

**MINUTES**

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**1. CALL TO ORDER**

Vice Chair Mike McHugh called the meeting to order at 7:00 p.m. Members present: Dan Frasier, Diana Stewart, Graham Matthews and Mike McHugh. Members absent: Richard Hoard. Staff present: Director of Transportation Rick Tippett, Associate Planner Colleen O’Sullivan, Deputy County Counsel Joe Lamour 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 Jack Norlund, Jerry Payne, Liz McIntosh, Tom Ballanco, Tom Barnett, Veronica Albiez, Shannon Ross and Kevin Menassy.

**3. MINUTES – None.**

**OLD BUSINESS**

**4. AMENDMENT TO COMMERCIAL CANNABIS CULTIVATION ORDINANCE PW-16-03**

**Public Hearing:** Discuss and/or take action relating to clean up of Amendment to Permanent Ordinance to Allow Commercial Cannabis Cultivation in Trinity County. Located county-wide. Applicant: Trinity County Planning. *(continued from 1/11/18)*

Director of Transportation Rick Tippett presented the staff report. He said the purpose of the amendment to the Commercial Cannabis Cultivation Ordinance is to align our County Ordinance with the new State directives that came out back in November. There were a lot of problems, particularly with the classifications of different types of licenses that we’ve issued. He said it was seen one way with the State and another way with the County, so that put it in conflict. They are not consistent with the State, but are consistent with our policy. Tippett said the intent of this revision is to align it.

Tippett directed the Commission’s attention to the last four pages of the staff report, which was the ordinance in “track changes” so the provisions that are being proposed in this ordinance could be seen. He said the first one is within Definitions, and one of them is “designated area”, and for designated area the initial intent was that they wanted to have the grow area and then they wanted to have another area that essentially was around the grow area to walk around, and what they didn’t want to have is a lot of broken up area or area that got disturbed. He said they limited it down to 150% of the area that was licensed. They have refined the definition to read “Designated Area” means “the hoop-house, greenhouse, and/or outdoor area(s) identified for the planting, growing and harvesting of Cannabis. Designated Area shall not exceed 150% of the area for the license type; canopy (mature plants) will not exceed the square footage allowed per license type and the additional 50% shall include mature plants (in a vegetative state prior to flowering) and access areas. Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a Nursery license.”

Tippett said the bigger one that was defined was Mixed Light. We finally aligned with the State definition, which has been now revised to read “ “Mixed Light” which is identified under California Code

of Regulations Section 8000, and, at the time of enactment, means the cultivation of mature Cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models described below: (i) “Mixed-Light Tier 1” which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means the use of artificial light at a rate of six watts per square foot or less; (ii) “Mixed-Light Tier 2” which is defined under California Code of Regulations Section 8000, and, at the time of enactment, means the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.” Chair McHugh asked if that was canopy area. Tippet responded in the affirmative, saying to keep in mind that TPUD doesn’t restrict power past 400 amps, but if you were going to install something beyond 400 amps it does require doing an engineering study to make sure that they can deliver power to that area.

Tippet moved on to Outdoor Cultivation which was revised to read “which is defined under California Code of Regulations section 8000, and, at the time of enactment, means the cultivation of mature Cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants.” He said he is going to focus on the bigger stuff, and moved on to Specialty Cottage. He said there was one mistake made that he wants to rectify. There’s the Specialty Cottage a, which is “outdoor up to 25 mature plants”, there’s “Special Cottage Mixed-Light Tiers 1 and 2 Cultivation which is 2,500 or less, and we are supposed to continue to include the Specialty Cottage for Cultivation “up to 500 square feet, or less, of total canopy size for indoor cultivation on one premise.” He said they did not intend on striking that, but it is still also includes in the 25-plant limit, and he was asked to reincorporate that. He said you can see the language that was stricken Type C1, Specialty Cottage Cultivation using Mixed-Light. Tippet said then there’s Specialty Outdoor and Specialty-Mixed Light which was intended for properties between 2,500 and 5,000, and the same thing for Outdoor Mixed-Light which is between 5,000 and 10,000. He said these changes are pretty consistent with what we had before, it’s just the numbers now line up and the sizes are a bit more defined. Then finally we have the Medium Cultivation which is a site between 10,001 square feet and one acre in total canopy; and all other license types are not allowed at this time, unless adopted by the County. Tippet said during public comment we heard some discussion about bus stops, we did put in language that revises it from 1,000 feet to 500 feet.

