

MINUTES

1. CALL TO ORDER

Chairman Hoard called the meeting to order at 7:00 p.m. Members present: Mike McHugh, Dan Frasier, Diana Stewart, Graham Matthews and Richard Hoard. Staff present: Deputy Director of Planning Leslie Hubbard, Director of Transportation Richard Tippett, Associate Planner Scott Watkins, Associate Planner Colleen O’Sullivan, and Clerk Ruth Hanover.

Chair Hoard announced a change in the Agenda. He said after Agenda Item 4 we will move on to Agenda Item 17 regarding Cannabis Manufacturing, then move accordingly through all the Variances.

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 Fritz Westfall, John Brower, Tom Balanco, Kevin Minassy, Jake Grossman-Crist, Larry Fitzsimmons, Nicholas Holiday, Terry Mines, Sebastian Cantero, Marie Peterson, Lisa Wright, Ben Brady and Scott Morris.

3. MINUTES – None.

OLD BUSINESS – None.

NEW BUSINESS

4. PROPOSED MITIGATED NEG. DEC. AND USE PERMIT FOR CANNABIS NURSERY

P-17-51

Public Hearing: Proposed Mitigated Negative Declaration and Use Permit to construct and operate a Cannabis Nursery, consisting of 2 greenhouses and a 60’ x 60’ multi-use building, on 1.8 acres in the Trinity Alps Industrial Park. Located at 271 Industrial Park Way, Weaverville. APN: 024-220-55. Applicant: SJH Timber, Inc. *(Continued from 4/26/18)*

Deputy Director Leslie Hubbard presented the staff report. She said this is the first Cannabis Nursery proposed in Trinity County and is to be located in the Industrial Park in Weaverville. Staff feels the zoning is very appropriate. She stated we have received some comments since the agenda packets went out which were mostly centered around occasional flooding of the site. Hubbard stated the CEQA document was prepared on the best information available to staff. Staff is recommending approval.

Commissioner Stewart stated on Page 5 of the staff report “Trinity County Sheriff’s Department” is scratched out but kept on in other places. Hubbard responded that is not correct, the security plan is to be approved by a designee of the Board, and that will be corrected. Commissioner McHugh asked about the additional information received about flooding in the area, not in the report, and asked if it is something for the Commission to consider. Hubbard responded in the affirmative. Director Tippett stated Figure 3 is the floodplain, and regarding the subject project, again we defer to the flood maps to delineate on the best available information.

Chair Hoard opened the hearing to public comment.

Comments received from Agent Diedra Brower of Downriver Consulting, Marie Peterson, Alex Cousins, Jake Grossman-Crist, Kevin Minassy, Jim Cloud of Weaverville Sanitary District, Tom Ballanco, Andrew Franklin, Sebastian Cantero, Scott Morris, Justin Hawkins and John Brower.

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

Commissioner Matthews said Mr. Cousins said there was a memo he wrote about flooding apparently, we don't seem to have that. Director Tippet responded it was received past the time that we distribute the Agenda. Commissioner McHugh stated we got several other items on the Agenda handed out tonight. Director Hubbard asked the Clerk if she had copies for the Commission. Clerk Hanover responded she has not seen the letter. Planner O'Sullivan provided copies of said letter to the Commissioners and Clerk, and the Commission took time out to read it.

Chair Hoard stated he believes some of the concerns raised in the letter from Alex Cousins who is a local archeologist, like Fuel and Chemical Spill Containment, some are mitigated or addressed in the conditions stipulated in staff's recommendation. Commissioner Stewart said they are required to do a Drainage Plan which includes erosion control measures and appropriate Drainage Plan should address the flooding. Commissioner Matthews if staff is concerned with flood potential here, the FEMA study was done a number of years ago. Director Tippet responded correct, but also the landowners have responsibility for maintaining the drainage system, it would be an issue between two private property owners and not an issue for the County to resolve. Commissioner McHugh asked if it was part of the wetlands. Tippet responded he doesn't believe it is, we have no County levies in that area that we know of.

Commissioner Stewart said she wanted to say something about the opt out area. She and her husband are both retirees, they moved to this area deliberately because they love this area, but they also don't have the desire to live in a community that is populated solely by retirees and does not have young families and does not have a diverse population. Chair Hoard said Commissioners let's please focus on the issues at hand, which are the conditions and some of the items brought forth by Mr. Cousins as he's sure they are of interest to many other people.

Chair Hoard said looking at the pictures he can see in relation to where the bridge stands that some of this flooding is occurring. If the property in question is on this side, there's a road here and then the flooding into the wetlands occurring on the other side, he believes that not only the fact that a Grading and Drainage Plan is going to be required for this development which could mitigate this, and he knows the consultant company has been in contact with Jim Cloud the Director of the Weaverville Sanitary District and apparently, from what he understands, the proposal is to have an impermeable base for these greenhouses and with catch basins, so basically any runoff from any herbicides or pesticides that may be used will be contained and put in storage tanks to be treated and then at some point either transferred off-site according to State regulations or pumped back into the sanitary system if the ph balance in all the readings are appropriate and that can be done. These are some mitigating measures that are taking place. He said also fuel containment, one of the conditions says that no fuel can be stored on site except for truck-mounted tanks that are necessary for operations. Those are just a couple of concerns brought up by Mr. Cousins.

Commissioner Matthews asked Director Tippet if staff will include addressing any potential flooding issues in the Erosion and Drainage Plan. Tippet responded yes, that is actually the most appropriate place to address it; but he wanted to remind the Commission that these comments were received beyond the deadline; the applicant acted in good faith trying to do the best he could to have all the information available and ready when he submitted, so when things like this come up they are either addressed by a condition and we go back and evaluate those, throwing in a solution is just handled through a condition that can be tailored, but you have to be careful because again it's accepted after the deadline passed.

Commissioner Matthews said it's part of what we consider, it was brought before us in recent public comment, right? Commissioner McHugh asked if staff wanted us to continue the item so it has more time to look at it. Director Tippett responded no. Commissioner Stewart said if we want to approve it, we would just have to add a condition that staff would need to address the issue of flooding. Tippett said or it might fall under the written condition already prepared. Chair Hoard said that might be appropriate and directed, under Condition No. 4 Erosion Control Measures, to include staff to review and analyze the potential flooding due to the levy that has failed or going into wetlands and recommend any remediation that may be required.

