

MINUTES

1. CALL TO ORDER

Chair Matthews called the meeting to order at 7:00 p.m. Members present: Commissioners Matthews, Frasier, Stewart, McHugh and Hoard. Staff present: Interim Planner John Jelichich, County Counsel Joe Larmour and Clerk Ruth Hanover.

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.

Comments received from Liz McInosh, Deidra Brower, Andrew Franklin, and Chris Schaefer.

Ms. Schaefer asked if it could be agendized to discuss buildings not associated with cannabis that are non-compliant on her property.

Chair introduced Richard Hoard, the new Planning Commissioner for District 4.

Commissioner Hoard stated when he thought about applying for the position he realized it would be a challenging venture with much to learn and read, but he took it on with the hopes to serve this community and to protect and enrich this beautiful place we call home. He is to serve God and this County with integrity, hard work, focus on social, economical and environmental sustainability. He said he also wanted to bring attention to the rest of this Commission, the Director, County Counsel and subordinate staff for your efforts. He is grateful and humbled by your experience and dedication and look forward to co-laboring with you for the benefit of this County.

Chair Matthews advised Agenda Item 12 regarding cannabis testing facilities is continued due to lack of a staff report, and Agenda Item 13 regarding Cannabis Nurseries is being pulled from the Agenda since Director Tippett is unavailable.

3. MINUTES – March 23, 2017.

Upon motion of Commissioner Stewart, second by Commissioner Frasier and carried, approved the Minutes of March 23, 2017 as submitted. Commissioner Hoard abstained.

OLD BUSINESS – None.

NEW BUSINESS

4. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-04

Public Hearing: Request for “annual variance” from the required 350’ cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 380 Brady Road, Hayfork. APN 14-450-14. Applicant: Connor.

Planner Jelichich presented the staff report. Staff recommends denial.

Commissioner McHugh asked Jelich to explain Exhibit A3 the Lot Line Adjustment. Jelich responded he wanted to make sure the Commission understood the applicant included that in his application, that's how you get to the fourteen acres. If you look at Exhibit A3 on Page 9 it shows the additional acreage that was added to the property. Commissioner McHugh asked if this Lot Line Adjustment has already happened. Jelich responded yes.

Chair Matthews opened the hearing to public comment.

Applicant, Curt Connor, introduced himself stating he applied for this variance and disagrees strongly with your recommendation. Under the second paragraph of this variance explanation, the wording really is confusing, and he wanted to take note of this lower on the page it says "no special privileges", and they have extended this privilege to other people already as far as he knows the variance is for setbacks and at the end of the day the tape measure reads the same, whether you are where he's at or wherever whoever else is at gets a variance. He said under project evaluation over here the area is really part of this canopy and he would like that specified for sure, and canopy is measured by the diameter of your plant or the surface area that your plant covers. Connor said Trinity County sold me a license to grow, to cultivate 10,000 sq. ft. of canopy and that's what he intends to do, but under the 15,000-sq. ft. limitation of garden area, this would reduce his crop by 35%, because he doesn't want to crowd his plants together. He said he doesn't want to tell you how to run the Planning Commission and he doesn't really need somebody telling him how to farm. He said he needs open space, air flow and sun to grow his product and that's what he would like to be able to do. Connor said on the measurements, both houses are 270' away from his existing garden area, he's measured it with a laser range finder. He would like to utilize that garden area for the cannabis cultivation, which he has already done last year. The infrastructure is there, he can put more area in, he has open areas other than that but he would also like to use that and more area to get 30,000 sq. ft. of area to cultivate in; that's what would give him his 10,000-sq. ft. of canopy. He doesn't think it would be fair to limit the small farmer in Trinity County, you're limiting our ability to make a living. He said he was just at a conference this last weekend and they said pretty much figure on basing your business at making \$500 a pound, and he wants to shoot for a one to one-and-a-half-pound plant which is going to give him a better quality in his opinion. Connor said he mentioned something about giving me more area would be special privileges, well he doesn't think it should even be considered a special privilege, everybody should be allowed to grow whatever size of garden they are licensed for without the restrictions as long as we meet all the other requirements; and he thinks that's all he has to say, thank you for your consideration.

