

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting

August 13, 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:

Chair Dan Frasier called the meeting to order at 7:00 p.m.

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

***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 and Environmental Compliance Specialist David Colbeck.

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.

Amanda Barragar: Ms. Barragar spoke about Trinity Sand & Gravel off Red Hill Rd that is next to JC School. Ms. Barragar stated she had contacted all the Commissioners with additional information, and Commissioner McHugh responded to her. Ms. Barragar spoke about use permit compliancy, a community meeting at the Grange Hall in Junction City and requested that this this issue be on the next agenda.

Jennifer: Jennifer expressed interest in having cannabis retail back on the agenda. Jennifer spoke about her cannabis retail store in downtown Arcata, state licensing, attendance of other County Planning Commission Meetings, her mother's experience with cannabis use, accessibility to cannabis sales, and timing of the retail ordinance.

John Brower: Mr. Brower expressed that he agreed with the prior speaker's comments and he requests that the Chair to agendize the Smith Pit issue at the next meeting.

Chair Frasier closed public comment.

A discussion between the Commission, Director Hunter and Env. Compliance Specialist Colbeck occurred regarding the number of complaints received regarding the Smith Pit mining operation, violations, oversight and direction given to Director Hunter to put this item on the next Planning Commission meeting.

REGULAR CALENDAR:

Item 1: Zoning Text Amendment - Retail Cannabis Storefront Uses (DEV-20-02): The Planning Commission will consider recommending that the Board of Supervisors adopt an ordinance amending the Trinity County Code Title 17 to provide for, regulate and establish licensing criteria for the use of commercial Cannabis retail storefront uses in the following commercial zoning districts: Retail Commercial (C-1), General Commercial (C-2), Highway Commercial (HC), and Heavy Commercial (C-3). Planner: K. Hunter (*Item continued from the June 11, 2020; July 09, 2020; and July 23, 2020 meetings*).

Director Hunter presented the associated memorandum.

Chair Frasier opened the public hearing, no comments were received and Chair Frasier closed public hearing.

Commissioner McHugh: Motion to continue item to a date uncertain. Second to Motion by Commissioner McIntosh.

Commissioner Stewart expressed her interest for the retail ordinance to be written to provide accessible options for cannabis retail in local communities.

Commissioner Stewart – Aye, Commissioner Matthews – Aye, Chair Frasier – Aye, Commissioner McIntosh – Aye, Commissioner McHugh – Aye. The Motion to continue this item passes unanimously.

Item 2: Conditional Use Permit Tule Creek Cannabis Project (P-19-22): A request for a conditional use permit to operate a commercial Cannabis business (Tule Creek Commercial Cannabis) which includes commercial Cannabis cultivation, distribution, nursery and Type 6 Non-Volatile Manufacturing. In addition to a CUP, the project requires commercial Cannabis licensing from Trinity County and other State specific licensing for each of these activities. The project area, approximately 84,000 square-feet, will be used for cultivation, manufacturing, distribution, nursery, processing; including gardens, soil staging areas, post-harvest activity areas, material storage areas, ancillary buildings including an on-site caretaker's residence, irrigation system, employee areas, and access roads. The Project is located within Trinity County, at 690 Tule Creek Road, Hayfork, CA 96041. The 53.9-acre parcel is identified as Assessor's Parcel Number 014-430-75. Applicants: Doug and Tom Evans. The proposed CEQA Determination: Mitigated Negative Declaration. Planner: Kim Hunter (*Item continued from July 9, 2020 meeting*).

Director Hunter presented the staff report.

Commissioner McHugh asked a clarifying question regarding the adjacent zoning districts and the M-2 zoning district related to the Hayfork Community Plan Zoning Map compared to the General Plan consistency as related to the allowed uses in the cannabis ordinances.

Commissioner Stewart provided additional information regarding the Hayfork Community Plan Zoning Map.

Prior to the public hearing Chair Frasier asked if the applicant or consultant would like to speak prior to public comment.

