

# TRINITY COUNTY PLANNING COMMISSION

**Regular Meeting**  
**June 11, 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**

## MEETING MINUTES

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**\*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, Dan Frasier, Graham Matthews, Mike McHugh

**\*Commissioners Present via Zoom Link:**

**Staff Present:** Planning Director Kim Hunter, Deputy Director of Planning Lisa Lozier, Associate Planner Bella Hedtke, Administrative Coordinator Mary Beth Brinkley; Environmental Health Specialist, Bethany Prince; County Counsel Margaret Long present via Zoom Link.

Chair Frasier called the meeting to order at 7:00pm

**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.

Chair Frasier Opened the Public Comment:

Christine Pierce and Ginny Allen: introduced the Hayfork Transition Rezone project, a non-profit corporation to bring public benefit to the Hayfork Community. The project is located contiguous to the swinging bridge and was previously known as the "pig farm". The purpose of the transition is to use the property for educational and agricultural projects. A zone amendment project was submitted in January for a SUD (Special Unit Development) to implement the project. One public cleanup has been accomplished and removed seven tons of trash, and removed cars. A CAL recycle grant has been applied for and awarded. The rezone must be granted before the grant money will released.

Amelia Fleitz: with project coordinator with RCD. Has applied for and been awarded 50,000.00 to clean up the property to help implement the Hayfork Transition. The grant is available at any time and will run out in March of 2021. Hoping to receive the money as soon as possible to clean up the property.

John Brower: Thanks county staff for bringing the retail ordinance as it is important for the county. States that the County is still lacking a processing license type. He is aware that the County has its hands full but wants to keep these items on the radar.

Public comment closed at p.m. 7:05

**REGULAR CALENDAR:**

**ITEM 1: EXTENSION OF TIME-THOMPSON (P-20-15):** A request for a two-year extension of time for a subdivision of approximately 15.4 acres into a 5.1-acre parcel and a 10.3-acre parcel. Tentative Map (P-16-25) received an initial two-year approved on June 8, 2017. An additional one-year extension of time was granted on April 11, 2019, extending the Tentative Map expiration date to June 8, 2020. The applicant is requesting a second extension of time to expire June 8, 2022. The project site is located at 531 Burnt Ranch Road, in the Salyer/Burnt Ranch planning area. APN 008-820-01-00. Applicant: Tyler Thompson and Holly Hayes.

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

Chair Frasier opened the public hearing.

Tyler Thompson (applicant): Stated that was before the Commission one year ago and appreciated the extension. The project may come before the Commission again for some amendments as recommended by DOT (Department of Transportation). The Fire department has reviewed the map and is “good with it”. He has worked with Environmental health for the septic and the water. Mr. Thompson has expressed that the he hopes the two years will not be necessary to complete the Map.

Commissioner McHugh asked the applicant to verify that he is waiting on the County to verify he has completed his conditions.

Mr. Thompson stated that he has completed the conditions to the best of his ability but is requesting some exemptions and modifications dues to constraints with neighbors. The modifications have been discussed with his engineer and the County but Mr. Thompson is unsure if the request will be approved. Mr. Thompson stated that he had completed the road work prior to approval to beat the weather and hoping he would not be before the Commission to request an additional extension.

Commissioner McHugh asked staff if DOT is asking for two years for the extension of time.

Deputy Director Lozier responded that staff had requested the two-year extension based on conversations with DOT and not being able to verify with Fire as to their completeness with the conditions and felt it would be important to allow enough time to reach an agreement on the conditions and complete the road work.

Mr. Thompson stated that he appreciated the time and hope to be completed before the two-year extension was over.

No other speakers were present in the meeting room. Chair Frasier asked if there were commenters on Zoom. Public hearing closed at 7:16pm.

Chair Frasier called for a motion on the item.

Commissioner Stewart made the motion: The commission open the public hearing, close the public hearing, adopt a resolution to a) find the extension of time is not subject to the California Environmental Quality Act (CEQA) under the General Rule Exemption 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment; b) adopt the recommended findings listed in Resolution 2020-06; and c) approve a 2-year extension of time for P-20-15 for Tentative Map p-16-25,

based on the recommended findings and subject to the Conditions of Approval listed in Planning Commission Resolution No.2017-02.

