

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting

June 10, 2021 at 6:00 p.m.

Trinity County Library Conference Room

351 Main St, Weaverville, CA

Chairman Diana Stewart

Vice-Chairman Duncan McIntosh

Commissioner William Sharp

Commissioner Mike McHugh

Commissioner Todd Heaton

PLANNING COMMISSION MEETING MINUTES

CALL TO ORDER:

Chair Stewart called the meeting to order at 6:00 p.m.

Commissioners present: Commissioner Stewart, Commissioner McIntosh, Commissioner McHugh, Commissioner Heaton.

Commissioners absent: Commissioner Sharp

Staff Present: Planning Deputy Director, Lisa Lozier; Associate Planner, Bella Hedtke; Code Compliance Specialist, Daniel Marvel; Administrative Coordinator, Deborah Rogge; Administrative, Clerk Melissa Metrevski; and via ZOOM Planning Director, Kim Hunter; and Garry Rees of SHN

PUBLIC COMMENT: During the Public Comment period members of the public may address the Planning Commission on any matter not listed on the agenda that is within the subject matter jurisdiction of the Planning Commission.

Public comment opened at and being that there were no speakers, public comment was closed.

REGULAR CALENDAR:

Item 1. MINUTES Approve meeting minutes from the March 11, 2021-*Continued from May 13, 2021*, March 25, 2021 and April 8, 2021 regular meetings.

By motion made and seconded (McHugh/McIntosh) and vote by Commissioners; McIntosh, McHugh and Stewart, to approve the March 11, 2021 minutes with correction on page 3, to change resend to rescind. (*Commissioner Heaton was not yet appointed March 11, 2021*)

By motion made and seconded (McIntosh/McHugh) and carried 4-0, to approve the March 25, 2021 minutes as presented.

By motion made and seconded (McHugh/Heaton) and 4-0, to approve the April 8, 2021 minutes as presented.

Item 2. APPEAL OF PLANNING DIRECTOR'S DECISION (P-21-01): An appeal of the Planning Director's Decision to deny an extension under Urgency Ordinance 1355 for Commercial Cannabis Cultivation License (CCL) #229 for 2104 Union Ridge Road, Weaverville. Appellant: Vladimir Pavlovic and Dorde Glisovic. Assessor's Parcel Number 025-100-15-00. *Continued from May 13, 2021.*

Chair Stewart read aloud the memorandum for this item, staff had no additional comments.

The public hearing was opened and being there were no speakers, the public hearing was closed.

By motion made and seconded (McIntosh/McHugh) and carried 4-0, to continue the item to an undetermined date.

Item 3. ANNUAL INITIAL VARIANCE (CCV-20-34): A request for a variance from the required 350' Cannabis

cultivation setback from neighboring residential dwellings (TCC 17.43.050.A.8). Project site is located at 261 Laurel Dr., Hayfork. Applicant: Scott Stine. Assessor's Parcel Number: 014-300-22. Planner: B. Hedtke.

Bella Hedtke presented the staff report and recommendations.

The public hearing was opened and being there were no speakers, the public hearing was closed.

The Commission had a discussion regarding parcel size and ordinance conditions, water impact to neighbors, and water mitigation measures.

By motion made and seconded (McIntosh/Stewart) and carried 4-0, to approve Commercial Cannabis Variance CCV-20-34 to reduce the cultivation site setback in Trinity County Code section 17.43.050.A.8 from 350 ft. to 203 ft. from the residence on APN: 014-290-01 and to 213 ft. from the residence on APN: 014-300-16, subject to the findings of fact and conditions as stated in the staff report.

Item 4. ANNUAL INITIAL VARIANCE (CCV-20-51): 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 1820 Post Mountain Rd., Post Mountain. Applicant: Cherpor Yang. Assessor's Parcel Number: 019-610-12-00. Planner: B. Hedtke

Bella Hedtke presented staff report and recommendation. The Commission inquired about a residence or permit issued, which was verified as being issued.

A public hearing was opened. Lisa Wright of Lewiston and Jake Grossman of Hayfork.

By motion made and seconded (McIntosh/Heaton) and carried 4-0, to approve Commercial Cannabis Variance CCV-20-51 to reduce the cultivation site setback in Trinity County Code 17.43.050.A.8, from 350 ft. to 228 ft. from the residence located on APN 019-620-41, subject to the findings of fact and conditions as stated in the staff report.