Commissioner Frasier asked if the Nursery Ordinance was tied to the Cultivation Ordinance like some of our other ordinances are. Director Hubbard responded no. Commissioner McHugh said if you look at State regulations, Nurseries are a cultivation license, they are covered under the same set of regulations as all of the other cultivation licenses; we broke them out with Types 1 through 3 and did a separate ordinance for Type 4 Licenses. He said he thinks there are many things in common with what the State recognizes and since this is a planning land use issue, he's concerned about the opt out angle on this. He just wanted to say that for the record. We are on record as saying we thought that there should be no additional types in the opt outs, we've said that twice, we said that in the Microbusiness Ordinance and at the first hearing of the Non-Storefront Retail License, and we kept that for the second hearing except that we amended it for the grandfathered licenses in Hayfork. He suspects we will spend a lot more time on the opt outs in the next item, but just to be on the record, he thinks that concept applies here as well, and since this is a discretionary item from the Planning Commission we have the option to recognize that.

Commissioner Matthews moved to approve the Negative Declaration and approve the Use Permit to establish a Cannabis Nursery based on Findings of Fact 1 through 3 and subject to Conditions of Approval through 11, amending Condition No. 4 to include evaluation of the flooding issue. Seconded by Commissioner Stewart.

Commissioner Frasier said he does have an issue with the opt out areas because it's cultivation and odor is an issue, he thinks they should be opt out areas until they are addressed. He said it's in a good area but it's still in the opt out area and to him that means no.

Director Tippett asked if the Commission wanted him to call County Counsel. He said that the Board has taken action on the ordinance and he would like to get County Counsel to say that yes you can come in [inaudible] or whether we tailor it as an action with a recommendation or do we tailor the whole thing as an action where you took something into consideration that might not be rewarded. Chair Hoard stated he wished County Counsel was here, but in his opinion, as Commissioner McHugh mentioned, this is a discretionary recommendation, mainly Commissioner McHugh and Commissioner Frasier; however, we have not reached consensus, so he wouldn't call it a recommendation to the Board or the ad hoc, he thinks we can proceed based on the motion that was made.

Chair Hoard called for the vote. Motion carried 3 to 2, with Commissioners Frasier and McHugh voting No.

17. **AMENDMENT TO ZONING ORDINANCE RE CANNABIS MANUFACTURING** **PW-17-05**
Public Hearing: Amendment to Ordinance 314, Section 43, allowing for Commercial Manufacturing of Cannabis. Located County-wide. Applicant: County of Trinity.

Deputy Director of Planning Hubbard presented the staff report. She said the Board directed on May 1, 2018 this item be returned to the Planning Commission to revisit two issues: (1) Should cannabis manufacturing be allowed in the Agricultural Preserve zoning district, and (2) Should cannabis manufacturing be excluded from the Lewiston Opt Out area and specifically from the Historic District of Weaverville. She said the ad hoc committee today brought up one more question they would like the

Commission to consider and that is regarding Type S Manufacturing. Hubbard said at the end of last week new State Regulations came out after the Agenda Packets went out or she would have attached a whole new set of the regulations for the Commission. She said currently the Manufacturing Ordinance does not include Type S Licenses, but that may be revisited. The Type S is for Shared Use Facilities, so we are talking about a community kitchen. Basically, the way it works is somebody has that facility and different licensees can go in use that facility, one licensee at a time; somebody with a Manufacturing License can go in and use this community kitchen, they get done with their manufacturing and then somebody else can use it. She said it's communal, it is not totally flushed out with the State, and we don't have a lot of information because the State doesn't have a lot of information on that, but the ad hoc wanted that to go into the conversation tonight.

Chair Hoard said just to be clear, is it for Type 7 Licenses, Type 6 Licenses, or like infusions. Hubbard responded infusions, packaging & labeling and extractions with butter or food-grade oil. Commissioner McHugh asked who gets this license, the owner of the kitchen or the people who make products in the kitchen, do they need their own Type N and then they go use the other person's Type S? Hubbard responded here is what the State says about the application process "The primary licensee must first obtain a Type 7, Type 6 or Type N Cannabis Manufacturing License to register their space as a shared use facility. After the facility registration is approved, a cannabis manufacturer wishing to utilize the space will apply for a Type S License." McHugh said he still doesn't understand, if he's making brownies in Commissioner Stewart's kitchen and she has the Type N and all the other stuff, he gets an S but doesn't need another manufacturing license to make the brownies, he just needs an S? Hubbard responded she thinks that is correct. She said she believes people in the audience know this very well and like she said, this is an idea that was just proposed this afternoon and they wanted to get it out there. McHugh said it sounds like you are characterizing that the State regs aren't in place yet. Hubbard responded they are not full, they have proposed it, there is still some missing language, the State put placeholders in some of the regulations for future things, and this is one of those things; there is some information on it, but it's not fully flushed out yet. McHugh said it sounds like a candidate for an amendment down the road when it's figured out. Hubbard said County Counsel was present for that so it may be helpful to get her on the phone.

Chair Hoard said he's sorry, it's an excellent idea to always confer with County Counsel, he has no doubts about that; however, he just finds it difficult for the Commission to include another item to discuss when we have very little or limited information on it, this was literally brought up this afternoon. He said we seem to have consensus and that we should just stick with what the items are on the Agenda. Commissioner Stewart said it sounds like a good idea for the future, but without more information it would be difficult to make a decision. Director Tippet asked if we can just take action on what's on the Agenda and we will bring that back, the Type S, at another time. Chair Hoard agreed.

Chair Hoard opened the matter to public comment.

Comments received from Nicholas Holiday, Kevin Menassy, Jake Grossman-Crist, Adrian Keyes, Ana Wright, John Brower, Deidra Brower, Justin Hawkins, Larry Fitzsimmons, Tom Ballanco, Michelle Taylor, Lisa Wright and Terry Gustine.

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

Chair Hoard suggested the Commission approach this two-fold, first address Ag Preserve and then address the Lewiston and Weaverville Historic Districts.