Second by Commissioner McHugh

Roll Call Vote: Commissioner McHugh–Aye, Commissioner Matthews–Aye, Commissioner Stewart –Aye, Chair Frasier – Aye; Motion approved unanimously.

**ITEM 2: 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 (C3).

Planning Director Hunter stated a number of comments had been received but copies would not be available due to technical difficulties. All of the copies would be posted on the website and would be available for review. A letter was received from Underwood Law offices and copies were made available to the Planning Commission.

Planning Director Hunter requested direction from the Commission regarding agenda item 2 and stated that the Commission would not be taking action on the item at for the June 11, Planning Commission meeting in order to allow more time for additional input from the public.

Planning Director Hunter presented a memorandum requesting a continuance to the July 9 or later Planning Commission meeting to provide staff adequate time to make recommended changes, review State law, and compile relevant data regarding Cannabis retail storefront uses. Director Hunter presented a brief staff report and stated that draft ordinance is a collaborative effort and the ordinance includes information from other ordinances from jurisdictions in the State. Director Hunter briefly summarized the comments received from the public and requested direction from the Commission.

Commissioner Stewart asked Director Hunter about the hours of operation listed in the draft ordinance specifically the proposed 6am opening time. Director Hunter agreed that was early and stated that the ordinances she had reviewed typically opened at 9:00am.

Chair Frasier opened the public comment time.

Dr. Tammy, Phd., stated her accolades and that she is the former CEO of Queen of Dragons in Shasta Lake and stated the awards and recognition she had received for the Shasta Lake storefront opened prior to Prop 64. Dr. Tammy stated that she owns the “Red Barn” and adjacent property and is hoping to open a cannabis storefront at the property. She stated that Cannabis businesses were declared essential businesses by the State of California. The essential businesses provide good paying jobs. She stated that community concerns include security and safety and that studies show that crime decreases in area where commercial cannabis stores are located. Dr. Tammy also stated that brick and mortar stores would provide substantial amounts of money to support local communities. She stated that cannabis retail rebuilt Shasta Lake via tax dollars.

Rachel Wood with Buildaberg: The ordinance is geared for dispensaries only and should include allowances for on-site farm sales and allows sales and different zone districts. Rachel also stated that County staff should be consistent with State regulations and consider minimal local regulations including zoning and setbacks.

Paul from Weaverville: states that communities that have requested to opt out from cannabis cultivation should also be able to opt out from storefront businesses. He stated that including farm based sales would go beyond the intent for the storefront ordinances and require additional CEQA review and the cap on the number of retail sites in the County would be appropriate and store front retail should be invisible to visiting tourists. He also stated that setbacks from sensitive uses like schools, bus stops and Churches should have a 1,000-foot required setback.

Ana Wright: Discussed specific issues with the draft ordinance including commercial kitchens and infusion licenses not compliant with state licensing, opt-out zones should be put to a vote of the population. Ms. Wright discussed that retail storefronts are popular and farm sales would attract additional tourism. Ms. Wright also pointed out that most of the cannabis grown in the County is sold outside of the County and tax dollars are being lost.

John Brower: Encourage the Commission to take up the ordinance as soon as possible so people living in the County do not have to leave the County to buy the products grown in the County. Mr. Brower stated that he agreed with previous comments that County staff should utilize State law and regulate only what is necessary in addition to state law. He also pointed out the section discussing revoking licenses after a 90-day abandonment would create problems for seasonal businesses. Mr. Brower also stated the he felt that farm sales would be important and could be achieved through a conditional use process and that storefront retail should not be limited to one store.

Terry Mines: Stated that it has taken a long time to get to the retail storefront ordinance and that the tax dollars would help the community. He also stated that it would be an excellent opportunity to showcase the excellent product that is being produced in the County.