Tippet then reviewed the revised Definitions. He said these are the revisions proposed by the ad hoc committee, and the ad hoc apologizes for not being able to get this to you earlier. Commissioner Stewart questioned the definition of “premises”. If someone’s parcel is 40 acres and they have three dwellings on it, does dwelling equate to premise? And they can have three different license types on it? Tippet responded what we have is a definition that a legal parcel can be multiple contiguous parcels, you will have a house on one and an outdoor grow on another, so you might be able to have indoor on one.

Chair McHugh asked about Section 28 of the Zoning Ordinance and putting the cannabis items in it, and the Board including that in their motion on the permanent ordinance, stating there was a Section 28 for that was for B Districts. Has that been researched to find out if that was an error and should also be fixed at the amendment time here? Counsel Larmour responded that issue was addressed, essentially going back there will be notification of the change and the Minutes of that Board meeting will be amended to reflect that. McHugh asked if it would go back to Section 32.O where the Urgency Ordinance was. Counsel Larmour said he believes it will stay in Section 28. McHugh asked does that obviate the B District definition. Counsel Larmour responded he would have to review that particular section, he only knows there was an issue with the numbering, but he believes the intent is to leave it in Section 28.

Chair McHugh asked staff to get back to the Commission on this, as when the Board passed that, they deleted an existing zoning district.

Chair McHugh opened the matter to public comment.

Comments received from Lisa Wright, Veronica Albiez, Deidra Brower, Liz McIntosh, Darryl Davis, Lisa Barrow, Evan Barrow, Nicholas Holiday, Kevin Menassy, Justin Hawkins, John Prower and Tom Ballanco.

No further comments being received, Chair closed public comment on the matter.

Director Tippett requested a five-minute break. Recesses 8:03 p.m., reconvenes 8:12 p.m.

Director Tippett said he had to get a better understanding of “premise”. He said he spoke to Counsel and County Counsel and one thing he wanted to clarify is the word “premises” is supposed to mean an activity that is going on; such as, you have a commercial cannabis activity and over in the corner you might have a nursery activity, and over in another corner you have a manufacturing & distribution activity; each one of those would be premises of that activity, so in vertical integration what we go on to say is, one of the things the Board has been consistent about, they only want to see one cannabis cultivation on each legal parcel. He said this does state in the sentence that a premise may be occupied by one commercial cannabis activity, so that’s the licenses of what type of grows you can have on the property. But it does say multiple premises can exist on a legal parcel, that means you can have cultivation, next to a nursery, next to a distribution on one parcel, you just can’t have any more than one cultivation premise on a legal parcel. Chair McHugh asked can you have two manufacturing or it is one of each type of license type per parcel. Counsel Larmour responded that issue isn’t really defined well in this ordinance, and there’s really not a restriction on the size of a distribution center or any of the other license types. The point where you run into size restrictions is where you try to split those cultivation areas. Tippett said you are only allowed one cultivation area on a parcel, but the one thing he wanted to point out too is that once your other license types, outside your cultivation license, require use permits, so said those are the things that automatically end up in front of us that have to stand on their merits and be judged accordingly. Chair McHugh said we had one suggestion we heard was that the word “cultivation” be inserted, and asked if that clarifies it or helps. Tippett responded yes, that is a clarification, because it reads “one cultivation cannabis activity type”, that means you can only have one, but that addresses it, but vertical integration, they want to make sure that you can do the other one. Chair McHugh said the microbusiness one is a completely separate ordinance, at which time we will define what elements of the vertical integration at the micro level can be done on that. This one keeps coming up and its confusing. This has nothing to do with vertical integration in the sense of microbusiness, this is the cultivation ordinance for larger scale commercial cultivation. Counsel Larmour said this is your commercial ordinance for cultivation; the microbusiness is intended to be an all-inclusive license for smaller cultivators to be able to cultivate, process and ultimately distribute and transport their product. McHugh said that will be spelled out in a separate ordinance, so microbusiness is not relevant to our discussion. Tippett said he wanted to make sure he had better clarification that what he had given earlier, but he does have one thing, there were several people that got up and discussed medium mixed-light applications; simply, we had to get this to you and didn’t have time to process that part of it for the ordinance, we wanted to get it over here and get it acted on, but the ad hoc will be working on that as another amendment. Counsel Larmour said just to clarify, he knows it was brought up in public comment and there was some confusion about it, there should be a citation in the California Code of Regulations, that should include Title 3, Division 8, Chapter 1, Article 1, unfortunately California Code of Regulations is long and in depth. Tippett said he believes there is a reference in the Government Code also for cannabis as a whole. Chair McHugh said he thinks if this moves forward tonight we’ll just recommend to staff to spell it out before it gets to the Board. He thinks the comments heard tonight are valid and it needs to be spelled out. Tippett said the Code of Regulations includes the Government Code, the Streets & Highways Code, etc.