Comments received Terry Mines, Liz McIntosh, Debbie Lono and Christian Figero.

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

Chair Matthews asked Counsel Larmour to comment on Ms. Lono's description of the urgency ordinance and whether expansion and relocation is her interpretation.

Counsel Larmour responded he heard her comments, but he thinks ultimately it comes down to the portion of the ordinance that states the cultivation area and 150% of the cultivation area for the fenced area. He said he has read, other than the comment the Director has the authority to change that, he has read no authority within our ordinance to expand that area. He said as far as the statement of an existing grow being expanded, the licensure is, by its intent, to allow them, regardless of what their current grow was, go to the 10,000-sq. ft. with the cultivation area being 150% of that 10,000-sq. ft.; so, the comment of expansion, this is a permitted farm, if they've received a permit, so ultimately, they have the ability to go to the maximum of their license regardless of what the cultivation area was prior to their licensure.

Chair Matthews asked if any of the Commissioners wanted to tackle this.

Commissioner Stewart said for discussion, she will move that we deny the request for a variance from the dwelling setbacks on APN 014-450-14 finding that (1) the subject property is over 14 acres in size with ample area to develop cannabis cultivation and meet the 350' dwelling setback; (2) there are no development issues, such as size, shape, location, topography, or physical characteristics that would prevent the land owner from developing a cannabis cultivation site on the subject property in conformance with the urgency ordinance applicable to Commercial Marijuana Cultivation Regulation (Ord. No. 315-816.EXT(A1)); (3) the property is located within the Trinity County Waterworks District. Granting a variance from the 350' setbacks, when none is necessary to cultivate cannabis in accordance with the urgency ordinance, is contrary to the intent of Section 5 (Limitations on the Location to Cultivate Marijuana) which is written to restrict cannabis impacts in populated areas of the county, such as within the boundaries of Trinity County Waterworks District; and (4) approval of the variance to allow a greater cannabis cultivation than allowed by the urgency ordinance would be a special privilege granted to the applicant that is not available to other cannabis farmers. Seconded by Commissioner Frasier.

Chair Matthews asked if there was discussion on the motion.

Commissioner Stewart stated her concern is that, while she understands that there are different ways of farming, and that his way of farming may ultimately prove to be ideal, we have to work within the ordinance that we have, and she doesn't think if we allow this we are. She said although she says that, she isn't happy about it. Chair Matthews said he tends to agree, the ordinance is, it seems like it's pretty clear cut. Commissioner Frasier said it would be contrary to the ordinance. Chair Matthews agreed it's contrary to the ordinance and it wouldn't be appropriate to go to the Board of Supervisors and ask them to amend the ordinance, it's not our job to. He said what he doesn't know is whether or not there are going to be these changes that were discussed during public comment, that perhaps... Commissioner Stewart said but even if there are, we still have to work within the frame of what we have. Chair Matthews agreed. Commissioner Frasier said if you look at the map anyway with those changes the proposed size of the garden could still fit on that lot without being within the 350' of the houses, and that's where he comes in. To require a variance, we have to see that they can't comply. He can comply. There's enough room on the property. Frasier said he sees the public comment where okay yeah to comply he's going to have to remove trees. This is a proposal for two new garden areas that are going in in that part that isn't already cut over, so he's planning on removing trees for growing in the area that is far enough from the houses so there is no reason to allow it within that 350' area, there's plenty of room on the other part of the property, so he doesn't see where we could grant a variance. Commissioner Hoard stated he understands the State regulations are about a week of coming out and perhaps when this framework comes out our current ordinances might reflect either an increase in size or whatever stipulation that will come out and we shall see, but he agrees we do need to stand by the current ordinance and standards provided.