Lisa Wright: The draft ordinance as presented is an overregulation by the local jurisdiction, and she does not believe that the County has the authority understate code to issue licenses. Ms. Wright suggested that a one-time local land use permit and then proof of annual state license should be sufficient regulation. Cannabis retail storefronts are more analogous to bars due to the legal recreation for cannabis. Ms. Wright is also in support of farm sales as it would be consistent with wineries and she feels that storefronts would be supported by local residents because they would bring in additional revenue to all businesses.

Tom Ballanco: Not concerned about the details of the ordinance. Would like to change the 500-foot setback for retail establishments to be consistent with the state. Would like the ordinance to mirror state law in most regulatory aspects with the local jurisdiction verifying compliance. Mr. Ballanco stated that the nature of business competition would be the limiting factor for store front businesses.

Zoom presenter: Expressed concerns that state law is being misinterpreted in the current regulatory framework of the County which is causing local cultivators to have difficulties understanding operating standards. The Zoom presenter is concerned about the zone districts selected for the storefront ordinances and stated that the C-3 district really does not apply for the type of business. He also stated that the renewal process should be inexpensive and expedited and he feels that the cultivator pay a very high cost to support a plan that has not changed since it was first implemented. He suggested that the CAL Health and Safety Code section 11590 really is not applicable to this type of ordinance and should be removed. Use of alcohol and tobacco in a licensed retail environment, Section J of the operating standards should be stricken. Also licenses are not be issued in 90days.

Chair Frasier closed the public hearing (time 7:56pm)

Commissioner Stewart: Stated that cannabis retail establishments are actually not a big deal and recommended that the other commissioners should visit one for reference. She stated that liquor stores and bars are not hidden from the public that cannabis is legal and should not be hidden. Commissioner Stewart also stated that cannabis does bring people in and states that many of the regular visitors that travel for camping and fishing would love to stop at a facility to buy product to take with them. Hiding cannabis sales makes no sense.

Commissioner McHugh and Commissioner Stewart both stated they have detailed questions regarding the ordinance.

Chair Frasier: Stated that Commissioners would go through the draft ordinance to provide staff with direction for revisions.

Commissioner McHugh: Recommended definition for storefront premises. He also stated that in letters received there is significant interest for opt-out for retail storefronts in some communities. Commissioner McHugh pointed out that the downtown areas for Weaverville and Lewiston are primarily C-2, and Hayfork is C-1 and recommended zone districts C-1 and C-2 and suggested that C-3 was not consistent for retail sales and is not a similar use for that district. Commissioner McHugh recommended a conditional use permit and stated that conditional use permit process is already used for distribution in many cannabis ordinances with conditions and definitions for items like signage and location.

Commissioner Stewart: Agreed with Commissioner McHugh that C-3 is not appropriate for retail cannabis sales.

Commissioner Matthews: Questions whether the opt-out is an option and stated that he is unsure if the downtown business in Weaverville would be in favor of retail sales. He would like to know if the businesses support the retail storefront businesses. Commissioner Matthews suggested that more information is needed to understand what businesses want.

Commissioner McHugh: Stated that residences are also impacted and should be recognized as well. He recommended being consistent with current opt-outs but would be open to reviewing more information.

Director Hunter: stated she has received a number of requests from residents in favor of retail sales so they do not have to travel to purchase cannabis products.

Commissioner McHugh: Stated that the question was not whether people wanted the retail stores, the question is where they should be located and recommended to staff that additional data from retail stores should be gathered.

Commissioner McHugh and Commissioner Stewart: Hours of operation should be amended

Director Hunter: suggested the operation time to be changed to 9am to 9pm.

Chair Frasier: Stated that 6am to 10pm is from state law and recommended that it should not be amended.

Commissioner McHugh: Recommended that setbacks should be consistent at 1,000-feet in all the cannabis ordinances for sensitive uses.

Commissioner Stewart: Stated that several school districts are opt-out and that the setbacks to bus stops should be 600 feet. Commissioner Stewart requested staff verify the required setbacks to schools from liquor stores.

Commissioner Matthews: requested staff prepare GIS analysis to identify how a 1,000-foot setback would limit the number of properties available for the storefront sales.