Rachel Wood of Buildaberg, the applicant's consultant, provided information regarding the project location history, description, employees, mill pond turned wetland, natural screening features and flood zone.

Scott Watkins of Buildaberg, the applicant's consultant, provided a response to Commissioner McHugh's zoning compliancy concern stating that the CEQA document states the subject parcel is Industrial.

Chair Frasier opened the public hearing.

Tom Ballanco: Mr. Ballanco read language regarding the M-2 zoning district that was contained in a staff report for Somi Hoffman's use permit that was approved on the adjacent parcel and expressed interest in passing this use permit.

Tom Evans: Mr. Evans, the property owner, spoke about a previous business venture he assisted with on the project site parcel, employment opportunities, and that this project is a good fit for this parcel.

John Brower: Mr. Brower expressed his approval of this project.

Chair Frasier closed the public hearing.

Commissioner Stewart: Motion to 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") that provides sufficient mitigations to reduce impacts from the project to a less than significant level and approve the Conditional Use Permit for development of a cannabis cultivation facility subject to the conditions of approval for that use as provided in this Staff Report and of the County's applicable commercial Cannabis ordinances. Second to motion by Commissioner Matthews.

Commissioner McHugh: Competing Motion to continue this item to the next meeting specifically and ask staff to come back with clarification on the zoning question. Second to Motion by Chair Frasier.

Commissioner Matthew's asked staff if County Counsel was available to provide assistance with this matter and Director Hunter did not believe they were available.

Commissioner Stewart stated that the M-2 and I zoning are considered synonymous and does not think it would be fair for the applicant to have to apply for a rezone.

Chair Frasier expressed agreeance with Commissioner Stewart.

Commissioner McHugh's Competing Motion died with a 2-3 vote. Aye-McHugh, Aye-Frasier, Nye-Stewart, Nye-Matthews, Nye-McIntosh

Commissioner Stewart's motion passed with a 3-2 vote. Aye-Stewart, Aye-Matthews, Aye- McIntosh, No-McHugh, No-Frasier

Chair Frasier directed staff to provide more information regarding the M-2 zoning district and what happened at the previous use permit public hearing associated with the adjacent parcel at the next meeting.

Item 3: Adopt A Mitigated Negative Declaration (MND) and Mitigating Monitoring and Reporting Program (MMRP) for The Indian Creek Connectivity and Restoration Project (DP-20-20): The Trinity County Planning Department, with the Bureau of Land Management and the Yurok Tribe as federal co-lead agencies has prepared an Environmental Assessment/Initial Study for the Project in accordance with the National Environmental Policy Act and California Environmental Quality Act. As the decision-making body of the lead agency, the Planning Commission has discretionary authority over Mitigated Negative Declarations (MND). The purpose of this item is for the Planning Commission to adopt the project's proposed MND (14 CCR §15074, TCC §18.04.120). Should the MND be adopted, the Director of Building and Planning will decide on the associated Floodplain Development Permit (TCC §17.29B.070). The Indian Creek Connectivity and Restoration Project site is located adjacent to Indian Creek Road in Section 25 of Township 32 North, Range 9 West, Mount Diablo Meridian, in eastern Trinity County and is visible on the Bully Choop USGS 7.5-minute quadrangle map. APNs: 015-180-09-00, 015-180-10-00, 015-180-27-00, and 015-180-30-00. County Staff Contact: D. Colbeck.

Env. Compliance Specialist Colbeck presented the staff report, handed out larger print copies of the project location map, corrected a clerical error found in the resolution and handed out a new resolution for the Planning Commission

to consider.

Commissioner McIntosh asked about project site history and Env. Compliance Specialist Colbeck spoke about previous restoration attempts in this area in brief detail.

Chair Frasier opened the public hearing.

Tom Ballanco: Mr. Ballanco, a residence on Indian Creek Rd., spoke about his possible personal benefit and the ecological benefits of this project. Mr. Ballanco expressed his approval for this project.

John Brower: Mr. Brower spoke about his agreeance for Mr. Ballanco's comment and the ecological benefits of this project.