Item 5. CONDITIONAL USE PERMIT/TEAM (P-19-38): A request for approval of a conditional use permit for commercial cannabis uses including: (1) nursery; (2) processing; (3) distribution; (4) Type 6 (non-volatile) manufacturing; and (5) testing. uses on. The project site a 6.9-acre parcel located at 311 Industrial Park Way, Weaverville, which is situated on the Lower Bench area of the Trinity Alps Business Park. The proposed project would develop the property with facilities and infrastructure to accommodate the proposed uses. The subject property is zoned as Specific Unit Development (SUD), which at this location (Area 1, Trinity Alps Business Park, Lower Level) allows for industrial uses, including Wholesale Sales and Distribution conducted within a building (without the need for securing a Use Permit) and any use with more than 20,000 sq. ft. of floor and/or which "would exceed 60 decibels at the property line of the use" and/or "generates air emissions, ... noise, offensive odors ... which may be detrimental to the public health, safety or welfare" after first securing a use permit. The proposed CEQA determination is a Mitigated Negative Declaration. Applicant: Trinity Equipment & Materials, LLC (T.E.A.M). Authorized Agents: Tom Ballanco and Flowra. Assessor's Parcel Number: 024-220-56-00. Planner: K. Hunter & SHN

Lisa Lozier reported on the memo of a previously issued use permit to an adjacent parcel, which has expired, and presented a summarized version of the staff report and and issues that were brought to the departments attention.

The public hearing was opened and Tom Ballanco/Appellant spoke to the Commission as did Ana Wright-Agent for the appellant. Comments were received from Jake Grossman of Hayfork, Lisa Wright of Lewiston, and ZOOM participant, Veronica Kelly-Albiez of Douglas City, there being no other speakers the public hearing was closed.

Item 5 was brought back to the Commissioners and project was discussed at length on the Commission's ability to

grant the CUP for P-19-38 on all proposed uses and the location in the Industrial Park.

Garry Rees read into record the revised recommended findings for the project.

By motion made and seconded (Stewart/McIntosh) to adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program (MMRP); and approve the Conditional Use Permit (P-19-38) for the Nursery, Distribution, and Manufacturing portion based on the recommended findings in Resolution 2021-08 and those read into the record and subject to the conditions of approval set forth in Exhibit A to the Resolution 2021-08 and also including those required conditions as listed in the specific Ordinances associated with Nursery, Distribution and Manufacturing.

There was continued discussion as to whether or not the site was appropriate for this type of project, the need to support the Cannabis Industry in Trinity County, and where other appropriate areas would be if not in the Trinity Alps Business and Industrial Park.

Roll Call vote: Commissioner McIntosh-Aye, Commissioner Stewart-Aye, Commissioner McHugh-No, Commissioner Heaton-Aye, (Commissioner Sharp-Absent) and carried 3-1.

Item 6. CONDITIONAL USE PERMIT/GREEN BEACH (P-20-02): A request for approval of a conditional use permit for commercial cannabis uses including: (1) a nursery; (2) distribution; and (3) a Type 6 (non-volatile) manufacturing. The 10.94-acre project site is located at 324 Frog Pond Lane, Hayfork. The project site is situated on rise above Duncan Creek valley with site access provided via Frog Pond Lane from the public Summit Creek Road. and is designated by the General Plan as Agricultural (A) and is zoned Agricultural 20-Acre minimum (A20). The proposed development activities will be infrastructure development in the southwestern section and in the northeast section of the property. To house the proposed uses, ten (10) shipping containers will be placed on the property for the requested uses and will be permitted with electricity. The proposed CEQA determination is a Mitigated Negative Declaration. Applicant: Green Beach Ventures. Authorized Agent: Flowra. Assessor's Parcel Number: 017-010-80-00. Planner K. Hunter & SHN

Lisa Lozier presented a summarized version of the staff report and and issues that were brought to the departments attention.

The public hearing was opened Ana Wright, Agent for the project spoke to the Commission. Comment was received from Lisa Wright of Lewiston, being there were no other speakers the public hearing was closed and returned to the Commission.

Garry Rees read into record the additional recommended findings for the project.

By motion made and seconded (Stewart/McIntosh) and carried 4-0 by roll call vote, to adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program (MMRP); and approve the Conditional Use Permit (P-20-02) based on the recommended findings in Resolution 2021-09 and those read into the Record and subject to the conditions of approval set forth in Exhibit A to Resolution 2021-09 to include the required conditions as listed in the Ordinances associated with Nursery, Distribution and Non-volatile Manufacturing.

Questions and comments were asked about the minimum size of a distribution facility and security requirements required per the ordinance and building permits.