Chair Frasier: recommended for 500-foot setbacks unless that is not consistent with State regulation.

Commissioner McHugh: Recommended combining all of the cannabis ordinances into one when the General Plan has been completed with different standards for each type of license.

Commissioner Stewart: Recommended keeping cultivation and retail; as separate ordinances.

Chair Frasier: requested staff prepare GIS analysis for 500-foot setbacks to help the commission make decisions on the appropriate setbacks.

Commission Matthews: asked to clarify the areas selected for analysis.

Commissioner McHugh: Asked staff how many type 9 licenses had been issued in Trinity County?

Director Hunter replied that there is one current application.

Commissioner McHugh: Suggested that a cap for retail should be done like liquor licenses. He stated there are seven off-site liquor licenses in Trinity County, Three in Hayfork, three in Weaverville, and one in Trinity Center. These licenses are tied to population and no additional licenses are available. ABC limits the number of licenses to census tract. As an example: Concord has a limit of 5 retail stores to 125,000 people, 1/25,000.

Commissioner Stewart: Suggested that a community cap would be more appropriate, possibly one in each of the community centers.

Commissioner McHugh: Suggested that a cap by location and population as a community based model.

Commissioner Matthews Opined that he thought the number of retail stores should be driven by market but felt that a cap for the County would be appropriate.

Director Hunter stated that the first draft of the retail ordinance had a cap of 10 community based and the locations would be market driven.

Commissioner Stewart asked for a definition of “Agent for service of Process” and ask if anyone in attendance of the meeting could explain.

Ana Wright stated that an agent for service of process is an agent who represents a company and would be the responsible party to accept the service of court papers on behalf of the license. Some cannabis licenses request to know who agent for service of process is in order to serve court papers.

Commissioner McHugh recommended that the required detailed site plan include all of the necessary item for the premises such as lighting, parking and on-site activities.

Commission Stewart discussed in the operational standards for the 90-day nonoperation. Hayfork does have seasonal closures such as restaurants and hotels and they are closed for more than three months. Six months would be more appropriate for nonoperation.

Commissioner McHugh stated that conditional use permits (CUPs) are conditioned to be suspended after one year of nonoperation.

Commissioner McHugh recommended that in the development standards items like plumbing and electrical should be listed as must adhere to the Building Code instead of listing items separately and building permits should be required instead of listing all of the items that would be required by building code. He also stated that premises should be defined and asked for explanation about the regulation stating that no on-site consumption would be permitted without prior approval.

A member of the audience explained that allowing on-site consumption was not regulated by the state and is left open to local jurisdiction. State Law requires that only cannabis and cannabis products, cannabis accessories and branded merchandise may be sold at retail locations.

Commissioner McHugh recommended a CUP to define activities that would be allowed.

Director Hunter stated that the ordinance was designed as a performance based in order to avoid the need for a CUP in each case.

Commissioner McHugh suggested that each site would be different and it would be appropriate to have the authority to enforce restrictions such as conditions of approval.

Commissioner Matthews discussed comments received from the public specific clarification of section D. 040. Applications: which would restrict someone from having a license. He requested staff to clarify the section and verify it would not restrict someone from receiving a license.

Commissioner McHugh asked about transfer of license, would the license be transferable? He ask to clarify if it is the intent if there is a cap on the number of licenses that licenses could be transferred and stated that the ordinance as written suggests that an application would be required to transfer the license.

Commissioner Matthews asked about renewal of licenses that would not require a CUP.

Director Hunter stated that a CUP could be conditioned to renew but typically would run with the land. A renewable license would be like a business license and the County does not have a business license.

Commissioner Matthews asked if there would be a discussion about farm sales because the topic had been brought up by members of the public.

Commissioner McHugh suggested that the topic of farm sales would open the discussion for potentially significant impacts.

Commissioner Stewart suggested that farm sales should be discussed.

Commissioner McHugh opined that onsite retail farm sales would create a situation of multiple types of licenses on a site which would be outside of the current CEQA document and would potentially open up the EIR.