Chair McHugh said he thinks we should look at the changes section by section. He said there was a question about designated area, the 150% question, we heard a number of comments on that. He said we have the ad hoc’s recommended changes in front of us, and asked if the other Commissioners had any

thoughts on it. Commissioner Stewart said her problem is she has a lack of understanding what else it could be, she knows the 150% is a limitation that they think shouldn't be there, but she's not sure how it should read. Chair McHugh said his recollection is the just of that was when the County calculated the grow size different than it is now being calculated under canopy, and that this was an attempt to allow the area for grows to be specified, with an additional area for walkways and sheds that might be in that area, or something like that. Tippet said it gave a perimeter to a greenhouse. McHugh said it gave a perimeter area that would include the actual plants, as well as walking space and stuff. Now that the canopy has been defined as canopy, the square footage is being defined as canopy, the question is what about this 50% additional. The 150% had two kinds of advantages to it, he thinks. One of them was that it limited all this extra space, but it also set a limit on how much you can have that doesn't count towards the canopy, so it's not flowering plants, it's immature plants. He said this puts a limit, if you have a 10,000 sq. ft. license on ten acres, presumably without this kind of limitation, you could put all the rest of the square footage on that ten acres as immature plants, and he thinks the Board thought something when they left that in here, saying we're going to start by limiting this and see if it's an issue and if the grower community comes back and says we need more than 50% to run the business, then he thinks that can be easily addressed. He said he believes the 150% was carried forward from the Urgency Ordinance. Commissioner Stewart said her question is what wording do the people here think it should be like. Chair McHugh said he thinks they just want to delete any reference to 50% and asked if that was correct. John Brower said he thinks we should stick with the State definition. Chair McHugh said he's just talking about canopy area, but the only thing that is restricted is canopy area, or the mixed-light and so on. He said he thinks that the 150% that the ad hoc put back and left in here this time, has a provisional feature which he is real hesitant to drop. Commissioner Stewart asked if we could reopen public comment, so we could ask questions of a couple of people in the audience.

Chair McHugh opened public comment on the topic of the 150%.

Comments received from John Brower, Tom Ballanco, Darryl Davis, Liz McIntosh, Nicholas Holiday and Lathen Martinez.

No further comments being received, Chair reclosed public comment on the item.

Tippet said he had one quick thing to add and asked the Commissioners to keep in mind that the lower portion of the county, one of the things they didn't want to have, and one of the gentlemen pointed out, plants are planted far apart, a lot of times in order to plant in a designated area, they removed other vegetation, they wanted to have it in a consolidated area, and that's where they came up with the original 150%.