Roll call vote: Commissioner McIntosh-aye, Commissioner Stewart-aye, Commissioner McHugh-aye, Commissioner Heaton-aye, (Commissioner Sharp-Absent)

Item 7. APPEAL OF PLANNING DIRECTOR'S DECISION (P-21-10): An appeal of the Planning Director's Decision to deny an extension under Urgency Ordinance 1355 for Commercial Cannabis Cultivation License (CCL) #504 for 100 Wingert Road, Hayfork. Appellant: Her Vang. Assessor's Parcel Number 017-410-19-00.

Chair Stewart read the memorandum presented to the Commission and public and staff had no further comments.

The public hearing was opened and being that there were no speakers or comments for this item the hearing was closed.

By motion made and seconded (McIntosh/McHugh) and carried 4-0, to continue this item to the July 8, 2021 meeting.

Item 8 was pulled from the agenda at staff request, as it has been resolved.

Item 8. APPEAL OF PLANNING DIRECTOR'S DECISION (P-21-11): An appeal of the Planning Director's Decision to deny an extension under Urgency Ordinance 1355 for Commercial Cannabis Cultivation License (CCL) #510 for 1200 Trinity Pines Drive, Hayfork. Appellant: Hue Kung Lee. Assessor's Parcel Number 019-350-04-00.

Item 9. APPEAL OF PLANNING DIRECTOR'S DECISION (P-21-12): An appeal of the Planning Director's Decision to deny an extension under Urgency Ordinance 1355 for Commercial Cannabis Cultivation License (CCL) #397 for 3738 Zenia Bluff Road, Zenia. Appellant: Jessica Smith. Assessor's Parcel Number 020-410-11-00.

Lisa Lozier presented the staff report and a timeline of application submissions, screenings and communication with the appellant, and stated that additional information was available from the file to address potential questions of the Commission.

The public hearing was opened speakers were Ana Wright-Flowra, Lisa Wright of Lewiston, John Miranda-Zenia, Tom Ballanco-Douglas City, being there were no other speakers or comments for this item the public hearing was closed. Discussion was brought back to the Commission.

Discussion of the Commission revolved around procedural practice at the department.

By motion made and seconded (McHugh/McIntosh) and carried 4-0 to grant the appeal find that the appellant was in compliance and was unable to get the process done in a timely manner, thru no fault of their own, whilst the county delayed under the guise of the urgency ordinance.

Item 10 was pulled from the agenda at staff request, as it has been resolved.

Item 10. APPEAL OF PLANNING DIRECTOR'S DECISION (P-21-13): An appeal of the Planning Director's Decision to deny an extension under Urgency Ordinance 1355 for Commercial Cannabis Cultivation License (CCL) #386 for 1642 Brady Road, Hayfork. Appellant: Xue Thao. Assessor's Parcel Number 011-410-20-00.

Item 11. RESOLUTION TO INITIATE A ZONING TEXT AMENDMENT: A request by the Planning Director for the Planning Commission to adopt Resolution No. 2021-07 to initiate an amendment of Chapter 17.43.050 (section 17.43.050.A.8), Limitation on location to cultivate cannabis, regarding commercial cultivation cannabis cultivation within three hundred fifty feet of a residential structure on any adjoining parcels. The Planning Commission has requested a minor wording change.

Lisa Lozier presented a report of the reason for the resolution, and asked the Commission for direction on intent and what the Commission wants to see in an Ordinance.

Discussion about terminology as defined in the Trinity County ordinance, and how to most effectively change the language in the ordinance to clarify the word "adjoining" as it refers to adjoining parcels for variances.

By motion made and seconded (McHugh/McIntosh) and carried 4-0 by roll call vote, to adopt resolution 2021-07 as presented with the following changes; where it cites 17.43.050.A.8 we insert the following, replace the word 'adjoining' with the words 'other legal parcel', and make the following resolution findings.

Roll call vote: Commissioner McIntosh-aye, Commissioner McHugh-aye, Commissioner Stewart-aye, Commissioner Heaton-aye, (Commissioner Sharp-Absent)

PLANNING COMMISSIONERS REPORT: Chair Stewart announced that this is last meeting and has enjoyed her work on the Commission. She would encourage more women to become involved with community government.

PLANNING DIRECTOR'S REPORT: Our next scheduled meeting is July 8, 2021. We have scheduled a meeting to for the General Plan kick-off for the 24th of June. Planning Commissioners are invited to attend the Board of Supervisors session where the consultants will have a discussion of the process and later in the day will be a public meeting at the Trinity County Performing Arts Center. We have a website for the General Plan where everyone can get information, sign up for email announcements and post comments. <https://trinity2050.com/>

ADJOURNMENT:

The Planning Commission adjourned at 9:44 pm.

Submitted by: Deborah Rogge, Administrative Coordinator



Kim Hunter, Planning Director
Secretary of the Planning Commission