate for a project and it doesn't oppose a project, try to keep the process neutral in terms of what is there, what the impacts are. It does not require project denial because there is an adverse impact. If there's an adverse impact, there's a process to assess that and indicate why it may have impact, provide mitigation measures to reduce the impacts, there are times when we can't reduce the impacts and there are provisions to go ahead and approve a project if it is in the best interest of the local agency. It doesn't go into advocacy for why this is a good project or why it's a bad project, again, it's more of an even-handed process.

Mr. Cheney said we took the information and worked with the applicant to review the project, make sure we understood what the project was, got clarification of several items and then prepared the mitigated negative declaration. He then gave an overview of the project, stating that the applicant proposes to develop a cannabis cultivation site up to one acre, Type P3, develop a cannabis nursery for propagation of cannabis for wholesale and develop a cannabis distribution facility. The applicant proposes all development will occur on land that was previously used for industrial purposes. Staff is recommending approval of Conditional Use Permit for the Cannabis Cultivation Type 3 License, Cannabis Nursery and Cannabis Distribution Facility. He said all the conditions of approval are in addition to the current standards of the Cannabis Use Permit Ordinance.

Chair Hoard opened the hearing to public comment.

Comments received from Jake Grossman-Crist, John Brower, Gail Goodyear, Justin Hawkins and Jeff Ghidella.

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

Chair Hoard said he had a question in light of some comments; he is curious as to the 10 miles an hour if the wind exceeds, or that's a threshold, whether spraying will be allowed, where did this number come from? Mr. Cheney said he believes there is a stipulation on kind of a standard measure that Agricultural Commissioners throughout California are using as kind of a threshold for drifts. That is a common practice, especially with any kind of dry product, a drift outside 10 miles an hour does tend to go offsite if the wind is blowing off site. With the wet product, depending upon the particulate size of the application, obviously, it is going to change. There's about a 10 mile an hour threshold you're looking at, which is a conventional standard of practice that is accepted by the ag community.

Motion of Commissioner Stewart to (1) adopt the Resolution and Findings that the Initial Study and Mitigated Negative Declaration are consistent with the California Environmental Quality Act (CEQA) requirements and adopt the Mitigation Monitoring and Reporting Program (MMRP); (2) approve the Conditional Use Permit for development of a Cannabis Type 3 use; (3) approve the Conditional Use Permit for development of a Cannabis Nursery use; and (4) approve the Conditional Use Permit for development of a Cannabis Distribution Facility, subject to the Conditions of Approval and the County's Cannabis Ordinance, as stated in the Staff Report. Seconded by Commissioner Matthews. Motion carried unanimously.

5. **COMMUNITY DISCUSSION AND WORKSHOP RE PROPOSED CLASS K HOUSING ORDINANCE**

PW-18-02

Community discussion and workshop on Proposed Class K Housing Ordinance for limited density owner-built rural dwellings and appropriate structures. Located county-wide. Applicant: Trinity County Planning.

Conducted community discussion and workshop, including Power Point Presentation by Chair Hoard. Counsel Larmour said he wanted to clarify one item. He said currently there is not a proposed ordinance, this is a sample ordinance only for discussion. An ordinance be directed and required to go through the Board of Supervisors.

Commissioner Stewart stated she has a question and asked Chair Hoard if he could go over buildings that have already been built and how [inaudible], because she thinks that is important to a lot of folks. Commissioner Frasier responded by reading Section 4 - Regulations of Use, Subsection (d), regarding existing as-built structures.

Chair Hoard opened the item to public comment.

Comments received from Travis Perkins, Veronica Kelly Albiez, Tim Whitehurst of Cal Fire, Jake Grossman-Crist, Hazel Ballanco, Justin Hawkins, John Brower, Gail Goodyear, Jason Batcheller, Tom Ballanco, Dero Forslund, Jeff Ghidilla and other members of the audience who did not identify themselves

No further comments being received, Chair Hoard closes public comment period.

Commissioner Stewart said from personal experience, just because you have a house that's been permitted, had all the inspections and everything has been done right, doesn't mean you're not going to have a deck that's eight feet off the ground that is slowly sliding down the hill, and you have a wall in your kitchen that is bowing;, things happen and it's a fallacy to think that having all your inspections and having a permit makes your building perfect. Chair Hoard agreed. Commissioner Frasier [inaudible].

Commissioner Matthews asked what the process is from here, we've gotten some comments, there potentially needs some revisions relatively minor. Commissioner Frasier agreed that there would be minor revisions. Chair Hoard said he would like to see the Commission take action on this; but in discussing this earlier with Deputy Director Hubbard, basically or essentially, we could recommend adoption of this, they will visit this and if they deem feasible, or they want to move forward, they would recommend staff do further investigation, take a closer look at it, definitely include the comments from tonight and other areas of interest, and move forward that way. Deputy Director Hubbard agreed, stating based on what staff finds as they go through and address the comments and make sure that we can file that formal filing, there's certain questions that have to be answered and they give you a format for that, so during that process if we find... it's really a Building issue, not a Planning issue, but if there are certain things it would come back to the Planning Commission for some reason then they would, or if it goes to the Board, then it would go there instead.

Commissioner Matthews asked what action can we take tonight? We can't recommend an ordinance right now if there are revisions needed. Frasier said we can't recommend an ordinance that doesn't exist either. Deputy Director Hubbard stated you would recommend that staff pursue addressing the comments received on the ordinance, also legal counsel hasn't gone through it yet and that would happen as well. We just need to know that they are okay with staff making the time commitment needed to deal with it. Matthews said we really haven't gotten feedback from the Building Department other than the Building Standards Commission, they haven't really given detailed comments. He said he would expect that the Building Department would provide that at some point, but it hasn't happened yet. Hubbard responded until we have some guidance from the Board, there are so many other priorities right now that it's difficult, and he's the Building official, not Planning staff.

Chair Hoard said he would like to see, as he has said before, to move this beyond this Commission, we make a recommendation to the Board and the Board takes it upon themselves to take action on this, or allow Planning staff to take a deeper look at this. Matthews said hopefully means not very much effort and we can get an ordinance back. Frasier said it doesn't seem like there is a lot of work involved because like this CSBC Form, the points they are asking doesn't seem that onerous, it's pretty straightforward. Most of the things are fairly well addressed and he doesn't think there is any problem with that. Matthews said if anything, this has more requirements than some of the other counties.

Motion of Commissioner Frasier to recommend the Board of Supervisors take up the proposed Class K Ordinance and direct staff to move forward with it. Seconded by Chair Hoard. Motion carried unanimously.

6. MATTERS FROM THE COMMISSION

Chair Hoard asked if the MCHD Modularity is coming up on December 13th. Deputy Director Hubbard responded it will be December 20th, they had to come up with a different engineer so it's taking them a little longer to come up with the information they need for the next Weaverville Architectural Review Committee meeting. Chair Hoard said in light of the fact that we were not allowed to review the WARC Minutes from the last meeting because they were not approved, is there any way to expedite that so the Commission can review the Minutes to have that information. Ms. Hubbard said yes, but there will not be a meeting on December 27th.

Chair Hoard said he will not be available for the December 13th meeting.

7. MATTERS FROM STAFF – None.

8. ADJOURN

Chair Hoard adjourned the meeting at 8:49 p.m.