

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting
December 10, 2020 at 6:00 p.m.
Trinity County Library Conference Room
351 Main St, Weaverville, CA

Chairman Dan Frasier
Vice-Chairman Diana Stewart
Commissioner Graham Matthews
Commissioner Mike McHugh
Commissioner Duncan McIntosh

MEETING MINUTES

NOTE: The public was invited to attend the public hearing via Zoom Link and limited public access for specific agenda items was made available by request and during the public meeting.

CALL TO ORDER:

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

Commissioners present: Dan Frasier, Diana Stewart, Graham Matthews, Mike McHugh, Duncan McIntosh. Commissioner Matthews present via Zoom.

Staff Present: Planning Director Kim Note: Hunter; Planning Deputy Director, Lisa Lozier; Associate Planner, Bella Hedtke; Administrative Coordinator, Mary Beth Brinkley; Administrative Coordinator Deborah Rogge; Present via Zoom, Senior Planner, Margie DeRose; present via Zoom, County Counsel Margaret Long.

PUBLIC COMMENT:

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

Public comment opened at 6:00

Justin Hawkins thanked the Planning Commission for positive changes in the past 5 years he has been attending meetings.

Public comment closed at 6:02p.m.

REGULAR CALENDAR:

1. MINUTES: APPROVAL OF MINUTES FOR AUGUST 13, 2020, SEPTEMBER 10, 2020, AND OCTOBER 8, 2020

Approval of minutes for August 13, 2020, regular meeting.

Motion: Commissioner Stewart to accept with the change to Item 6.

Seconded: Commissioner McIntosh

Roll call vote: Commission McIntosh, aye Commissioner Stewart-aye, Commissioner Matthews-aye, Commissioner McHugh-aye, Chair Frasier-aye

Chair Frasier: Motion carried unanimously.

Approval of minutes for September 10, 2020, regular meeting.

Motion: Commissioner McHugh to accept as submitted

Seconded: Commissioner Stewart

Roll call vote: Commissioner Stewart-aye, Commissioner McHugh-aye, Commissioner Matthews-aye, Commissioner McIntosh-aye, Chair Frasier-abstain

Chair Frasier: Motion carried 4-0

Approval of minutes for October 8, 2020, regular meeting

Motion: Commissioner McHugh to accept as submitted

Seconded: Commissioner Stewart

Roll call vote: Commissioner Stewart-aye, Commissioner McHugh-aye, Commissioner Matthews-aye, Commissioner McIntosh-aye, Chair Frasier-abstain

Chair Frasier: Motion carried 4-0

2. CONDITIONAL USE PERMIT AND VARIANCE (P-18-01 & CCV-20-46): A request for a Type 3 (Outdoor - Medium) one-acre Cannabis cultivation license and approval of a 500-foot cultivation setback variance located at 3800 Barker Creek Road in Hayfork. The project site is located on an approximately 640-acre parcel located approximately 6 miles northeast of the unincorporated community of Hayfork. A Mitigated Negative Declaration is proposed for this project in accordance with the California Environmental Quality Act (CEQA). Assessor Parcel Number 015-030-01-00; Applicant: Olivia Caccavo.

Director Hunter recuses herself from the meeting due to a matter of pending litigation.

Deputy Director Lozier presents the staff report and staff recommendations. Notice was posted in the newspaper and on the website. The period for comment was November 2 - December 5. The Department received comment letters from the California Department of Food and Agriculture and Department of Fish and Wildlife. Both agencies have permitting authority and can require additional items to complete the project. Both agencies have requested updates and changes to the Mitigated Negative Declaration. Staff needs extra time to review the letters, address comments and revise the Mitigated Negative Declaration. Planning consultant, SHN has the letters to complete the update. They are also preparing a letter for the Applicant requesting additional information.

It is the Staff's recommendation that the Planning Commission conduct a Public Hearing of Notice and continue Item 2 to the February 11, 2021, regular Planning Commission meeting.

Chair Frasier asks if there were any questions from the Commission?

Commissioner McIntosh: Has there has been any clarity to the 24-watt generator?

Deputy Director Lozier: Not to my knowledge.

Chair Frasier asks if there are any more questions from the Commission.

Chair Frasier opened the public hearing at 6:11 p.m. there were no speakers. The public hearing was closed at 6:12 p.m.

MOTION:

Commissioner McHugh made the motion to continue Item 2 to the February 11, 2020 meeting. The motion is seconded by Commissioner McIntosh.

Roll call vote: Commissioner McIntosh-aye, Commissioner McHugh-aye, Commissioner Matthews-aye, Commissioner Stewart-aye, Chair Frasier-aye

Motion carries 5-0

3. APPEAL OF PLANNING DIRECTOR'S DECISION (P-20-30): An appeal of Planning Director's Decision to deny a Commercial Cannabis Cultivation License 2019-624 located at 240 Oliva Drive, Hayfork. Assessor Parcel Number 014-290-01-00; Applicant/Appellant: Colby Ford.