Chair Frasier closed the public hearing.

Commissioner McIntosh asked if this stage-0 project has been attempted in the Klamath Basin before? Env. Compliance Specialist Colbeck responded that it had not yet been attempted, but has been attempted in the Pacific Northwest and internationally. Commissioner McIntosh asked where the closest attempt was located?

Kyle D' Julio of the Yurok Tribe responded Oregon and brief information about those projects and their successes.

Commissioner McHugh: asked if there had been any bad/toxic residual effects at other projects and is investigation need for such things as Mercury.

Env. Compliance Specialist Colbeck: stated that this issue is addressed in Appendix F and that it is not necessary do to the fact that the mining of the area had occurred at higher terraces. This project is meant to raise the ground water tables to allow vegetation to grow. Currently the tables are so low that nothing grows.

Commissioner McIntosh: referenced the staff report about the introduction of noxious weeds and what type of mitigation is going to put in place to help prevent this from occurring.

Env. Compliance Specialist Colbeck resources to prevent are limited, in this instance standard methods would be used, which is that equipment would be washed before entering the watershed and no soils will be imported. the plan for revegetation will be done by using what is native such as the willow and native grasses.

Commissioner McIntosh: Where will the trees come from?

Env. Compliance Specialist Colbeck: There are vegetation areas designated for harvesting and there are trees slated for use in this project, that come from another project in the same water shed.

Commissioner Stewart: Motion to adopt the California Environmental Quality Act ("CEQA") determination of Mitigated Negative Declarations ("MND") and the mitigated monitoring and reporting program adopt the findings listed in resolution PC-2020-08.

Motion Second by Commissioner McIntosh.

Commissioner McHugh: Asked for clarification that the Resolution being adopted was the Resolution received by the commission just prior to the meeting.

Env. Compliance Specialist Colbeck: Apology for inaccurate information, you are looking for the first 'Whereas

21.4 acres” is the current/final suggestion for adoption.

Amended Motion: Commissioner Stewart amends her motion to adopt the amended recommended findings for resolution of PC-2020-08 that list 21.4 acres of land on 4 publicly and privately owned land.

Motion Second by Commissioner McIntosh.

Vote: Commissioner McHugh – Aye, Commissioner Matthews – Aye, Commissioner Stewart – Aye, Commissioner McIntosh – Aye, Chair Frasier – Aye. Motion passes unanimously

Item 4: Zoning Text Amendment – Amend Trinity County Code Chapter 17.17 Duplex Residential (R-2) District (DEV-20-03): The Planning Commission will consider recommending that the Board of Supervisors adopt an ordinance amending the Trinity County Code Chapter 17.17, specifically sections 17.17.010 to re-establish uses permitted and allowed by right in the R-2 district, and 17.17.020 to modify uses permitted subject to first securing a use permit in each case. Planner: Lisa Lozier.

Planner Lozier presented staff report.

Commissioner Stewart asks if condominiums are excluded in section A what about apartment buildings?

Director Hunter: The goal of the amendment at this time is to make minor changes. We will be reviewing the County Zoning Codes more closely in the near future with the upcoming General Plan and Zoning amendments to be in compliance with State Housing requirements.

Commissioner Stewart requested that a notation be made to add apartments to section A.

Director Hunter agreed that staff would review apartments.

Commissioner McHugh questioned, why if you can have 2-single family dwelling per parcel why can't you have just one? Could one home be built first and then one home be added later? This information came from the Federal Housing Standards. The original Chapter 17.17 amended previously discussed two single-family dwellings. Also, triplex has been added as a use permitted by right, if you add three family dwellings you would potentially be requiring a CEQA review because you are changing the intent of the original ordinance.

Director Hunter stated that an ADU (accessory dwelling unit) would still be allowed with two single family residences.

Chair Frasier stated that Commissioner McHugh's question was: "Why can't you have one dwelling?" the way the R-2 ordinance is proposed you do not have the right to have one house. You would have to build two.