Chair Matthews called for the vote. Motion carried unanimously (5-0).

Mr. Connor thanked the Commission for its consideration.

- 5. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-05**
Public Hearing: Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 136 N. Oak Avenue, Hayfork. APN 14-330-60. Applicant: Sullivan.

Planner Jelich presented the staff report. Staff recommends approval.

Chair Matthews opened the hearing to public comment.

Applicant, Brian Sullivan, stated he and his wife, Madison, are the applicants. He thanked the Commission for taking time to consider his variance application. He said we were raised in Hayfork, our children are fourth generation Trinity County residents, we are a long-time family here. The property was originally Madison's grandfather's and they bought it with the intent to build a home and moving to the property. They are in the process right now of building a home. He said they have reviewed the staff report and feel staff has done a thorough analysis of their application and they agree with the conditions and recommendation of approval, and we ask the Planning Commission to support staff's recommendation for approval.

No further comments being made, Chair closes public comment period.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 165 feet on APN 14-330-60, based Findings of Fact 1 through 4, and subject to Conditions of Approval 1 through 4 as listed in the staff report. Commissioner McHugh seconded.

Commissioner McHugh said he had a question. The presumption is that this relevant to a license application for cultivation and all of its terms and conditions are also being met, including the residence, he thinks he heard that a permit has been pulled for a residence. Jelicich responded he goes through the cannabis license files before we come... a lot of these site plans and other maps come from there and they pay a reduced rate, they don't pay the full cost of a variance because of the other information that's available.

Chair Matthews called for the vote. Motion carried unanimously (5-0).

6. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **P-17-06**
Public Hearing: Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 710 Upper Road, Junction City. APN 009-440-54. Applicant: Miller.

Planner Jelicich resented the staff report. Staff recommends approval. He said he received two letters; one from Jeanette Erickson, some of these are general in nature, but she is concerned about encroachment of grows onto other land owners' property, water is being stolen and new water systems have been placed without permission, property has been removed from land without permission and used elsewhere, trees have been logged without landowners' permission and then used elsewhere, and she believes that various state agencies should be involved in it. Jelicich stated we are referring this to Jeff Dickey for further review, it's not particularly relevant to this particular variance item before you. He said the next letter is from Susan Vallindras which is rather lengthy so he summarized it: I'm very upset about how much cannabis Miller is planting on Upper Road, sick of how much is being grown up there, she's lost three neighbors that looked out for me as I am a widow and all alone and now I am alone more than ever. Shame on Trinity County for letting the pot growers take it over. It used to be a nice place to live, hopefully things will happen so that once more it will be a nice place to live again. I just hope I will be able to see it. Jelicich said she then mentions a John Green – I know a John Greenwell won't apply for an annual variance but he is right on my property line growing his cannabis. I don't know if writing a letter will make a difference, but I thought I would try once more to air my frustration, not only what is happening on Upper Road in Junction City, but all over Trinity County. I really hope there will be a big shake up soon in Trinity County.

Chair Matthews opened the hearing to public comment.

Applicant, John Miller, stated he would just like to say he thinks the two individuals that wrote in are confusing him with John Greenwell, our other neighbor. He said his property line does not link up to either of these two individuals and all cultivation is within a fenced area. We're not encroaching on anyone else's space, other than Aaron Still's who's I'm applying for the variance from.

Comments received from Terry Mines and John Brower,

No further comments being made, Chair closes public comment.

Commissioner McHugh stated he is inclined to make a motion for discussion purposes. McHugh moved to approve the variance to allow reduction of the cannabis cultivation area setback from 350 feet to 175 feet on APN 009-440-54, subject to Conditions of Approval 1 through 4 and based on Findings of Fact 1 through 4, as presented in the staff report. Seconded by Commissioner Stewart.