Commissioner Stewart said she is in favor of adding Ag Preserve and under Uses Permitted, an Agricultural Packing Plant, it's right there, and along with that, Vineyards. Commissioner Frasier said he thinks there is little doubt that manufacturing would fit in the Ag Preserve, but he has a problem with Type 7 Manufacturing in Ag Preserve though. He said while it would put any potential explosion threats out

away from population centers, especially in his district it is about three hours from the nearest fire station, so any kind of a fire mitigation plan is kind of a joke at that point. He doesn't think Type 7 would fit into the AP zone in his district. Commissioner Stewart agreed because these usually are usually remote properties, it might not be the best place for it. Commissioner McHugh stated would agree with it. Chair Hoard stated he would agree as well, we had an opportunity to review Ag Preserve a few weeks ago for Nurseries and we addressed all these issues in detail, and he agrees this fits. He said especially from the standpoint of the Assessor's Office of not having any new applications for Ag Preserve in many years, the Williamson Act, this is not a situation where the County is going to subsidize manufacturing; it seems allowable, it seems it's a good call, processing of an agricultural product on Ag Preserve land. He is in favor and he is in favor of due to fire danger and first responders delay time to get to these very remote areas and perhaps Type 7 should be excluded only, but allow Type 6, Type N and Type P.

Commissioner Stewart moved recommend to the Board of Supervisors that Cannabis Manufacturing be allowed in the AP zoning district, with the exception of Type 7 Licenses.

Discussion re one motion for both. Commissioner Stewart withdrew her motion.

Commissioner McHugh said he thinks in the end, the thing on the table is that we recommend the ordinance back to the Board with whatever changes. Chair Hoard said let's do that then. He asked if there was any more discussion for Ag Preserve before we move on to Lewiston and Weaverville Historic Districts. Being none, he said let's move forward.

Commissioner Stewart said she can see excluding Manufacturing from the Historic Districts. From what she remembers from the manufacturing discussion a few months ago there are some C2 right in the heart of downtown and for that reason she can see not having it in the historic districts. She said she's not so sure about Lewiston.

Commissioner McHugh stated he might point out the reason we are having this conversation is at the second meeting of this ordinance at the Board of Supervisors, they didn't begin a discussion, they bounced it off their agenda down to us immediately and that's because they had dozens and dozens of bits of input, from not only from Lewiston, but primarily Lewiston, and then in our packet tonight there is a whole bunch. He said it's not just Lewiston, it's Coffee Creek, Trinity Center, and distinct absence of input from Hayfork in the list of players. That is Weaverville in there too. He said he thinks the weight of the input from Lewiston, Trinity Center, Coffee Creek and Weaverville, not just the historic district, and by the way, he thinks the historic district conversation is largely moot because all of the historic district is within 1,000 feet of either the Catholic Church or the Congregational Church, which is in every single ordinance, the churches are; so he doesn't think the discussion is really the historic district, he thinks it's the Opt Out and he said he doesn't know what to do about Hayfork. Commissioner Stewart responded he didn't need to worry about Hayfork, Hayfork does not want to be an Opt Out. McHugh said that's what the staff report says, but he believes the Planning Commission, we get to make recommendations back to the Board, and he would like to see us include, he'd like to see us put all of them in there, but he thinks what we recommended at the last meeting was staff raise with the ad hoc or Board, it was somebody higher than us, that a workshop or a hearing in Hayfork, and probably in all the areas, he'd like to see frankly a mechanism put in to the ordinance that says, the final ordinance is when we are all done with the events, the non-storefront and all the license types we've done, he expects there will be some kind of omnibus tying them all together and clean up all the discrepancies between definitions of church, schools and bus stops, all those things need to be sorted out and cleaned up; and in there he would like to see us invent an Opt Out and an Opt In, truly Opt Out and Opt In by vote, in each of these different areas so communities get to decide.

Commissioner Stewart said the communities have an opportunity to come here and say what the feel and if people from Hayfork objected they would be here at the meeting or they would be writing letters. You

don't see either one of them.

McHugh said what he is hearing is that you are not going to push back on the other ones, we leave out Hayfork entirely. Stewart responded exactly, leave us alone.

Director Tippett said there was discussion in fact about the Opt Out areas, we did not have clear direction, it would be something independent for you to direct us to go back [inaudible] and that be brought back to you as a Commission for consideration.

McHugh said he thinks the context was the Hayfork one, but we can leave it out of the one tonight, that's our discretion. He said there has been some questions about carve outs and opt outs, there is a lot of paper in front of us from certain of the Opt Outs, perhaps we don't need to go to every single one, perhaps we do and make them a voting kind of thing. Commissioner Stewart responded the thing is, unless Coffee Creek and Trinity Center have AP land, they don't have very much C2, C3 or Industrial either. McHugh said but that's a matter of rezoning. We keep hearing the only Industrial in the county is in the Industrial Park, well A that's not true, and B you can rezone. Stewart said there is Industrial in Hayfork as well. McHugh said what he is saying is any parcel we can consider rezoning, in fact we have a pending case in front of us, specifically to do that, so zoning can be addressed, it's a question of where should this be done and there was the comment well follow the General Plan. Cannabis does not appear in the General Plan so it's not much guidance there. Stewart said no, but Agriculture does.

Commissioner Frasier said there are restrictions on other types of agriculture, it doesn't fit everywhere and that's something we have to look at. He said the original intent of the opt outs or carve outs was to keep what has been deemed a possible public nuisance out of downtown, but he thinks we should, until we hear from the Board of Supervisors or vote or however you want to do it, he thinks we should continue to preserve that. He said if Hayfork wants to go before the Board of Supervisors to see if they can get the Opt Out taken out, that's up to Hayfork, but so far, we've heard a lot of comments from these other Opt Out areas they don't want it, and he thinks we should respect that.

Commissioner Stewart asked the audience to stop clapping as it is inappropriate. She said she didn't like it when they clapped for her. It is inappropriate.

Commissioner Stewart stated she would like to hear about Weaverville from our Weaverville person.

Commissioner Matthews stated he is not comfortable including the Weaverville Opt Out which would eliminate manufacturing in the Industrial Park. He said that is absolutely the appropriate place to have manufacturing. The Historic District, whether it's feasible or not, is a different perspective. He's not sure why we are considering it here because there won't be any manufacturing in the Historic District so why are we even talking about it.