Director Hunter: the purpose of the R-2 District (Medium Density) is to increase the number of affordable homes available to families, by requiring 2 single family homes per parcel or duplex/triplex as opposed to just 1 single family home this fills the gap in having more affordable housing. Requiring two houses instead of one allows the county in compliance with Federal Fair Housing Act and the California Fair Employment and Housing Act.

Chair Frasier opened the public hearing.

Dana Ryan (Weaverville CA): Mr. Ryan spoke to the fact that he owns R-2 property and that due to the current zoning language he would need special use permits and feels that the time and cost involved is restrictive. He is thankful that this is being reviewed.

Chair Frasier closed the public hearing.

Commissioner McHugh questioned staff regarding triplex housing. If you are required to allow ADU's then you have your third unit. Commissioner McHugh recommended staff go back to the original intent of allowing two single family dwellings.

Director Hunter: as mentioned earlier the 2 single family or duplex is the goal to increase density and affordability with R-2 zoning.

Commissioner Stewart asked for clarification that staff is recommending waiting to say 2 single family or duplexes are uses permitted and triplexes are uses permitted by use permit?

Director Hunter stated that she would prefer to add triplexes as they are a medium density housing choice. However, Commissioner McHugh makes a good point about adding triplexes. The intent of this ordinance is to make minimal changes.

Commissioner McIntosh asked for a comparison of Medium Density verses High Density zones.

Director Hunter: Medium Density R-2 zoning are usually duplex and triplex units and not apartments complexes which are R-3. R-2 zoning and R-1 Low density zoning (single family residence) blend nicely together. As a planner you want to have a mix of all however, it is not always possible. High Density R-3 zones have apartment complexes that have high unit counts and those usually do not blend well with R-1 areas. In Weaverville the medium density R-2 zones will mix well with the single-family R-1 zones.

Motion by Commissioner McHugh: I move that the Commission adopt a resolution recommending to the Board of Supervisors to amend chapter 17-17 by Resolution 2020-09 which recommends the adoption of an ordinance that changes the zoning law to amended the draft ordinance to delete triplex and move to section 17.17.020 where a use permit would be required, and where the uses permitted by right include two single-family residences or duplexes, and that we find these amendments are not subject to CEQA under the general rule 15061(b)(3) where it can be seen with certainty that there is no possibility of causing a significant impact on the environment.

Second to Motion by Commission Matthews

Chair Frasier asked for competing motions or further discussion.

Commissioner Stewart: Offered a competing Motion to find the amendments to Chapter 17.17 of the Trinity County Code is not subject to CEQA under the general rule 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant impact on the environment; and that the Board of Supervisors amend the Zoning Code of the County of Trinity identified in Zone Amendment DEV 2020-03, with the change 17.17.010 read Two single-family structures, duplexes, and triplexes; and that Section 17.17.020(A) read, single-family dwelling, hospitals, rest homes, sanitariums and clinics.

Second by Commissioner McIntosh.

Commissioner McHugh stated that the second motion is over stepping what can be changed with the finding that there is no CEQA impact. The common sense exemption does not apply when the density is increased by right. Commissioner McHugh stated that he did not have objections to proposed changes to condominiums. This item should be postponed until a full evaluation and update to the ordinance. Triplexes should not be a use by right in the R-2 district.

Commissioner Matthews expressed agreement with Commissioner McHugh regarding triplexes.

Commissioner Stewart requested to amend her motion: to remove triplexes from uses permitted under 17.17.010 and add triplexes under 17.17.020(A) to read single-family dwelling, hospitals, rest homes, sanitariums and clinics, and triplexes and remove condominiums.

Second by Commissioner McIntosh.

Roll call vote for amended, competing motion: Commissioner McHugh - No Commissioner Matthews - Aye, Commissioner Stewart - Aye, Commissioner McIntosh - Aye, Chair Frasier - Aye

Chair Frasier: Motion carries, 4 to 1.