Commissioner McHugh asked the applicant, on the Jeff Dickey comment that verifies that the topography of the property and its location precludes relocation, and does that touch back there somewhere because of slope or rocks or, what does he mean by that. Miller responded we cannot move the garden to allocate for a greater space, it's basically as far as it is going to get from any other residence and there is a house in the middle of anywhere else we could potentially grow, there's trees that would have to be taken down, it's in the best possible spot right now as far as not disturbing any earth and being the greatest distance it can be from our neighbors' residence. McHugh asked is there a setback form the property line to the fence around the garden. Miller responded it is from his residence to the fence around our garden. McHugh said from your property line to your fence, or is your fence on the property line. Miller responded our fence is on the property line, our plants are within 30 feet from the fence.

Chair Matthews asked if there was any more discussion. He asked if the non-adjoining property owners that we got the letters from don't change Commissioner McHugh's Finding No. 4. Commissioner Stewart said personally, she doesn't think they do, they are so general in nature. She said she understands their frustration, but they aren't really specific to this application that she can see, and they are not direct neighbors. Chair Matthews said but they are in the notice area. Planner Jelich stated they are within 300 feet of the exterior boundary of the parcel. Commissioner McHugh stated he finds their complaints to be general anti-marijuana complaints, which one may or may not be sympathetic to, but the specifics, comments about this specific property been refuted, so he is comfortable with the findings. Chair Matthews said he also appreciates the fact that the affected property owner within the setback reduction has actually signed. It's a little different that having it stated in the letter, but if no one objects to it. To him, it's much more positive when we actually have something signed by someone saying they agree with the operation opposed to not receiving opposing letters in the mail, so hopefully with future variances people will try to bring those forward.

Chair Matthews called for the vote. Motion carried unanimously (5-0).

7. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **P-17-10**

Public Hearing: Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 3900 & 3910 Lower S Fork Road, Hyampom. APN 011-350-04 & 07. Applicants: Johnson & Avila.

Planner Jelich resented the staff report. Staff recommends approval.

Commissioner McHugh asked Planner Jelich if he could clarify once again the thinking about the

second parcel and why that would not be considered the relocation, so one point is the view scape from the road, is there any other reason not to move it onto that parcel? It doesn't address the 350' setback issue, for example. Jelich responded according to the urgency ordinance you have to have a dwelling on the parcel. The dwelling is on the other piece, and the only way they can do it is to merge the parcel into one. McHugh said he didn't think that was true, the urgency ordinance specifically defines a legal parcel as contiguous parcels for the purpose of this ordinance. Jelich responded, contiguous, they are talking about assessor parcels. McHugh said these are two contiguous parcels owned by the same owner. Exact same ownership and adjoining, he believes it allows that condition. Jelich asked what is to be gained by moving it closer to the road? McHugh said that's his question, is the only issue the road or does it address the setback issues? Jelich replied yes. Commissioner Frasier said no. Chair Matthews said you can see that it's going to be even closer, it will be somewhat further from one house, the one that is currently 180' is going to be 220' or something like that. McHugh asked which one is the one that gets worse. Matthews responded the 272' one, you take that line and go down it's going to be much shorter. McHugh said he thinks if there are two parcels involved in general that, if they are contiguous, the ordinance allows the grow to be on the second parcel not the one with the dwelling and the view scape from the road could be addressed, but it doesn't solve any of the setback issues, but he doesn't see there is an option.

Chair Matthews opened the hearing to public comment.

Applicant, Jacob Johnson, thanked staff for their recommendation for approval of their variance and thanked the Commission in advance for approval as well. He said currently the garden is located in an area completely private from the road and moving it to the other parcel would make it visible from the road or they would have to erect a very large fence to screen it, currently it isn't visible at all from the road; and the immediately affected neighbor has out buildings all along our entire property line, but you can't see them through the trees. They do have a visual barrier between our garden and their property so it actually doesn't affect them visually at all.