Commissioner Stewart said she thinks we should remove the immature plants. She thinks it should be 150% the way it was originally without the immature plants being included in that.

Commissioner Frasier asked where in our ordinance does it say you can grow your immature plants outside your designated cultivation area? Tippet responded it does not. Frasier said to him it's a moot point to take out immature plants if they have to be contained in your cultivation size anyway. Tippet said essentially within your premises. Commissioner Stewart said if you are growing outdoors, you don't have a little corral of immature plants that you're waiting to move into your mature plant area; you've got your plants, you've got a time limit because the moving of the sun, and it's driven by the sun, so that's what you've got to do. If you don't have this whole separate area where you're starting new plants while these other ones flower you can move in because they flower when the sun tells them to, and if you're growing in greenhouses you may have to start someplace to fill your greenhouses, but a lot of people are just going to be buying them from nurseries.

Chair McHugh asked if we have consensus on deleting the parenthetical bit about vegetative state prior to

flowering. Commissioner Stewart responded not just the parenthetical, but the immature plants too. Commissioner McHugh said she was right. Consensus was reached 4-0.

Chair McHugh said he didn't hear that much controversy on the mixed-light addition and asked if the other Commissioners had any comment. There were none. He said the next area where we may have questions is under Specialty Cottage. He said he heard the Director say we were adding a Paragraph C, Specialty Indoor which is limited to 500 square feet and asked if that was correct. Tippettt responded yes, that he would recommend you keep including the part that was struck up above, the 1C. Chair McHugh said we're adding Specialty Indoor up to 500 sq. ft. or less of total canopy. Tippettt suggested 500 sq. ft. or less of total canopy type for indoor cultivation on one premise. Consensus was reached 4-0.

Chair McHugh stated under Medium Outdoor there was a discussion about mixed-light. He said he thinks we heard that's a discussion the Board is having at the ad hoc as to whether they are going to be sympathetic to that. He suggested leaving as is and come back to it. Tippettt said he would bring that to the Board. There was consensus to leave as is until it comes back to the Commission 4-0.

Chair McHugh went on to 5, Limitation on Location to Cultivate Cannabis. He said it deletes the bit about state authorized bus stops and sets it at 500 feet. Commissioner Stewart said she likes the idea of including "500 feet of an authorized school bus stop in use at the time of license application". Director Tippettt said he would comment that when he talks to one of the school districts they will say it's a bus stop, whether it's being used or not is irrelevant, it's on the list and we would have to refer back to the school district. He said you are asking us to make that determination whether it is being used or not and it is not for staff to determine. Commissioner Stewart said they certainly would have the option of requesting a variance to the school bus stop setback. Chair McHugh said setbacks are subject to a variance. He said he is going to recommend to Commissioner Hoard when he returns to have a workshop on bus stops. He said we heard tonight something about bus stops in use, not in use, the term "authorized" is in here, he thinks it's on a list somewhere, the issue continues to come up so he thinks we should have a public workshop and get to the bottom of it once and for all, and have it fixed in all the relevant ordinances. Chair McHugh said for tonight we are leaving this proposed language as is. Consensus was reached 4-0.'

Chair McHugh moved on to "Definitions." If he understands what Director Tippettt said, premises means a particular activity, there can be multiple activities and multiple licenses, each on its own premise on a legal parcel, but only one of those licenses can be a cultivation license. Tippettt responded in the affirmative. McHugh asked what limits it to just one parcel, where is that spelled out. Tippettt said it's in the existing ordinance, and needs to find it. Chair McHugh said we will come back to that.

Chair McHugh said he heard no other issues come up. Commissioner Stewart said the only other thing that was mentioned by several people is the carve-out from the Hayfork Water District. She said she thinks it might be better to look at it during the microbusiness conversation, because we will be looking at other places besides the list of zoning where microbusinesses might take place, and she thinks it is too big of a discussion for tonight, and it's not part of the charge the Board of Supervisors gave us.