Item 5: Appeal of Planning Director's Decision (P-20-17): An appeal of Planning Director's Decision to deny the renewal of a revoked Commercial Cannabis Cultivation License (CCL-020) for 496 Van Duzen Road in Mad River. Appellant: J. McPherson. APN 018-540-51-00.

Director Hunter stated that a memo had been prepared for this item and the applicant has requested to continue to a date uncertain.

Chair Frasier opened the public hearing.

Scott Watkins Hayfork: Mr. Watkins stated that the applicant did request that the item be continued do to some questions as to the results of that appeal and a Public Records Request was requested, the due date was August 10, 2020 which we have not received. The department requested an extension to gather the reports, which was allowed to August 27, 2020 and we are now requesting a continuance until after that date to allow time to review the records.

Chair Frasier closed the public hearing.

Commissioner Matthews: Motion to continue to date uncertain.

Commissioner McHugh: Second to Motion:

Vote: Chair Frasier, all in Favor, Motion carries unanimously.

Item 6: Appeal of Planning Director's Decision (P-20-22): An appeal of Planning Director's Decision to revoke a Commercial Cannabis License (CCL-331) for 10410 FS Road 4N09 in Hyampom. Appellant: M. Henschke. APN 011-100-02-00.

Director Hunter presented the staff report

Commissioner Matthews: asked how much time are they given to clear the violation?

Director Hunter: 7-days

Commissioner Matthews: that process was followed correct?

Director Hunter the process was followed, correct.

Commissioner Stewart: on the latest violation when was the notice given?

Director Hunter/Chair Frasier: May 27, 2020.

Commissioner Stewart: They would have had 7 days after notice was given and how is the notice given?

Director Hunter: Certified mail and email.

Commissioner Stewart: You have the receipt for the certified mail?

Director Hunter: Absolutely.

Chair Frasier: How did they get a County Cultivation License without having a permitted dwelling on the property?

Director Hunter: They can have a Building Permit.

Chair Frasier: In order to get the Building Permit, would they have to have had a Directors Use Permit to have the R.V?

Director Hunter: they can't get a DUP until they have a BP.

Chair Frasier: so they have a BP at the very least to get the CCL.

Director Hunter: I apologize I did not look in the file to see if a BP has been applied for.

McHugh: In the prior violation September 2018 was the owner given notice and did they correct in 7 days?

Director Hunter: No. According to our records those plants were not abated, they were cultivated through the year. There was no follow up at that time. The cultivation was harvested.

Commissioner Stewart: What was the date the notice was given?

Director Hunter: The non-compliance for 2018?

Stewart: the non-compliance notice was given on September 28th and when did they clear their plants?

Director Hunter: I'm not sure when they harvested.

Commissioner Stewart: because even if they cut and sold them within the 7days that is it still abatement.

Director Hunter: It is my understanding that they did not cut them in the 7 days.

Commissioner Stewart: Do we know that for a fact?

Director Hunter: I'm not sure what happened in 2018.

Commissioner Stewart: I know; you were not here.

Director Hunter: That compliance was cleared, however in Mr. Underwood's letter, he states the licensee has history of compliance, but there is a history of non-compliance in the past.

Commissioner McIntosh: for clarity, when there is a violation issue and they have 7 days to abate their nuisance for compliance, is it the farmers' responsibility to call the county to come out to witness that they are abated?

Director Hunter: Yes.

Admin. Coordinator Brinkley: Yes, it should be re-inspected.

Commissioner McIntosh: Was there a re-inspection?

Admin. Coordinator Brinkley: I don't know.

Commissioner Stewart: I can tell you that in 2018 there was some issue with the re-inspection.

Chair Frasier opened the public hearing.