Karla Avila, the co-applicant, stated she believes that since their house was built in the mid-1950s has been both parcels as one sold under one deed. The Lower South Fork Road, if they were to try and be 350' from the affected neighbors they would be on the road which is an easement on their land and so part of their acreage is affected by the roadway and then a lot of their acreage is along the roadway. She said the reason they got their parcel is they wanted some really good land to farm and a place to have a viable family homestead, and this is in a very good agriculturally ideal area of the valley, it's not in the floodplain, it's above the floodplain by a good distance, there's a barrier upper of native vegetation and other vegetation like planting a companion vegetable garden along the parameter of their cannabis garden and we are actually cultivating a very small amount of cannabis, we are looking to cultivate the cottage size just 2,500 sq. ft., and we are really attempting to be completely sustainable and very responsible in our practices. We are trying to be a really good example of what a small farm that has positive impacts and does not create and nuisances or negative impacts on neighbors that can be. She said because of the unusual shape of their parcel and because of all the roadway, where it is right now it's in a large flat open meadow, it's a pre-existing garden site that has been the garden site for the homestead for a long time and good farming land. We actually had the Health Department out, they looked at our soil, they looked at our land, they were actually there and Jeff Dickey in early February on one of the most thirty-year rain, flood, most water, day and they were able to see all our practices and actions, there was no runoff or sediment coming from anywhere on our property. We have complete erosion control, everything is cover cropped. We do everything in our power to really set a good example of best practices that we can, and so they were able to see us demonstrating that and how our current location has been set up for years, a very viable, environmentally respectful and conscientious location for our garden. She said I have very good relationships with my neighbors and think they all recognize the stewardship that we are attempting to achieve here to make a pathway for small farms to

be environmentally compliant and viable and begin reversing damages that have been done from an unregulated market and showing how we can rebuild our community in a safe and health way, and preserve our watershed in a healthy way. She said that is really their number one goal, they are small but they are viable, and we really thank you for creating a pathway that is a very rigorous process for applicants to go through and your staff was very thorough in doing an excellent job of making sure that people that are going through this process are good examples of what we need moving forward to make it better for all of Trinity County, so we thank you so much for all the efforts you are doing.

Chair Matthews asked you are saying that your neighbors are totally supportive of this variance? Ms. Avila said that they are and they didn't want to pressure anybody to feel like they have to say anything, we wanted them to be comfortable to be able to say anything freely and not to be putting any pressure on them one way or the other and we think that's really important; we have someone here to speak on our behalf, but we didn't want to make anyone feel obligated to do so; if you were to speak to our neighbors they are all very supportive and thankful that we are as responsible as we try to put this foot forward.

Comments received form Pat McCaslin.

No further comments being made, Chair closes public comment.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback on APN 011-350-04 from 350 feet to 170 feet affecting APN 011-350-02; from 350 feet to 265 feet affecting APN 011-350-06; and from 350 feet to 130 feet affecting APN 011-350-11, based Findings of Fact 1 through 4, and subject to Conditions of Approval 1 through 4 as listed in the staff report. Commissioner Frasier seconded. Motion carried unanimously (5-0).

8. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **P-17-11**
Public Hearing: Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 30 Shasta View Lane, Weaverville. APN 024-680-32. Applicant: Hurst.

Planner Jelcich resented the staff report. Staff recommends approval. He said staff received one letter in opposition to the variance from Tom Walz of Sierra Pacific Industries.

Chair Matthews opened the hearing to public comment. No comments being received, Chair closes public comment period.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback on APN 024-650-32 from 350 feet to 270 feet affecting APN 024-650-35; and from 350 feet to 300 feet affecting APN 024-680-33; based Findings of Fact 1 through 4, and subject to Conditions of Approval 1 through 4 as listed in the staff report. Commissioner Hoard seconded.