Commissioner Stewart suggested that farm sales should not be a problem. If you have to do a CUP to buy cannabis products then all of the conditions of the CUP would need to be met, restrooms, parking etc. which has nothing to do with the EIR.

Director Hunter stated that the increased traffic would impact the EIR and there is a deadline to be met for the EIR.

Commissioner Stewart asked if the farm sales could be revisited in the future.

Director Hunter stated it could be revisited at a later date and it is important to focus on the “brick and mortar” storefront and get them open first. Hunter stated that the farm sales would be complicated to address at this time.

Commissioner Stewart asked to verify that not discussing the farm sales now would not eliminate future discussions of farm sales.

Commissioner McHugh agreed that farm sales would not need to be precluded from the discussion in the future.

Commissioner Matthews stated that staff should be given direction regarding the need for CUPs. Whether CUPs would be required for a store front or if they would be allowed as a ministerial act as CUPs are expensive and time consuming for staff.

Director Hunter stated that CUPs are required for many different types of projects and the current time frame based on current staffing is two years which is an unreasonable time frame.

Commissioner Stewart stated that when the cannabis process was started the commission wanted to see everything for review and would not want the same level of review for this project. She also stated that staff is capable of reviewing the signage and other aspects of the ordinance.

Chair Frasier stated that if staff is caution reviewing permits then not requiring a CUP would be appropriate. All of the details must be included in the ordinance or it will be open-ended. The conditions should be written into the ordinance so the requirements are standard otherwise the CUP should be required and we might end up with a really bad process.

Commissioner McHugh stated one of the benefits of a CUP is that it requires a public hearing and the public could comment on the site.

Commissioner Matthews stated that with the ministerial process there is no notification of neighbors under a ministerial license. The public should be able to voice their opinion.

Director Hunter requested clarification that the Commissioners were directing staff to require a CUP.

Commissioner Matthews stated that some places in commercial areas might not be a problem, but areas that are established retail area downtown people expect retail businesses. There are businesses scattered about and businesses adjacent to residential could be a problem.

Director Hunter stated that she was receiving mixed messages from the commission.

Chair Frasier asked the Commission if they were directing staff to move forward with the CUP.

Director Hunter stated that a Director’s Use Permit would be another potential option and clarified that it would be appealable to the Planning Commission, it would be noticed to the public and could be conditioned.

Commissioner Stewart stated she felt the Director’s Use Permit would be a good compromise.

Chair Frasier stated that he would be in favor of a Conditional Use Permit. He does not feel there would be a huge volume of applications.



Commissioner Matthews stated that if it is taking two years to get an application approved that is completely unacceptable.

Chair Frasier stated that it is unacceptable for any CUP to take two years to complete.

Commissioner Stewart stated she is in favor of the Director's Use Permit

Chair Frasier directed staff that he would be comfortable with the Director's Use Permit if there were thresholds for approval including specific criteria for approval of the permit. The Commission would review that language.

Commissioner Stewart asked that a date for review.

Chair Frasier asked Director Hunter her preference for the date to return the item to the Commission.

Director Hunter stated that she would like the item to be continued to the July 9, Planning Commission meeting.

Commissioner McHugh: Motion to continue Item 2 to the July 9, 2020 Planning Commission meeting, Second by Commissioner Stewart.

Commissioner McHugh stated that the benefit to continuing to a date uncertain would be that the Item would be noticed for the public as it is a very popular ordinance.

Director Hunter stated that the Ordinance could be publicly noticed even if it is continued to a date certain.

Vote: Commissioner McHugh – Aye , Commissioner Matthews – Aye, Commissioner Stewart – Aye, Chair Frasier – Aye. The Motion carries unanimously.

**ITEM 3: ANNUAL INITIAL VARIANCE (CCV-20-02):** 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 151 Rose Ln., Hayfork. Assessor Parcel Number: 017-430-33-00. Applicant: Tree Based Holdings, LLC.

Associate Planner Bella Hedtke presented the staff report.

Chair Frasier opened the public hearing, there being no commenters at the meeting or on Zoom, and Chair Frasier closed the public hearing.