Commissioner Stewart moved to recommend to the Board of Supervisors that cannabis manufacturing be allowed in the Agriculture Preserve (AP) zoning district, with the exception Type 7 and that cannabis manufacturing be excluded from the Lewiston Opt Out area, the Trinity Center Opt Out area, the Coffee Creek Opt Out area and the Historic District of Weaverville. Seconded by Commissioner Matthews.

Commissioner McHugh said he'd like to make a subsequent motion, all that except that it includes the Weaverville Opt Out. Seconded by Commissioner Frasier.

Commissioner McHugh said he thinks we stated here, heaven forbid we get consistent, that no new license types should go in the Opt Out areas. Commissioner Stewart said you stated that. McHugh responded actually we voted 5 to 0 on that when we had the microbusiness stuff, that was the argumentation that led to that vote. He said he's perfectly willing to compromise tonight because we've heard so much from folks

from Hayfork to leave that out of this one. The Weaverville folks have said in writing that they don't want any new license types in there. He said in the Cultivation Ordinance the Board made findings that said that the more highly dense populated areas which they defined then to be the Opt Outs, as we know and love today, are the areas where cannabis can create a significant nuisance. That is their Finding that those are the areas with high sensitive receptors and he thinks until they change the direction from the Board of what their Findings are, how these areas are, we got to live within that framework.

Commissioner Stewart said there actually was, it was 5 to 0 only because microbusiness is tied to cultivation and cultivation continue up to July 1st of 2018, otherwise it would not have been 5 to 0, and she has also asked Leslie to give her a breakdown for the Hayfork Opt Out area of the percentage of parcels in the Opt Out area that based on size, because the Opt Out area for Hayfork is not comprised mainly of small individual lots, some of them are quite large acreage, and she thinks that is an appropriate request and said she would get that to me when she gets a chance.

Commissioner McHugh said it sounds like you are arguing that we not have the Opt Out for Hayfork in this ordinance, and we've already conceded that. Stewart agreed, but said she was responding to a statement. Chair Hoard said yes, we are further discussing.

Chair Hoard said he would like to reiterate a comment he heard from the public concerning applicable zonings, and to have this tied to zonings and not Opt Out area. Manufacturing licenses are highly regulated by the State, it's very expensive to initiate, furthermore they carry a Conditional Use Permit in a public hearing. The Conditional Use Permit process would be quite an uphill battle for anyone wishing to establish a business in Lewiston or in the Weaverville Historic District, or any of the north county residences as well. Considering this it seems very unlikely that someone would want to make this investment in a place where they would face such opposition. He said it seems by adding additional Opt Out areas we would be trying to avoid a problem that might not even happen and used simply as a compromising tool to appease the public. The Planning Commission and the Board of Supervisors we have debated and considered over many meetings proper zoning on which these licenses can be allocated, we have proceeded cautiously and thoughtfully; therefore, we should have confidence in the current ordinance as it is written and in the Conditional Use Permit process to mitigate possible health concerns, safety concerns and nuisances, so therefore he does not support adding, at the moment, adding or subtracting any additional areas from which manufacturing can take place.

Chair Hoard said we do have two motions pending and asked if there was any further discussion before taking a vote on these motions.

Commissioner Frasier requested minor clarification from Chair Hoard, he asked him if he was saying he was supporting the ordinance as written. After confusion and discussion of exactly what was in the ordinance, Chair Hoard responded he does support it as written. Commissioner Matthews said this appears to be talking about allowing manufacturing for people who have an Ag, have a license in the Opt Out areas for cultivation. Frasier said or whoever applies with the State. Commissioner McHugh said this is talking about cultivation, they've lifted the language out of cultivation and put it where it's at. Chair Hoard said so it is clarification, on Page 4 they are referring specifically to commercial cannabis cultivation, it is not referring to manufacturing. Stewart said exactly. Chair Hoard said he stands by his statement with what is stated in the current ordinance that only Trinity County jurisdiction, Whiskeytown-Shasta-Trinity National Recreation Area and the Ruth Lake Community Services District, these are the only places they are not allowed at the moment, and he agrees with that.

Director Tippett said his understanding on the motions is Commissioner Stewart's motion initially where Commissioner McHugh had altered the Weaverville one from the Historic District to the Weaverville Opt Out, so the first motion would be to vote on everything with the Weaverville Opt Out. Chair Hoard asked which includes all the industrial zones, water and sewer services. Commissioner McHugh said yes, their

CSD.

Chair Hoard called for the vote on Commissioner McHugh's motion to recommend to the Board of Supervisors that cannabis manufacturing be allowed in the Agriculture Preserve (AP) zoning district, with the exception Type 7 and that cannabis manufacturing be excluded from the Lewiston Opt Out area, the Trinity Center Opt Out area, the Coffee Creek Opt Out area, the Historic District of Weaverville and the Weaverville Opt Out area. Commissioners McHugh and Frasier-Aye. Commissioners Matthews, Stewart and Hoard-Nay. Motion failed 2-3.

Chair Hoard called for the vote on Commissioner Stewart's motion to recommend to the Board of Supervisors that cannabis manufacturing be allowed in the Agriculture Preserve (AP) zoning district, with the exception Type 7 and that cannabis manufacturing be excluded from the Lewiston Opt Out area, the Trinity Center Opt Out area, the Coffee Creek Opt Out area and the Historic District of Weaverville. Vote polled: Commissioners Stewart, Matthews, McHugh and Frasier-Aye. Commissioner Hoard-Nay. Motion carried 4 to 1.

Recesses 9:15 p.m., reconvenes at 9:25 p.m. Associate Planner O'Sullivan absent.

5. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-11**

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 18120 Denny Road, Burnt Ranch. APN: 005-370-04. Applicant: May.

Associate Planner Scott Watkins presented the staff report. He said the applicant has received a verbal okay from the State Water Board to encroach on the 100' watercourse buffer and is waiting for the letter from them. Staff is recommending approval.

Chair Hoard opened the hearing to public comment.

Comments received from Thomas Reed May, Benson Blake, Jake Grossman-Crist and John Brower.

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

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 315 feet from the residence on APN 005-370-18; from 350 feet to 270 feet from the residence on APN 005-370-44; and from 350 feet to 100 feet from the residence on APN 005-370-06; based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4 as stated in the staff report. Seconded by Commissioner Matthews and carried unanimously.

6. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-14**

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 25 Buckhorn Station Loop. APN: 025-220-11. Applicant: Henry.

Associate Planner Watkins presented the staff report. He said due to our mapping software the property boundaries on Figure 3 are not totally accurate. The applicant's consultant, Downriver Consulting has a bit more accurate property boundaries. There was a Lot Line Adjustment in 2009 that has not been caught up in our system. He said staff is recommending approval.

Chair Hoard opened the hearing to public comment.

Comments received from Agent Deidra Brower of Downriver Consulting.

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

Commissioner Matthews moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 150 feet from the residence on APN 025-220-15 and from 350 feet to 200 feet from the residence on APN 025-220-14. Seconded by Commissioner Stewart and carried unanimously.

7. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-18**

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 1011 Nelson Road, Hayfork. APN: 017-450-21. Applicant: Hill.

Associate Planner Watkins presented the staff report. He said the property is confined by a Class III watercourse that runs from the southeast of the property to the northwest into Carr Creek. The presence of the watercourse, along with the steep sided ravine that has naturally formed around the watercourse create topographical constraints which prevent relocation of the designated cultivation area outside the 350-foot residential setbacks. Staff is recommending approval.

Chair Hoard said he sees three letters of support from every affected neighbor. Commissioner Stewart stated one letter was from a nearby neighbor. Planner Watkins responded that is correct, there are only two impacted neighbors which we have the support of.

Chair Hoard opened the hearing to public comment.

Comments received from Applicant Jennifer Hill.

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

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 170 feet from the residence on APN 017-4650-20 and from 350 feet to 300 feet from the residence on APN 017-390-23, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Frasier and carried unanimously.

8. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-19**

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 141 Buckhorn Station Loop, Lewiston. APN: 025-220-14. Applicant: Higgins.

Associate Planner Watkins presented the staff report. Associate Planner Watkins presented the staff report. He said both impacted neighbors have already received variances. Staff is recommending approval.

Chair Hoard opened the hearing to public comment.

Comments received from Agent Deidra Brower of Downriver Consulting.

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

Commissioner Matthews asked if there is an issue with the AP number 025-220-14, that is the parcel asking for the variance so it should be 025-220-15 he thinks. Planner Watkins responded that was correct.

Commissioner Matthews moved to approve the variance to allow reduction of the cannabis cultivation

setback from 350 feet to 338 feet from the residence on APN 025-220-15 and from 350 feet to 244 feet from the residence on APN 025-220-11, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Stewart and carried unanimously.

9. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-22**

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 107 Top of the Grade, Douglas City. APN: 025-140-36. Applicant: X. Xiong.

Associate Planner Watkins presented the staff report. He said it should be noted there is no way to relocate cultivation area without causing additional environmental impact as stated by Code Compliance Specialist Jeff Dickey. Staff is recommending approval.

Commissioner Matthews asked the letter we have from Gabe Andrade is the property that is affected. Planner Watkins responded he can’t confirm that because the letter came in late after the staff report but is hoping the applicant can confirm that for us.

Chair Hoard opened the hearing to public comment.

Comments received from Xer Xiong who is translating for Applicant Xor Xiong.

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

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 227 feet from the residence on APN 025-140-19, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4 as stated in the staff report. Seconded by Commissioner Matthews and carried unanimously.

10. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-25**

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 526 Top of the Grade, Douglas City. APN: 015-140-25. Applicant: X. Vang.

Associate Planner Watkins presented the staff report. He said we have letter of support from the impacted neighbor and also from a third adjacent neighbor who’s not impacted. It should be noted the applicant made improvements to the site based on feedback from the Water Board. Staff is recommending approval.

Chair Hoard opened the hearing to public comment.

Comments received from Applicant Xiong Vang.

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

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 123 feet from the residence on APN 025-140-26, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4 as stated in the staff report. Seconded by Commissioner Frasier and carried unanimously.

11. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-26**

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 738 Dirt Road, Hayfork. APN: 014-440-48. Applicant: M. Lee.

Associate Planner Watkins presented the staff report. He said the applicant is outside the Trinity County Waterworks District #1. We have letters of support from the two affected neighbors. Staff is recommending approval.

Commissioner Stewart said also under staff recommendation you have from 350 feet to 275 feet from the residence on APN 014-440-48 and believes that should read APN 014-440-49. Planner Watkins agreed.

Chair Hoard opened the hearing to public comment.

Comments received from Applicant Xong Vang.

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

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 100 feet from the residence on APN 014-440-47 and from 350 feet to 275 feet from the residence on APN 014-440-49, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Frasier and carried unanimously.

12. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-27**
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 1642 Brady Road, Hayfork. APN: 011-410-20. Applicant: Thao.

Associate Planner Watkins presented the staff report. He said he is under impression that the impacted neighbor is in support of granting the variance, we have also received one letter of concern that came in after the cutoff and we’ve included it here, but unfortunately, he didn’t have time to address it in the staff report. Staff is recommending approval. He said the neighbor across the street and is outside of the 350 feet from cultivation area is concerned about a high concentration of illegal cannabis happening along Brady Road. Staff is recommending approval.

Commissioner Stewart said she called Director Hubbard yesterday and asked what the distance between the grow site and the affected neighbor is. Someone in the audience said about 1,000 feet.

Chair Hoard stated he checked on Parcel Viewer and in fact that concerned neighbor is well beyond the 350 feet.

Chair Hoard opened the hearing to public comment.

Comments received from Agent Ana Wright of Flowra,

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

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 265 feet from the residence on APN 011-410-39, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Frasier and carried unanimously.

13. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-28**
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 1380 Pine Forest Drive, Post Mountain. APN: 019-340-42. Applicant: S. Lee.

Associate Planner Watkins presented the staff report. He said staff believes the applicant can relocate outside of the 350 foot setback because they have already impacted the environment based on president of the Planning Commission, that's kind of been the deciding factor in that whether or not they would do more harm. Grading has already been done. Several surrounding property owners have provided letters of support and we have also been provided a letter of concern form the impacted neighbor. Staff is recommending denial.