Commissioner Hoard said despite his respect for Tom Walz as a person and professional, this property of the project in question does not directly adjoin the TPZ Sierra Pacific properties. Furthermore, and as stipulated in the variance application, this property complies with the General Plan and Zoning stipulations required for commercial cannabis grows therefore he does believe this variance should be approved. Commissioner Stewart said she agreed.

Chair Matthews said he must say without anything other than... not any opposition, it concerns him that we haven't heard anything from the applicant, or from... if there is no support for this necessarily, but that's his own personal opinion on it.

Chair Matthews calls for the vote. Motion carried 3-2 (Commissioners McHugh & Frasier-No).

9. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **P-17-12**

Public Hearing: Request for “annual variance” from the required 350’ cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 1110 McAlexander Road, Hayfork. APN 016-170-52. Applicant: Wellons.

Chair Matthews advised for Item 9 we received a letter from the applicant that he no longer needs the variance so we are going to pull that one.

Counsel Larmour stated we are viewing his most recent letter as a withdrawal of his request. Planner Jelich read the letter into the record, stating we received it after the staff report was prepared.

10. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK -17-13**

Public Hearing: Request for “annual variance” from the required 350’ cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 1299 State Highway 299, Salyer. APN 008-570-16. Applicant: Klock.

Planner Jelich presented the staff report. He stated this was a difficult one in that there was essentially no information submitted, as the applicant has not applied for a commercial cannabis license; as he mentioned earlier the fee is reduced because we already have a lot of information for the cannabis licenses and Jeff Dickey had been out to those sites; so, we don’t have staff go out there based on just the variance request. We did receive some letters form CalTrans and Water Quality Control Board; floodplain is an issue on the property; we’re not sure exactly where the cultivation site would be; so basically, we are not sure how to figure out what’s going on. It’s his understanding from the applicant is that he was interested in getting the variance first so he knew he had that before spending the money to get his cannabis license, so he knew he had that before going through cannabis cultivation process and going through the Water Board or the other agencies involved. There’s just not enough for us to go on to process it further.

Chair Matthews said so I guess the question is why? Why did this come before us if you don’t consider it a complete application? Jelich responded the applicant if he’s here he’s welcome to get up and speak, but what we are recommending here is continuing the variance request for up to 90 days to provide applicant with sufficient time to complete his license application. Jelich said what we are trying to do is put him in a position where we aren’t saying denial, but putting him in a position essentially to provide the additional information through the cannabis process. Now there is another way to do that if you want to do that, he would have to address all the issues that floodplain, give us a site plan, and so forth, because there simply isn’t enough information to process it. He said the application had already been noticed in the paper and to adjacent property owners so we needed to keep it on the agenda.

Counsel Larmour advised as a legal matter he thinks the addressing of the other concerns are with departments that are not this Planning Commission, that’s not an option for this Planning Commission, based not just on the limited information, but this is not the appropriate venue for this to be vetted. So, the recommendation of either continuing this or denying it, those are the only two options for the Commission tonight.

Chair Matthews opened the hearing to public comment.

Applicant Ron Klock introduced himself. He said there is three basic issues that staff came up with here and he would address each one as they list them. The first one is CalTrans looking for an encroachment