Representative, Jim Underwood explained his letter focused on the previous license issues and in 2018 were fully abated within 7 days. That issue is not directly puritan to the matter before the Commission. The important issue is

the matter of the notice. The staff report identifies the Ordinance language relating to violations, for this issue, there were technical violations. What was not in the staff report is an actual notice of violation giving a 7-day period in which to cure. That is a prerequisite to revocation. In fairness, if issue is brought to a license hold and they don't take care in seven days it should be removed. The attachment to the staff report was the first written notice the license hold received, if she would have received the 7-day notice the violation would have been cured. If the Director has a copy of the 7-day notice, I would like to have it. The seven-day notice is an important procedural process to revoking a license. The property owner is trying to become licensed. The property is currently abated, but I do not know if the re-inspection has been conducted.

Chair Frasier: is there a building permit on property?

Representative: Yes

M. Henschke: Regarding the septic, I received the DUP in January, it has been difficult to get the septic installed because of the weather. The septic installer gave a letter to the County stating the septic would be delayed. The septic permit was issued in February of 2020 and was not installed until June. The property is very remote and it is hard to get people to do inspections. The 2018 violations were completely abated in 7 days. Mr. Dicky allowed me to send pictures.

Commissioner McHugh: the 5 hoop house that appeared this year are you going to get permits or stop using hoop houses

Henschke: I will get permits for the hoop houses.

Representative: the hoop houses have been taken down.

Chair Frasier closed the public hearing.

Commissioner Stewart: On the next one you have attached a copy of the certified mailed receipt, there is not one on here?

Commissioner McHugh: the certified mail receipt is for the letter of revocation, the important one we are in need of is for the notice of non-compliance that starts the seven-day clock.

Commissioner Stewart: That is what I am asking we don't have a copy of the certified mail.

Director Hunter: I can only find the 2018 receipt.

Commissioner Stewart: Without that I find it difficult to uphold your denial of the CCC license.

Commissioner McHugh: The date on your non-renewal on May 27, occurred after the 7-day period expired. The notice of non-compliance, etcetera was earlier in May, the expiration and then the decision to revoke is the sequence according to the file.

Director Hunter: According to the file we issued a letter of revocation with a 7-day cure period, no notice of violation was issued.

Commissioner McHugh: The 7-day cure period starts with the notice of revocation or the notice of non-compliance?

Director Hunter: The notice of revocation. There is no other notice, Mr. Underwood is correct.

Commissioner Stewart: Without that I find it difficult to uphold your denial of the CCC license.

Representative Underwood: The 2nd paragraph of the section that is refer to states that the applicant shall ber given up to 7 business days after notification to correct prior to revoking the license. There is no reference of 7days in the notice of revocation.

Commissioner Stewart Motion: If we do not have anything showing that she was given a starting date for her 7-day to complete any amendments to the property that needs to be done I see no option but approve a reissuance of CCL 331 Commercial Cannabis License.

Second: Commissioner McIntosh.

Commissioner McHugh: I motion that we uphold the appeal.

Commissioner Stewart: I withdraw my motion.

Second: Commissioner McIntosh.

Chair Frasier: Those in favor? All Commissioners – Aye, Motion approved unanimously

Item 7: 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: S. Sarkisyan. APN 025-200-19-00.

Director Hunter presented the staff report.

Commissioner Stewart: What is this picture of?

Director Hunter: Greenhouses with Cannabis plants.

Stewart: I see nothing there.

Commissioner Matthews: Did the staff person go onto the property or was it taken from a significant distance. Was this as close as they got.

Director Hunter: apparently.

Commissioner McIntosh: is there any other prove of cultivation?

Director Hunter: That is the only evidence there is in the file.

Commissioner McHugh do you have a statement from the compliance officer?

Director Hunter: No, In the future I will make sure they are at the hearing.

Commissioner McHugh: They should at least make a statement to the file.

Commissioner Frasier: Are there any more questions for staff other than the pictures?

Commissioner Stewart: Did the person who did the inspection go into the greenhouses?

Hunter: No, I do not have confirmation if anyone went on the property.

Chair Frasier opens the public hearing.

Jim Underwood (Attorney for Appellant): Is representing the neighbors in the Mountain View subdivision as well as Laural and Steve Edwards who are present at the public hearing. Information in the file provide by the appellant indicated that applicant had cured the violation which indicates there was preexisting violations. Has a letter in support of the property owners’ resistance to having this type of grow activity in family neighborhoods.