Commissioner McHugh said he's trying to understand the relocation, looking at Figure 3, the garden would be relocated to the southeast where it has already been graded and it can get out 350 feet in that direction? Watkins responded that is his belief. McHugh said in the Site Plan there is a proposed... the wording is cut off. Watkins responded he believes that is the proposed residential dwelling, we don't have a Building Permit Application yet so he can't speak much to that. McHugh said but the garden can move closer to that location and meet the 350 feet? Watkins responded yes and since we don't have plans yet perhaps that one can relocate that do a different area and allow that to become cultivation. He said it's not a perfect situation.

Commissioner Stewart asked if staff discussed the relocation with the applicant and does she have any issues with it. Planner Watkins responded he briefly talked to her Tuesday and spoke with her consultant and let them know the situation. They are hoping you will approve the variance based on the site, the cultivation area and the area that they have already prepared but based on precedence staff felt like it was appropriate to recommend denial since there is an option to be outside the 350 feet. Commissioner McHugh said so the preparation that you are referring to, they have already done is more than the grading that they've done? Watkins responded yes, they have also built their boxes, last time he passed by there were no plants in the ground, but yes, it would take a lot of work in order to relocate, there's no question about that, but he's been told that's not part of our decision.

Director Tippett stated he would like to comment on that. He said probably recall earlier tonight he talked about you are not to proceed until you are licensed. One of the problems is exactly this, is that people will submit an application then prepare their site, and they are preparing their site without a license, so essentially, in a way they are trying to bind a certain decision-making process to what they want to do vs. what you decide is best for the property. That is why we strongly recommend that no one proceed forward until they actually have in hand and then at that time they can move forward. Same with folks that submitted environmental CEQA document and then they go out and do extensive grading on the property, it changes the dynamics of the proposed project and it causes problems. So that is why, when we have these applications, as Scott had said, we do not take that, what they did, into consideration is because we are trying to look at it on the bases of whether we grant a permit or not and what would minimize the impacts if we could.

Commissioner Matthews said so basically the distances submitted on the site plan are incorrect. but they have 380 feet going from Site B to the impacted parcel. Planner Watkins responded that was the discrepancy in which building was the actual residence and that's why he did a site visit yesterday. Matthews said then it has 310 on this other parcel 019-340-36. Watkins responded that residence hasn't been built yet. He said he was going to get into this during staff time, but we have created a framework for assessing whether or not a residential dwelling ought to be taken into consideration with variances, and that threshold we have set is a Final Building Permit.

Chair Hoard opened the hearing to public comment.

Comments received from Agent Ana Wright of Flowra, Jake Grossman-Crist, Tom Ballanco, John Brower, Justin Hawkins and Sebastian Canterro.

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

Applicant's husband requested to speak.

Chair reopened public comment.

Comments received from Tom Lee.

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

Chair Hoard stated he applauds the efforts of the applicant. As many in public comment have mentioned, yes there is very few and far between people in the Pines looking to be compliant. We are not here to question the validity of their license but we are here in terms of a variance. He said applicant just made clear that they would be willing to relocate if necessary and, in that case, they would not need the variance and if the variance is denied, if he relocates any how it's of no consequence.

Commissioner Matthews said if the applicant has license for this year then they should be able to grow where she currently is and then have to relocate next year because it's in the same place. He said he thinks it's interesting the resident, he basically gives three reasons why, but none of them are saying that I don't think you should have a commercial grow there. Planner Watkins said the applicant actually stated that he doesn't really have a problem with cultivation, he just wants folks to follow the rules. He was really upset mainly with the black fencing, the fabric fencing that was really high, his exact words were "I feel like I live in a plastic bag" because he is surrounded by them. Watkins said he talked to the consultant and the applicant that they are willing to remove those privacy screens in order to move forward and he thinks that would appease the neighbor who is impacted. He said staff wrote this report before we received the letter from the neighbor and it was based solely on the precedent and the instruction that the Planning Commission has given in the past.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 120 feet from the residence on APN 019-340-38. She said we would have to come up with Findings, but subject to Conditions that would include removal of the black plastic fencing. Commissioner Matthews said it's about 128 feet, but according to the map it's 270 feet. Watkins apologized saying it was a typo.

Director Tippett said he'd like to make a suggestion, maybe what we should do is continue this to the next meeting to allow us to go out and have that interaction and resolve this issue and bring back proper conditions.

Commissioner Stewart stated in that case she would amend her motion to continue this item until June 28, 2018, saying the only issue is the growing season because they have already planted and licensed. Director Tippett said he would like to investigate the license. If they are already licensed, our practice right now has been if you are licensed and can verify that license we will allow you to continue for the license period, but at the end of the license period they will be required to do a variance, make the exchange and do whatever. Chair Hoard asked if there is a possibility the variance could be withdrawn. Tippett said well they can work it out, it sounds like there are several options. Commissioner Stewart said she does have a motion on the table. Commissioner Frasier said he will second the motion for continuance. Motion carried unanimously.

Commissioner Matthews asked if it was because of noticing that it can't be continued of June 14th. Commissioner McHugh responded we set a specific date so it doesn't have to be re-noticed.

14. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-30**

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 680 Bear Rock Road, Post Mountain. APN: 019-340-08. Applicant: Chang.

Associate Planner Watkins presented the staff report. He apologized that was a clerical error on the original staff report that was circulated to the Planning Commission, it has since been corrected and you should have an updated staff report in front of you. He said he said the property is limited in the cultivation area because it is completely covered by the 350-foot residential setbacks from the property to the south and the west. The applicant may be able to adjust their cultivation area by removing a section of their cultivation area to the north, outside of the 350-foot setback from the impacted neighbor who has offered a letter of concern; so yes, the applicant could shift his cultivation area to be outside of one of the variances. He had a conversation with the applicant who talked to the impacted neighbor who was not aware that there were two other variances attached to this project, so he was trying to get the applicant to move 9 or 10 pots so he didn’t need a variance from him, really trying to save the applicant some money so he could get a variance. Staff is recommending approval.

Commissioner McHugh said he wasn’t sure he understood the negotiation between the fellow that wrote the letter and the applicant, where did that end up? Watkins responded his son is here and can speak to that it open comment. Commissioner Frasier asked if the neighbor that wrote the letter on APN 019-340-02. Watkins responded correct.