Chair McHugh asked if Director Tippettt found the "one cultivation license per legal parcel". Counsel Larmour said it is on Page 8, Section B, of the ordinance which states "only one application countywide may be submitted per person/entity or per legal parcel." Director Tippettt reminded the Commission that legal parcel is defined in here as contiguous parcels parcel. Commissioner Frasier suggested adding on Page 8 adding "one cultivation license per parcel", if you're talking about vertical integration in the future. Tippettt said he feels comfortable with the existing language.

Commissioner Stewart moved to send the amendment to the Board of Supervisors recommending approval with the following changes: (1) Under Definitions, Designated Area, where it reads "... and the

additional 50% shall include...” we struck “immature plants (in a vegetative state prior to flowering) and access areas.” And in its place added “an additional 50% shall include “access area.” “. Tippett said the other one (2) was we added Specialty Indoor, Type 1C, up to 500 sq. ft. or less, of total canopy size for indoor cultivation”. Seconded by Commissioner Matthews. Motion carried unanimously.

5. **VARIANCE FROM REQUIRED 350’ COMMERCIAL CANNABIS SETBACK**

**P-17-49**

**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 located at 2000 Red Hill Road, Junction City. APN 012-270-50. Applicant: Wisniewski. (*continued from 11/9/17 & 1/11/18*).

Associate Planner Colleen O’Sullivan presented the staff report. She said the matter was continued once because one of the neighbors affected by the cultivation setback requested they move their cultivation area so that they are not meeting that setback, and it was continued again because the applicant couldn’t be here last time. In the meantime, staff met with the applicant and they agreed to move their cultivation area about 8 feet to the southwest so they were outside the 350 foot setback of the parcel that is to the northeast. She said the person to the east is still affected but we haven’t heard anything from them. Staff is still recommending approval of the variance.

Chair McHugh asked why the parcel map doesn’t match the site plan. O’Sullivan responded that’s because the applicants did a lot line adjustment about a year ago and it hasn’t been changed in our mapping program yet. Chair McHugh asked why it wasn’t it hand drawn on then, stating he thinks we need to see parcel maps that match what we are actually making motions on, instead of other maps that aren’t accurate. Director Tippett said it is noted and we will make sure that happens. Chair McHugh

Chair McHugh opened the hearing to public comment.

Comments received from William Shaw and Applicant Kaz Wisniewski.

No further comments being received, Chair closed public comment on the matter.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to approximately 128 feet from the residence on APN 012-270-41, based on Findings of Fact 1 through 3, and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Matthews.

Commissioner Frasier said the question he has is whether or not we should grant a variance to ensure that somebody can have the maximum cultivation area, when they can have cultivation without needing a variance. He’s brought it up in the past that he doesn’t think the County is required to ensure that you can grow the maximum amount if you can grow it on your property without a variance. Commissioner Stewart said her issue with that is that these people are attempting to have a business, and their attempting to make a living at this business, and by limiting the amount of grow space that they have, basically on a whim, then we are impacting their business and their ability to make a living in this county. Commissioner Matthews said it would reduce the impact to neighbors to require the garden size to be reduced and not have a variance at all, but that hasn’t been the way we’ve acted to this point, so he thinks we have a lot of precedence about that. Commissioner Frasier said he’s brought it up in the past, but he doesn’t think we acted on it. Chair McHugh said we have discussed this in the past, in fact, we have denied a variance before, or a couple of them where it didn’t fit on the property due to the size of the parcel. Commissioner Stewart said she feels strongly that this gentleman has done everything he can to comply short of cutting down trees and grading an area, maybe we can require him to do that, but she doesn’t see why we would. Commissioner Matthews agreed stating the key piece of information we don’t have is whether than neighbor within 128 feet is supportive or not. Commissioner Stewart said

he's been noticed, he should have written a letter or something. Director Tippettt pointed out these are annual variances. Commissioner Stewart said yes and we need to remember this is not a permanent fix. Commissioner Matthews said he was a lot more comfortable initially, basically saying that variances will be authorized when there was direct written notice from the neighbor that it was acceptable. There is a big difference between someone not replying to something and actually having a letter in support, but we've obviously gone that direction many times.