Commissioner Stewart: Motion to approve Commercial Cannabis Variance CCV-20-02 to reduce the cultivation site setback in Trinity County Code 17.43.050.A.8. from 350 feet to 300 feet from the residence located on APN 017-430-15-00 and from 350 feet to 110 feet from the residence located on APN 017-430- 45-00, subject to the findings of fact and conditions as stated in this staff report.

Second to the motion by Commissioner Matthews.

Vote: Commissioner McHugh – Aye Commissioner Matthews – Aye Commissioner Stewart – Aye, Chair Frasier – Aye. The Motion carries unanimously.

**ITEM 4: ANNUAL INITIAL VARIANCE (CCV-20-03):** 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 75 River Cliff Rd., Mad River. Assessor Parcel Number: 018-470-04-00. Applicant: Lost Bridge, LLC.

Associate Planner, Bella Hedtke presented the staff report.

Director Hunter stated that condition #6 should be removed and that the applicant, their consultant and an engineer were meeting with the California Department of Fish and Wildlife to determine a setback from the Van Duzen River and determining the high water mark for the location of the cultivation.

Chair Frasier clarified that the intent of the discussion is to strike condition #6.

Associate Planner Hedtke confirmed that the intent is to strike condition 6.

Chair Frasier opened the public hearing.

Ana Wright, consultant for the applicant thanked Director Hunter for striking condition #6 and she has already submitted a report to the Planning Department for review and provided copied to the Commission. Ms. Wright also stated that subject property is small and the cultivation cannot be moved. All letters receive are in support of the variance and the applicant is working toward meeting all other necessary Agency compliance measures.

Chair Frasier noted that there were no additional commenters present and no commenters on Zoom and closed the public hearing.

Commissioner Stewart made a motion to approve Commercial Cannabis Variance CCV-20-03 to reduce the cultivation site setback in Trinity County Code 17.43.050.A.8. from 350 feet to 70 feet from the residence located on APN 018-470-29-00, from 350 feet to 220 feet from the residence located on APN 018-470-16- 00 and from 350 feet to 290' from the residence located on APN 018-470-21-00, subject to the findings of fact and conditions as stated in this staff report with the exception of Condition #6, which has been stricken.

Second by Commissioner Matthews.

Vote: Commissioner McHugh – Aye Commissioner Matthews – Aye Commissioner Stewart – Aye, Chair Frasier – Aye. The Motion carries unanimously.

**Item 5: ANNUAL INITIAL VARIANCE (CCV-20-06):** 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 2129 Morgan Hill Rd., Hayfork. Assessor Parcel Number: 017-350-28-00. Applicant: M. Lucic.

Associate Planner, Bella Hedtke presented the staff report.

Chair Frasier opened the public hearing. There were no speakers present and no speakers on Zoom. Chair Frasier closed the public hearing.

Commissioner Stewart made a motion to to approve Commercial Cannabis Variance CCV-20-06 to reduce the cultivation set setback in Trinity County Code 17.43.050.A.8. from 350 feet to 105 feet from the residence located on APN 017-350-36-00 and from 350 feet to 140 feet from the residence located on APN 017-350- 35-00, subject to the findings of fact and conditions as stated in this staff report.

Second by Commissioner Matthews.

Vote: Commissioner McHugh – Aye Commissioner Matthews – Aye Commissioner Stewart – Aye, Chair Frasier – Aye. The Motion carries unanimously.

**Item 6: ANNUAL INITIAL VARIANCE (CCV-20-08):** 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 181 Oliva Dr., Hayfork. Assessor Parcel Number: 014-290-07-00. Applicant: R. Nabizada.

Associate Planner, Bella Hedtke presented the staff report.

Chair Frasier opened the public hearing.

Ana Wright, consultant for the applicant stated that the applicant is available on Zoom. She also stated the applicant is a current licensee and the Variance is requested because the site is small and the applicant wishes to maximize his potential to cultivate 10,000-square-foot canopy. Ms. Wright also stated that the applicant is in compliance with state agencies and his state license is active.