permit for the property. I built this home in June of 2012, when I applied to build the home in Trinity County I submitted an application for encroachment, here's my check. When I picked up the permit to build the house, they said I didn't need one. The driveway encroachment is owned by my neighbor, he owns the property, I have an easement for that. So that's why an encroachment is not required. I contacted Tony Paskell of CalTrans, he advised me to make it simple and put my name on the encroachment. So, the County itself told me I didn't need an encroachment permit, but all I gotta do is put my name on his encroachment permit since we both use that road. Mr. Klock said the second thing is he's not enrolled with the water board. Here's why I'm here today and want to get a variance. I was one of the lucky ones who had a complaint filed against him by a neighbor last year and I paid a substantial fine. Prior to spending all the time and money with the water board and the County permits, I want to see if I can get a variance. I don't even plan on growing this year. I'll drop my \$751.00 for the variance to see if I can get one this year, so next year I know I can do it. Is it necessary to get water board approval prior to getting a variance? Building houses, I always get the variance first and then I get a building permit; so, I want to make sure that the neighbors aren't objecting, they didn't, so I know I'm clean in that respect. Now I can go for water board approval, not for this year, for next year. I'll pay another \$751.00 and go through this again, but I know then that I've got this part covered. That's why I didn't do the water board thing this year. I already paid a big fine. I'm not going to bother with this year. I wanted proof from you guys so I can do it next year. Mr. Klock said floodplain, survey. Do you have it surveyed done by Hunt, a local surveyor, out of the floodplain. The feds changed the floodplain. I may be in it. Who knows. Do we have to get the water board to look at that, the County will look at that, but does that have anything to do with getting a variance at this point. I'll deal with that, the water board and the County later. Nobody's has been out to my property to look at it, to see it's too steep, I can't build anywhere else, I'm probably the only guy here where no one has looked at it because I didn't get the water board approval first. So, I guess what happens for now is give me a continuance, get them out to my property, we'll get the information, whatever you need, but I don't plan on getting water board this year. I want the variance this year. So, can I get a continuance, you get someone out to look at it, I can't build anywhere else, I can't grow anywhere else, and take it next time.

Planner Jelich stated he would be happy to meet with him and maybe Jeff Dickey and I can talk to him about the kind of information that we need. He said he doesn't have a problem with dealing with the variance before the license, but the information is important because, the flood plain for example, we need to know where on that property the cultivation site could be, and where the house is and so forth because that's going to affect where he can locate it. Mr. Klock said the fact of the matter is I can't move it anywhere, any further from the river, so if the water board or the County doesn't approve it where it's at, I can't move it anywhere else, I'd be moving really close to the river.

Chair Matthews asked Counsel Larmour if there is an issue with the urgency ordinance for doing a variance before the license. Counsel Larmour responded it's not something that's contemplated in the urgency ordinance, it's also something that's not uncommon. He thinks, it sounds like from staff the issue is that he has paid a reduced fee, and that reduced fee is the contemplation that there won't be an inspection because an inspection has already been completed. It sounds like something that needs to be worked out with staff, if the fee needs to be adjusted to a typical variance fee and then that inspection needs to be completed. Jelich said he would need to talk to Rick about the fee part of it, but usually they are around \$2,000 or more for a variance. Mr. Klock said he doesn't think it will take much time. I'm the only guy here that hasn't had a site visit. I'm way down river, right on the county line.

Chair Matthews stated it sounds like the appropriate action is to continue it. He asked Counsel do we need to vote on that or is it just direction from the Commission. Counsel Larmour responded because there's two options here, you can either deny or continue, there at least needs to be consensus to continue it.

Commissioner McHugh moved to continue this item for up to 90 days to provide the applicant sufficient time to complete his license application. If the applicant finds that additional time is needed, then the Planning Director may extend the continuance and report the status to the Commission. If the applicant has not submitted his application for a commercial cannabis license within the allowed time extension, then the application shall be deemed withdrawn. Seconded by Commissioner Stewart, and carried unanimously (5-0).

Chair Matthews stated he should have closed the public hearing first.

Commissioner McHugh stated it would be helpful to see a site plan and if there were any neighbor letters, any of the other elements that would help the variance process other than. Mr. Klock said you should have a site plan. Chair Matthews said not that has enough information as to where the garden will be... Klock said he'll get a hold of Mr. Dickey and will do that.

11. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-17

Public Hearing: Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 70 Our Road, Burnt Ranch. APN 008-150-47. Applicant: Thompson.

Planner Jelich resented the staff report. Staff recommends approval.