Clarence Rose from the audience inquired if the Commission had comments from Marco Marten. Chair McHugh responded Mr. Marten did testify and said he objected if within 350 feet of his house, and they moved the garden.

Chair calls for the vote. Motion carried 3 to 1, with Commissioner Frasier voting no.

## **NEW BUSINESS**

6. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **P-17-50**  
**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 57 Buckhorn Loop Road, Lewiston. Applicant: McKay. APN: 025-220-15.

Associate Planner Colleen O'Sullivan presented the staff report. She passed out a revised site plan prepared by the applicant's consultant, Downriver Consulting, showing the distance from the neighbors to the cultivation sites. Staff is recommending approval of the variance.

Chair McHugh said Figure 6, the site plan, shows two sites but he sees four grow sites. Dierdre Brower of Down River Consulting, responded that those are old gardens that have been decommissioned for over a year.

Commissioner Matthews was confused with the parcel boundary. Dierdre Brower of Down River Consulting responded that in 2009 the previous property owner did a lot line adjustment which isn't shown. She said Figure 3 is more accurate.

Chair McHugh asked Director Tippettt if we could ask for parcel maps that match the site plans. He said it is really awkward to be making motions, granting variances and taking legal action on diagrams that don't reflect reality. Tippettt responded we consult with TRCD who now has a full time GIS guy who has been working diligently to get all the maps caught up. He said he would work with staff and the consultant to make sure all the maps reflect the property lines, etc.

Chair McHugh opened the hearing to public comment.

Comments received from Dierdre Brower of Downriver Consulting, and John Brower.

No further comments being received, Chair closed public comment on the matter.

Commissioner Matthews moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 72 feet from the residence on APN 025-220-11, based on Findings of Fact 1 through 5, and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Stewart, and carried unanimously.

Commissioner Frasier stated since there was a letter in support from the affected neighbor, he was okay in granting this variance.

7. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **P-17-52**

**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 Shasta View Drive, Douglas City. Applicant: Y. Lee. APN: 025-140-23 & 27.

Associate Planner Colleen O’Sullivan presented the staff report. She stated she just received three letters of support from neighbors, and passed to the Commissioners to read. Staff is recommending approval of the variance.

Chair McHugh said to clarify, you are asking for a 5 foot variance on APN 025-530-22? Associate Planner O’Sullivan responded yes. Chair McHugh said you are also asking for a 5 foot variance on APN 025-530-45. O’Sullivan responded that should be 200 feet.

Chair McHugh opened the hearing to public comment.

Comments received from Ann Duckett.

Chair McHugh asked if there was anyone here to speak to the 5 foot variance. No one came forward. Chair closed public comment period.

Commissioner Stewart stated the applicant is here with relatives, that maybe there is a language issue and that’s why he did not speak up. Director Tippett advised we can offer translator services, but we would need time.

Chair McHugh reopened public comment period.

Comments received from Adam Lee, assisting Yetti Lee with language translation, advising they would be agreeable to moving the garden 5 feet.

No further comments being received, Chair closed public comment on the matter.

Commissioner Stewart moved to approve the variance on APNs 025-140-23 & 27 to allow reduction of the cannabis cultivation setback from 350 to 200 feet on APN 025-014-25, and from 350 feet to 200 feet on APN 025-530-45, based on Findings of Fact 1 through 4, and add Finding No. 5 that applicant agrees to move the grow site so no variance is needed on APN 025-530-22, and subject to the Conditions of Approval 1 through 5, contained in the staff report. Commissioner Matthews seconded, stating we should amend the motion to include the 3 letters from neighbors. Commissioner Stewart amended her motion to include in the Findings of Fact that we have received three letters from neighbors in support of the variance. Commissioner Matthews seconded again. Motion carried unanimously.

8. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **P-17-54**

**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 1550 Lewiston Road, Lewiston. Applicant: Mason-Davis. APN: 025-250-24.

Associate Planner O’Sullivan said she had a letter just received tonight prior to the meeting, she passed out a revised site plan, comments from neighbors and comments from the Lewiston Elementary School received in the mail today. She presented the staff report. Staff is recommending approval.

Chair McHugh said he wanted to clarify the point about using a range finder to the residences that you can see; so, if there are residences you couldn’t see, did you discount them or are there definitely no residences that you could see. O’Sullivan responded she believes the one you couldn’t see is the last



letter of support that she included in the little packet. McHugh asked if she had a name.

Director Tippett stated it is always very hard because we depend on technology, the applicant and the neighbors; so, it's not always 100% possible to identify a house, especially if it is an unpermitted home; and because we don't have a right to go on to the adjoining property and look, we try to identify what we can, but it's not always 100% accurate.

O'Sullivan responded to Chair McHugh's question, stating it was Thomas and Winifred Smith. Chair McHugh read the letter. Commissioner Matthews asked if grading had been done yet. O'Sullivan responded that it had.

Chair McHugh reopened public comment period.

Comments received from Mike McMaster the President of the Lewiston School Board, Jake Mason-Davis and Scott White.

Director Tippett said he wanted to ask County Counsel, there has been a lot of information handed out tonight and his concern is there has been no chance for anybody to disseminate it, both the applicant and the responder; he believes that we should go back, take this information and file it so it can be available and be part of the file. Chair McHugh asked if he was suggesting a continuance. Tippett responded yes.

Counsel Larmour said staff can request a continuance based on new information; staff has made a recommendation based on their inspection, and he thinks it's up to the discretion of the Commission.

Comments received from Liz McIntosh and applicant, Jake Mason-Davis.

No further comments being received, Chair closed public comment on the matter.

Chair McHugh stated he is inclined to go ahead with the request for continuation; it will give staff time to factor in all the information we just heard, and he would like a real clarification of whether the Gustine's house is within 350 feet or not. Associate Planner O'Sullivan said she didn't know how to clarify it other than using the range finder again, or actually tape measure it, but yes that is another way.

Commissioner Stewart moved to continue the matter to February 22, 2018, seconded by Commissioner Matthews, and carried unanimously.

9. **AMENDMENT TO ZONING ORDINANCE RE CANNABIS NURSERIES** **PW-17-04**

**Public Hearing:** Discuss and/or take action to allow Cannabis Nurseries in C2. Clarify definition and location of M1 and M2 Zoning Districts. Located County-wide. Applicant: County of Trinity.

Director Tippett presented the staff report, stating after the Cannabis Nurseries and Resale of Auxiliary Nursery Products Ordinance was passed, there was a question about allowing it in the C2; also, there was concerns about M1 and M2. He said Highway Commercial is very heavily used for commercial type property, then we have C2. He read uses allowed under C2, and described uses under C1. Tippett said there was a request to evaluate use in that area, which seemed to be, after looking at the wholesale nurseries, seemed to line up much better. Again, it's wholesale nurseries, not retail. Tippett said the other request was for M1 and M2; the M designations are specific to the Hayfork Community Plan and it creates a misalignment with current zoning, and we are starting to look at the process of updating the General Plan, especially now that we have cannabis cultivation licenses in the county. We might look at M1 and M2 at that time, but we don't have anything today that aligns with zoning; what the Board would like to do is remove that confusion and have those parcels rezoned to Industrial.

Chair McHugh opened the hearing to public comment.

Comments received from Clarence Road, Liz McIntosh, Veronica Albiez, Nicholas Holiday and Dick Morris.

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

Chair McHugh said let's have some discussion before making a motion; we have two topics, the C2 questions, should it be allowed for a cannabis nursery, and the recommendation on rezoning the Ms to Industrial District. Director Tippettt reviewed the C2 zones in Hayfork. Commissioner Matthews stated he was comfortable with not having wholesale nurseries in C2. Commissioner Stewart stated she is too.