Chair Hoard opened the hearing to public comment.

Comments received from Paul Chang, the son of Applicant Lor Chang, and Agent Ana Wright of Flowra.

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

Chair Hoard stated it seems like the applicant and Mr. Philip Kearny have a good relationship, they are willing to talk and compromise, and there are no other letters opposing. Commissioner Frasier said he’s still not sure about the concern of the neighbor, even after the Applicant’s public comment it doesn’t seem like they have reached an understanding and it does seem like a fairly small fix.

Commissioner Frasier moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 200 feet from the residence on APN 019-340-10 and from 350 feet to 250 feet from the residence on APN 019-340-55, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 5 as listed in the staff report.

Chair Hoard asked what about the other request. Frasier responded his motion would require them to move those ten pots (so no variance required from the residence on APN 019-340-02).

Motion seconded by Commissioner McHugh.

Commissioner Matthews stated he thinks the language in the letter suggests that, he says “it may be advantageous to both of us if you were to move those plants to another location”. He said that suggests, from what we heard, he was doing it to save his neighbor money. Obviously, he is surrounded by cannabis and that he didn’t know there were other variances required. Commissioner Frasier said, but the last sentence also suggests that he doesn’t really want to be surrounded by it and would like the 350-foot setback, and he really doesn’t think it is that much of a burden on the Applicant.

Chair Hoard called for the vote. Motion carried unanimously.

Chair Hoard asked the applicant if he understood. The Applicant responded yes, move those ten pots.

15. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-31**

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 250 Fir Meadow Road, Post Mountain. APN: 019-340-36. Applicant: V. Moua.

Associate Planner Watkins presented the staff report. He said the subject property is limited as to where the commercial cannabis cultivation site can be, the property is completely covered by adjacent dwellings impacted by the 350-foot setback. He said it should be noted the Application was continued and once they have a residential dwelling finalized they will likely need variances from each other. Three letters of support were received. There is a letter from the affected neighbor, the same neighbor as Shenda Lee, has provided the same letter, has the same exact concerns. The difference from staff’s perspective in the two is that relocating the cultivation site on Vang Moua’s property would create additional environmental impacts, based on precedent of the Planning Commission staff is recommending approval.

Commissioner Matthews stated Figure 3 doesn’t seem to jive with the numbers. The parcel numbers are wrong, one is 011 and the other is 019 so it makes it a little hard to figure out. Watkins responded that’s 100% on him, he redid the maps three times for each application and that’s what lead to a lot of errors when you do twelve variances. Matthews said so the text is correct. Watkins responded yes.

Chair Hoard opened the hearing to public comment.

Comments received from Agent Ana Wright of Flowra.

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

Commissioner McHugh stated the same letter from the same person makes the same reference to the dwelling issue; we have had two of them now where they were licensed the prior year, which also had the dwelling requirement, he thought a year ago we were hearing they had to get into a permit, they had to be making progress on a dwelling, and now is it correct what the consultant said that this year they are being told this year you have to make progress by the end of the year? Director Hubbard responded that there has been a lot of variability on how we approach people as some people say I just can’t afford it, what can we do, can I just open the permit. She said that’s progress right there, and then from there they usually come back to Code Compliance and say here’s what my plan is and give us their plan. She said some people take a long time to build a home, we’re not allowing somebody five years. McHugh said but they are open permits, there is a paper trail that says something has happened officially, is that true? Hubbard responded right.

Planner Watkins said he didn’t research the building permits on this one, but Shenda Lee did have a septic and well that were recently put in and apologized for not researching this one, but the applicant has been showing good faith and progress. Commissioner Stewart said she finds it interesting that it doesn’t look like he can even see any tall plastic or cloth. It looks like he is copying the same letter and sending it out for everybody no matter what.

Director Tippett said he wanted to point out when the Board initially established the ordinance were very concerned about things that were closer than 350 feet. You might recall looking back at the very first few variances that came through, they were looking for that, they were very adamant about wanting cultivation activities or some sort of agreement with those properties that were located closer than 350 feet and there was discussion about if something was constructed that things could change on that, the Board still felt the 350 feet was something that the neighboring parcels, “every person is entitled to their kingdom on their property”, and one of the concerns was the impact of cannabis drifting over to the adjacent properties and

that in planning your property, your impacts are not supposed to go onto adjoining properties. He said that's why the variance is up for evaluation every year, and yes people can move in after they have been permitted for a couple of years and face that risk of that person saying no. That's part of the risk of the variance process. He said he is kind of going back to the original Board action, we want 350-foot separation from the grow to the house. Commissioner Stewart said that's all well and good, but we have a right as a Commission to say in this case a 350-foot setback is not required, we've been doing that and probably will continue to do that.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 288 feet from the residence on APN 019-340-38 and from 350 feet to 210 feet from the residence on APN 019-340-35, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4 as listed in the staff report. Seconded by Commissioner Hoard.

Commissioner Stewart said her point of discussion is the fact that while she appreciates the concern of the neighbor two properties down, she also feels strongly that along with many people from the public that are here that the people in the pines need to become compliant and they need to know that they can get licenses, they need to know they can get variances and they need to know they can become legal; and they are going to grow anyway and there is not anything anyone is going to be able to do about it because of the location, and she thinks that anybody that wants to become compliant we should encourage and try to get more of them compliant by doing that.

Commissioner Frasier stated he does have an issue with granting any variances with a neighbor that is concerned because the 350-foot setback was solely to protect the neighbors and it was mostly about smell. This neighbor lists other concerns, which to him, says that it wasn't so much "I don't like the smell" as "I don't think this person can even apply for a license". He said he wished the neighbor was here to address this, but as far as us making people compliant, he doesn't think that isn't our job, it's the job of the people who want to be compliant to make themselves compliant. We're not supposed to bend the rules for every person that comes through, we're supposed to set rules and then the people become compliant. He said he's not sure he's totally against this variance, he is a little concerned and we've heard statements that this letter is the same as the letter from the other variance request we just heard, well it is, but he doesn't see if you are the affected neighbor from two, he doesn't know why you would have to list different reasons why you're concerned. The same thing is happening on both sides of your house, why not photocopy it and send it in.