Chair Matthews opened the hearing to public comment.

Planner Jelich advised staff received one letter from Sandra Waters opposing the grow and variance that came in after we sent the staff report out, and read a portion of it into the record. He said this particular issue is regarding water quality and how much water is taken and actually done through the licensing process, and isn't directly related to the setback variance. He said it's the people in our office that processes the licenses have a copy of the letter as well.

No comments being received, Chair closes public comment period.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 250 feet on APN 008-150-47, based Findings of Fact 1 through 4, as corrected, and subject to Conditions of Approval 1 through 4 as listed in the staff report.

Planner Jelich advised there needs to be a correction in Finding No. 2, he had a typo in there, so instead of 1.9 acres it should read 15.41 acres.

Commissioner Stewart amended her motion to include the correction. Commissioner Frasier seconded the motion.

Commissioner Stewart stated while she appreciates the letter that came opposing this variance, the letter really doesn't have anything to do with the setbacks, it's about water and water usage and so she doesn't feel it really pertains, except in a general sense.

Chair called for the vote. Motion carried unanimously (5-0).

Chair Matthews said moving on to Item 13.

Commissioner McHugh said Item 12 is the public hearing. Counsel Larmour said 12 is a public hearing. You can open the public hearing and note that it is going to be continued.

12. CANNABIS TESTING FACILITIES

Public Hearing: Regarding establishment of criteria and regulations in Zoning Ordinance for “Cannabis Testing Facilities”. Located County-wide. Applicant: County of Trinity. *(Continued from April 27, 2017)*

Chair Matthews stated we are going to have a public hearing if anyone wants to talk about cannabis testing facilities, but we are not going to make any decisions tonight, and continue it top a date in the future.

Chair Matthews opened the hearing to public comment.

Liz McIntosh asked can we have questions answered at this time. Planner Jelicich said probably not. Counsel Larmour advised unfortunately in a workshop environment you cannot. Ms. McIntosh said she was just curious, because she knows the last time it seemed like rushing through it really quick even though it was never out there for the public really to see until the night of the meeting. Then that counted as the first reading and then the next time it might be a second and therefore it could maybe get passed on up to the board. She said her only problem is it is still not up anywhere for the public to see so how can we have any kind of meaningful public input without it being available to the public. So hopefully now she will get some satisfaction.

Chair closes public comment period, and continues the item.

13. CANNABIS NURSERIES

Discuss and/or take action regarding proposal to allow cannabis nursery in multiple zoning districts. Located County-wide. Applicant: County of Trinity. *(Continued from April 27, 2017)*

Chair Matthews stated this item was pulled so we are on to 14.

14. MATTERS FROM THE COMMISSION

Commissioner McHugh stated he’s hoping that under matters from staff we will hear about the schedule for May. Planner Jelicich responded we are not going to have a meeting on May 11th, so you can clear your calendar for that, but we will have three projects, subdivisions, that should be ready to go for June 8th. The Ag-Forest ordinance will be coming before you on May 25th. The closing date for comments for the State Clearinghouse is May 12th and the public hearing has already been advertised for May 25th, so that public hearing will be scheduled then. We have, he thinks seven so far, applications for variances would be on that night also, and these other two items, he’s not sure of the status of those, they have been coming through the cannabis committee. He said he doesn’t have anything beyond that, and asked Clerk Hanover if she knew of anything. Hanover stated she did not, but asked if we are continuing the testing facilities to May 25th also. Jelicich said yes, along with the other two items, presumably there will be a staff report that goes with both of those. He said one thing we need to check on is if there should be an actual public hearing on the nursery portion of it, that wasn’t provided in time to advertise. He said it could be a long meeting.

Chair Matthews said just to give you notice, I will not be available the fourth Thursday in July.

15. MATTERS FROM STAFF – Covered under Matters from the Commission.

16. ADJOURN

The Chair adjourned the meeting at 8:45 p.m.