Commissioner Matthews said he does have a question, if we can talk about AP and AF? Commissioner Stewart said in her opinion she thinks we should recommend the ad hoc committee at least consider them. Commissioner Matthews said we can't, it was not part of the staff report. Director Tippettt said what they are asking for is a recommendation to the Board so the Board can take action, but you can put in that at the end, asking them if they would like us to consider it. Chair McHugh said he isn't supportive of that because of the same issue of tax benefits. It's the same reasoning we had before with TP, so he's not a big fan of that notion. Commissioner Stewart said she personally has no issue with it.

Consensus was reached on not adding C2 as an allowable zone.

Commissioner Stewart said she knows the people that worked very hard on the Hayfork Community Plan, revising it, as well as the original Hayfork Community Plan, and they were well intentioned, they wanted to make that not just Industrial but Manufacturing as well. Somehow, they thought by making it an "M" it would be more attractive, but it really fits the same definition as Industrial. She sees no point on making Hayfork have a separate zone designation from everybody else, not at this time. Chair McHugh said he's read the Hayfork Community Plan and it's very clear what they meant by M1 is Industrial, they call it Industrial. Commissioner Stewart said she feels they should be changed back to I. Commissioner Matthews said he thought it was reasonable. Chair McHugh said he thinks that's the right solution. Chair McHugh said it looks like we have consensus Industrial.

Tippettt said C died for lack of a second. Chair McHugh said there was no separate motion. Counsel Larmour said he thinks it would be best to say C died for lack of a motion. Commissioner Matthews pointed out no one ever made a motion.

Commissioner Stewart moved to recommend to the Board of Supervisors rezone all "M zoned property in the Hayfork Community Plan area to Industrial, based on the following findings of fact: (1) The rezone will reduce confusion and apply an already established zoning district ("I") to properties zoned "M2"; and (2) the rezone will allow the County and public to evaluate proposals based on an adopted set of development standards provided in the Industrial District of the County's Zoning Ordinance; (3) the rezone of M2 to Industrial does not change the basic potential use of these lands; and with an additional finding (4) that it was the intent of the Hayfork Community Plan was that these properties be used for industrial purposes. Seconded by Commissioner Frasier, and carried unanimously.

Director Tippettt asked County Counsel if he wanted a negative motion on the C2. Counsel Larmour said the agenda reads discuss and/or take action. Chair McHugh said our discussion was to not add it.

Commissioner Stewart moved to recommend C2 not be added to the list of zoning designations available for wholesale cannabis nurseries. Seconded by Commissioner Frasier, and carried

unanimously.

Chair McHugh directed staff to discuss AP and AF with the Board of Supervisors or the ad hoc committee and ask them to consider it. He said in that discussion, we did not have a unanimous decision, there were some pros and cons, and we did hear from the public multiple times that it be considered, so he thinks it's only fair that it be looked at.

10. **MATTERS FROM THE COMMISSION** – None.

11. **MATTERS FROM STAFF**

Director Tippett advised that Commissioner Hoard is going to the Planning Commissioners Academy the first week in April.

Tippett said tonight he was a little distressed about the amount of material that came across from the podium without going through the process. We are going to go back and revisit due dates on stuff. He believes if the information comes after the due date it will be available, and essentially read as “received letter against the project or for this project”, but it will not be read into the record. It is important that you have the deadlines so that the information can be reviewed by both the applicant and the opponent, in that they would be able to prepare an appropriate response. So, we will address that. He said every item tonight someone was bringing something up. Commissioner Matthews said someone could read a letter into the record and it would be appropriate. Counsel Larmour stated there is a large difference between presenting conflicting material to that of what the County produced, and that of what the applicant has shown you, with no ability for staff to either confirm or deny the authenticity or correctness of the information provided to you; it may be that the maps, the pictures provided can't be authenticated or are incorrect, and that the reason a continuance in that case is important.

12. **ADJOURN**

Chair McHugh adjourned the meeting at 10:30 p.m.