Ana Wright: There is no evidence in the staff report that shows there is a grow and if we are going to takeaways someone's lively hood there need to be strong evidence.

Laural Edwards, (Lewiston): Mrs. Edwards lived there for 28 years representing the area property owners against having commercial cannabis permits Lewiston in residential neighborhoods. This has changed our lives, concerned about increased traffic, water issues, con-communal persons. Many long-term residents are not sure what to do and are afraid.

Commissioner McIntosh: are you a next to neighbor?

Mrs. Edwards: quarter of a mile away, traffics passes right past home.

Steve Edwards, (Lewiston): Complaints about quality of life in recent years changing, not for the better. Mountain View Road is a one-way road; traffic is a problem. The roads are maintained privately. We moved here for the quality of life, but it is not quality now.

John Brower (Junction City): When the ordinance was created it omitted cannabis licensing from residential areas, but not rural residential areas for cottage industry grows. The Commission should keep that in mind while considering this item.

Tom Ballanco (Douglas City) Stated that the language in the licensing process requires a statement that County officials are allowed on the property and recommends that the item be continued until more information is available.

Chair Frasier closed the public hearing.

Commissioner Stewart: I move that we continue Item #7 until we have clarification on what is happening at the property to the September 10, 2020 meeting.

Second: Commissioner McHugh

Chair Frasier ask for those in favor: Commissioner Stewart – Aye, Commissioner McHugh – Aye, Commissioner Matthews – Aye, Commissioner McIntosh – Aye, Chair Frasier – Aye. None opposed.

Motion carried unanimously

Chair Frasier called for a short recess prior to Item 8.

Commissioner Stewart recused herself from Item 8

Item 8: Appeal of Planning Director's Decision (P-20-26): An appeal of Planning Director's Decision to approve a Commercial Cannabis License application (CCL-671) for 241 N. Vista Lane in Hayfork. Appellants: M. Bowers and K. Fisher. APN 014-360-13-00.

Director Hunter presented the staff report.

Chair Frasier opened the public hearing.

Karl Fisher: Mr. Fisher, the Appellant, spoke about purchasing his current home, the uses within the Rural Residential Zoning District, the Hayfork Water District, District 3 Supervisor, presented pictures to the Commission, water quality in Hayfork Creek, water pressure, gravel vs. paved road locations on N. Vista Lane, traffic issues, road damages, prevailing wind patterns, presented a wind speed graph to the Commission, his personal heart issues, his personal cannabis allergy, and odor.

Ray Lavasseur (CA Valley): Mr. Lavasseur, the Applicant, spoke about purchasing his current home in Trinity County and his family's reasons for purchasing the property and applying for a cannabis license. Mr. Lavasseur

expressed that he felt he had done everything required, as well as discussed water pressure and water uses that occur before his property in the waterline.

Cherie Levasseur (via Zoom): Mrs. Lavasseur, the Applicant, spoke about power outages, Trinity County Water Works consumer reports, loss of income from the appellant's rental, the family's reasons for purchasing the property and applying for a cannabis license and conversations with neighbors.

Tom Ballanco (Douglas City): Mr. Ballanco, Attorney, spoke about creating a protocol for accepting CEQA appeals, providing evidence, cannabis cultivation in the Rural Residential Zoning District, cannabis variance requirements and encouraged denial of this appeal.

Ana Wright: Ms. Wright of Flowra, the Applicant's Consultant, spoke about the Planning Department's Frequently Asked Questions (FAQs) document regarding appeals, Draft Cannabis EIR, CDFA Programmatic EIR, approved State license, 350ft setback, Hayfork Water District not in latest ordinance as an opt-out, unlicensed cultivation sites, State Agency guidelines met, wind speed, and Ms. Wright's letter that was previously submitted to the record.