Chair Frasier closed the public hearing

Commissioner Stewart made a motion to approve Commercial Cannabis Variance CCV-20-08 to reduce the cultivation site setback in Trinity County Code 17.43.050.A.8. from 350 feet to 200 feet from the residence located on APN 014-290-11-00, subject to the findings of fact and conditions as stated in this staff report.

Second by Commissioner Matthews.

Vote: Commissioner McHugh – Aye Commissioner Matthews – Aye Commissioner Stewart – Aye, Chair Frasier – Aye. The Motion carries unanimously.

**Item 7: ANNUAL INITIAL VARIANCE (CCV-20-09):** 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 240 Oliva Dr., Hayfork. Assessor Parcel Number: 014-290-01-00. Applicant: C. Ford.

Associate Bella Hedtke presented the staff report.

Chair Frasier opened the public hearing.

Ana Wright, consultant for the applicant stated the project site is very small and the applicant is unable to cultivate elsewhere on the site. All of the comment letters received are in support of the variance. The State License is currently going through owner review.

Zoom Commenter: owns property at 230 Hardy Lane, down the street. He requested to know how close the cultivation would be to his lot. He is concerned about his property value.

Chair Frasier ask Associate Planner Hedtke if she would be able to locate the commenter's property to verify how far the cultivation would be to his lot. Ms. Hedtke stated that the commenter's lot is located just outside the 350-foot requirement.

Colby Ford, applicant completed a site review with County staff and verified he is in compliance with the 350-foot setback requirement and has all the proper fencing with locked gates.

There were no other public commenters or commenters on Zoom, Chair Frasier closed the public hearing.

Commissioner Stewart commented that the zoom commenter would not be able to see the cultivation from his property.

Chair Frasier acknowledged that the Zoom Commenter was concerned about the location of the cultivation and the potential to lower his property value.

Commissioner Stewart commented that she did not feel the variance would be an issue for the property owner.

Commissioner Stewart made a motion to approve Commercial Cannabis Variance CCV-20-09 to reduce the cultivation site setback in Trinity County Code 17.43.050.A.8. from 350 feet to 230 feet from the residence located on APN 014-290-02-00, from 350 feet to 310 feet from the residence located on APN 014-290-07-00 and from 350 feet to 190 feet from the residence located on APN 014-300-22-00, subject to the findings of fact and conditions as stated in this staff report.

Second by Commissioner Matthews

Vote: Commissioner McHugh – Aye Commissioner Matthews – Aye Commissioner Stewart – Aye, Chair Frasier – Aye. The Motion carries unanimously.

**Item 8: ANNUAL INITIAL VARIANCE (CCV-20-11):** 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 660 Dirt Rd., Hayfork. Assessor Parcel Number: 014-440-40-00. Applicant: Herbal Wellness, LLC.

Associate Planner, Bella Hedtke presented a memorandum to the Planning Commission that the applicant was able to meet the necessary 350-foot setback and the variance had been withdrawn as it was not required to be approved for the applicant's license. Staff recommended that because the Variance had been publicly noticed that the Commission conduct a public hearing.

Commissioner McHugh questioned Ms. Hedtke regarding the Variance if the project had changed or if there was a mistake about the Variance being necessary.

Ms. Hedtke stated that she did not have the information.

Chair Frasier opened the public hearing. There were no speakers present and no one requesting to speak on Zoom.

Chair Frasier closed the public hearing and stated that no further action would be taken.

**PLANNING COMMISSIONERS REPORT:**

Commissioner Stewart asked staff if there was a date set for the Hayfork rezone previously mention in open time. Director Hunter responded that staff would be working with the applicant to define the scope of the project because the request is for a Special Unit Development which requires specific development standards based on the description of the project.

**PLANNING DIRECTOR'S REPORT:**

Director Hunter provided a copy of the acoustical analysis for Commissioner Matthews as requested and offered to provide electronic copies for the other commissioners.

**ADJOURNMENT:**

The Planning Commission adjourned at 9:20pm.

Submitted by:



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