Commissioner Stewart said she forgot something and would like to amend her motion to include a condition to remove the tall black plastic fencing and put in the appropriate fencing. Chair Hoard stated he would second the amended motion.

Commissioner Stewart said that eliminates No. 2, but No 3, there is going to be dust on a dirt road. His statement that it's only going to put dust on his cannabis so it will fail and test for contaminants is a subjective opinion and until his or her crop fail, that's not a valid reason, and the legal permitted residence has already been addressed by staff, so none of these arguments are anymore valid here than they were on the other one. Commissioner Frasier stated that's why he would like it if Mr. Carpenter were here, because to him, all the neighbor has to do is say no and that's a valid complaint. If smell is the issue all you have to do is say I do not like the smell and to him that's a valid reason to deny a variance.

Chair Hoard called for the vote. Vote carried 4 to 1, with Commissioner Frasier voting no.

16. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-18-33**
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 81 and 151 Christie Road, Hayfork. APN: 011-330-36 & 37. Applicant: Colby.

Associate Planner Watkins presented the staff report. He said cumulatively the two parcels are 7.42 acres and based on satellite review, the site appears to be able to move outside of the 350-foot residential buffer by shifting both designated cultivation areas to the south portion of the property, in doing so, additional grading and environmental impact would be necessary due to site topography. He said the location also has a naturally wooded forest and a water storage pond for the cultivation. Staff is recommending approval.

Commissioner McHugh stated so the variance before us is a 350-foot setback from dwelling, there no variance in play here yet for a variance for a 500-foot setback from a bus stop, which could be required. Planner Watkins responded technically yes. Commissioner Frasier stated that was his question too because that would technically require public notice, even though the school district isn't going to oppose variances from bus stops. Commissioner Stewart said isn't this one of those bus stops that are not official Highway Patrol designated bus stops. Watkins said that wasn't brought up in any of his conversations with Debbie Miller. Commissioner Stewart said it was her understanding that it probably isn't if they are just picking up the children that belong to the applicant, and asked don't we only need a variance from the official approved list of bus stops? Director Hubbard stated authorized bus stop. Stewart asked if this was on the official list of authorized bus stops. Commissioner Frasier said his concern is if we approve the variance for 350 foot setback and then the applicant has to come back and re-notice to get a variance from a school bus setback, wouldn't it be easier and more beneficial to do it all at one time. He said when he looks at this we have a bus stop that isn't addressed in here. Director Hubbard said it is not appearing on the school bus stop list.

Chair Hoard opened the hearing to public comment.

Comments received from Agent Deidra Brower of Downriver Consulting, Adrian Keyes, Justin Hawkins and John Brower.

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

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 268 feet from the residence on APN 011-330-07 and from 350 feet to 148 feet from the residence on APN 011-330-43, based on Findings of Fact 1 through 4 and subject to Conditions of Approval 1 through 4, as stated in the staff report. She said she would also like to mention the fact that the property APN 011-330-43 is currently growing. Seconded by Commissioner Matthews. Commissioner McHugh said he is inclined to support it based on the representation that it is not a bus stop. Motion carried unanimously.

Chair Hoard stated we have already addressed Item 17 previously.

18. MATTERS FROM THE COMMISSION

Commissioner Matthews said some stuff came up tonight that we really need to get to the bottom of, particularly when people are saying they have licenses, he thinks it should automatically be part of the staff report, among other things so we really know what's going on. It's pretty uncomfortable to be put in that kind of position.

Commissioner Frasier said on that same note, parcels that are licensed for a couple of years and have no residence, it would be nice to know where they are at in that process. He stated the other concern he has is looking at some of these aerial photographs, we are getting a lot of variance right close together and at what point are we going to have to address cumulative impacts when we have a Trinity Pines type issue and there is no CEQA document because it's just a small thing, but when it's all put together it's not a

small thing anymore.

Director Tippett responded he would have to go back and check but the CEQA document is right on the verge of going out.

Commissioner Matthews said another point would be in the evaluation of the neighboring property, any properties that have a licensed cultivator and have received a variance, or a license without a variance, it would be useful for us to have that information. Commissioner Stewart said just because we are seeing some of them on an aerial photograph, we could be missing some, so it would be nice to have pointed out. Director Tippett stated the good news is we have a program that he calls "geo reference" which will help with how we look at permits. He said it was originally for Building Permits but we did buy a Planning module.

Chair Hoard said to echo what Commissioner Matthews said and just from his own perspective it is more than unfortunate what happened to Jake Grossman-Crist, so he would definitely urge more clarity in approaching certain situations or how this might be handled. He said he doesn't know the intricacies, he doesn't know any of the details whatsoever, but this is a new process for everyone and many things are getting worked out.

19. MATTERS FROM STAFF

Deputy Director Hubbard advised our Administrative Coordinator and Scott did a hearty administrative review of all the pending variances, verifying the permitting status of all the dwellings from which a variance is recommended and eliminated over thirty of them due to unpermitted dwellings, so no variance required.

Hubbard said she agrees about the licensing status being put in the staff reports and that will be done in the future.

Hubbard said we are going to be a little stricter about taking in public comments, we are going to put a deadline out there and it's just not easy for any of us to scramble around at the last minute trying to get these things together so they are available for you, and then you don't have enough time to read them. So, we are going to be strict about public comment, take them up to the deadline and that's it and have those in your Agenda Packet. If someone wants to show up and the meeting and speak that's fine, but we won't be handing you papers at the last minute.

Director Tippett said he wanted to comment on that, that deadline yes, it is for public comment, but the applicant has the right to respond to those public comments and that is part of this process and what the deadlines allow for. When it's thrown out from the podium it affects the process, possibly alters it unintentionally, so that is why we have these cut off dates. Tonight, was a good example, we were just going on what we think, not what we know. He said notices go out 10 to 20 days in advance of the hearing. Deputy Director Hubbard said so if someone wants to make a comment after the deadline they need to show up at the meeting.

Discussion regarding process, types and deadlines for legal noticing.

Chair Hoard stated apparently 30 variances out of those backlogged have been eliminated by staff and asked if we would be seeing the remainder of those at our next meeting under a Consent Agenda. Deputy Director Hubbard responded the number is actually closer to 40.

20. ADJOURN

The Chair adjourned the meeting at 11:22 p.m.