Mary Bowers: Ms. Bowers, the Appellant, spoke about not having previous conversations with the Applicant, expressed she is not familiar with all regulations nor agencies, and the Notice of Availability for Cannabis DEIR she received from the Planning Department. Additionally, Ms. Bowers expressed that she did not know that scientific evidence would be required, concerns with cannabis odor and a Trinity PUD power outage.

Karl Fisher, the Appellant, spoke again stating that he did provide facts. Chair Frasier stated that Mr. Fisher already commented.

John Brower: Mr. Brower encouraged the Planning Commission to deny the appeal based on no violations. Mr. Brower also spoke about communication between neighbors, possible solutions involving cultivation of certain cannabis strains, and the applicant has met the requirements.

Wendy (last name not stated): Wendy spoke that she was not concerned with cannabis but was concerned with listening to the residents that resided in the area prior to this license, most of this argument is based on moral judgement, she owns the rental and would stop renting from her brother, it's sad that people in a neighborhood should have to defend themselves, Hayfork carve out, no cannabis cultivation in Weaverville, and no economic community benefit from cannabis.

Chair Frasier closed public comment.

Commissioner McIntosh expressed that he did not see how they could deny the license since the applicant meets all of the requirements listed in the zoning ordinance.

Commissioner McHugh expressed that he thinks that cumulative impacts from licensed sites have been poorly handled, this case is new territory for the Commission, and that he agrees with the existing neighbor's opinion is ignored in the licensing process. Commissioner McHugh also mentioned that with variances the Commission has denied a variance request just because one neighbor was in opposition, setting a pattern.

Commissioner Matthews expressed that the Commission knew that there would be issues like this, that the Commission has heard that in other neighborhoods people have given up and moved away, rather than confront and deal with the situation. Commissioner Matthews expressed that in this case, by the book, this is out of the neighbor's control, the licensee met all the requirements that our rules require of him, in a perfect world the cultivator would mitigate his impacts but that is out of the Commission's purview to require, although he agrees that there are conflicts out there (wind, traffic, roads, number of homes etc.) the licensee has done all we have required. The ordinance does not completely protect neighborhoods.

Commissioner McHugh expressed that the ordinance does not protect neighborhoods at all.

Commissioner McIntosh: Motion to uphold the approval of commercial Cannabis cultivation license CCL #671 as the requested use complies with the provisions established by the Trinity County Commercial Cannabis Cultivation Ordinance No. 315-843 which allows for limited cultivation within the RR zoning district.

Second to Motion by Commissioner Matthews.

Commissioner McHugh: Competing Motion to uphold the appeal finding that the application of CEQA is inadequate in this case as it has been applied and either further CEQA work is done and comes back to the Planning Department or it is simply denied. Second to Motion by Chair Frasier.

Chair Frasier expressed that he would like the Commission to find a way to protect these neighborhoods, but we can't require a CUP for every license. Chair Frasier expressed that the Commission needs to figure out a way to deal with these contentious items.

Commissioner McIntosh recounted a public meeting at the Trinity High School cafeteria in which a discussion occurred regarding different recognition between existing and new farms and that there was no interest shown by the Board of Supervisors to recognize existing and new impacts. Commissioner McIntosh expressed that he thinks this really needs to be addressed.

Vote:

Commissioner McHugh's Motion fails with a 2-2 vote.

Vote:

Commissioner McIntosh's Motion fails with a 2-2 vote. Appeal is denied, approval of Commercial Cannabis Cultivation license CCL #671 is upheld.

PLANNING COMMISSIONER REPORTS

Commissioner Stewart thanked Director Hunter

PLANNING DIRECTOR'S REPORT

Director Hunter announced that Staff had conducted a Zoom meeting for perspective consultants for the General Plan, EIR and Zoning Code update.

Not accepting new applications for cannabis cultivation. The cap for applications has not been reached but the number is close.

ADJOURNMENT

Chair Frasier adjourned the meeting at 10:55pm

Submitted by: Debbie Rogge / Lisa Lozier



Kim Hunter, Planning Director
Secretary of the Planning Commission