Director Hunter presents the staff report and recommendations. An overview of the staff report included the address, zoning district, and General Plan designation. The application was submitted in November of 2019 and processing of the application began at the same time. Director Hunter continued her report by reviewing the timeline and events which ultimately resulted in the revocation of the CCL (Commercial Cannabis License). Director Hunter also remarked for clarification that the license was never issued and the license was never signed by her.

Director Hunter comments that the Board of Supervisors passed an Urgency Ordinance on December 9, 2020. Prohibiting the issuance of any new licenses for a set period to prepare a Transition Plan associated with the EIR certification. If the Commission decides to grant the appeal, the application would be re-instated. Still, the license would not be issued until the Transition period is over. Discusses the memo presented to the Commissioners, which included letters from a neighbor, a letter dated December 8 from the appellants representative, and correspondence with a timeline from the Appellant, Mr. Ford.

Commissioner Stewart: I understand that the code enforcement officer drove by and did not take pictures. Did he issue a citation?

Director Hunter: No. There is Code Compliance and Code Enforcement. On June 5, 2020, Code Enforcement Officer Barcelona's report states that he took photos. On July 20, 2020, the Code Compliance Officer did a drive-by and did not take pictures.

Commissioner Stewart: Ordinarily would the Code Compliance Officer go back and issue a citation? And we don't have any verification and just act on it.

Director Hunter: No, and this is a procedure we are working on improving. Photos should have been taken by the Compliance Specialist.

Commissioner McIntosh: Will the urgency ordinance expire when the EIR is certified?

Director Hunter responds that the urgency ordinance is temporary and the timeframe is 270 days or when the Transition Plan is adopted. Staff is already working on the implementation plan.

Chair Frasier opens the public comment at 6:37 p.m.

Ana Wright (Authorized Representative for the Applicant/Appellant) states that they are sorry for the late submission of comments. The Applicant is in the final steps of an agreement with Fish and Wildlife. Notice of (inaudible), final well permit, along with a valid (inaudible) provisional license. The are not contesting the citation. The applicate complied with the citation. The license was put back into the queue after he complied with the abatement. The last thing the Applicant received was the Revocation of License or, as Director Hunter corrected Denial of Application. We are still questioning why? With no prove of plants, with no valid statement notes, or anything to show any more than the 6 allowed plants. This Applicant deserves to keep his license in the queue and have a chance to finish the process. We ask that you grant this appeal.

Commissioner McIntosh: For clarity, are you saying that there was a misunderstanding by the Applicant that he had received a Provisional License to cultivate?

Ana Wright-Representative: We are appealing to bring his application back to life and continue in the program based on the lack of proof of the second sighting.

Commissioner McHugh: In the timeline provided by the Applicant, it says, "On July 12, his workers planted without his knowledge after the initial abatement and before the license was issued".(inaudible). Are you saying there was never any planting after that abatement? Are those two consistent?

Ana Wright-Representative: I am saying there was never proof that he had more than 6 plants for personal use. What evidence do we have to go off of, what is the burden of proof is for denying the application.

Commissioner McIntosh: Will you clarify what that means "workers planted without my knowledge"? What does that mean?

Ana Wright: That means that they probably started to plant without his knowledge. There is still no proof that it was more

than 6 plants.

Chair Frasier: Now, we will officially open the public comment period. After hearing the Representative. Public comment on Agenda Item 3, anyone care to speak.

Chair Frasier closed the public comment and again asked for questions to staff.

Commissioner McIntosh makes comments relating to the fact of lack of pictures and evidence for denying an application. And Commissioner McHugh comments about the applicants' workers and timeline comments.

Chair Frasier: Do we have a report from Code Compliance?

Director Hunter: No, unfortunately, we do not.

Chair Frasier: Just testimony.

Director Hunter confirms that there is just testimony. Reports of the cultivation were from another cultivator in the area and the greenhouses can be seen from the road. It has been seen by several staff members and observed multiple times.

(Further discussion regarding the lack of proof by law enforcement and improvements needed for documenting evidence.)

MOTION:

Commissioner McHugh makes a motion to deny the appeal based on the staff report and applicants' admission.

Commissioner McIntosh seconds the motion.

Roll call vote: Commissioner McIntosh-aye, Commissioner McHugh-aye, Commissioner Matthews-aye, Commissioner Stewart-aye, Chair Frasier-aye

Motion carries 5-0

PLANNING COMMISSIONERS REPORT:

Commissioner McIntosh went to visit the Indian Creek restoration project. The project has been tried twice before, and this is an entirely new strategy. It seems to be working, and we will look at it again after this season's rain.

Commissioner McHugh congratulates Chair Frasier on his appointment of Supervisor for District 5 and looking forward to working with his (Frasier's) replacement appointment for the Planning Commission.

PLANNING DIRECTOR'S REPORT:

Director Hunter reported on the Urgency Ordinance and the Final EIR going before the Board on the 21st and 28th. Congratulates Chair Frasier. We Director Hunter discussed progress on the General Plan project. Interviews were conducted with 3 firms and an announcement will be made in January of the firm chosen.

ADJOURNMENT:

Meeting adjourns at 6:52 p.m.

Submitted by: Deborah Rogge



Kim Hunter, Planning Director
Secretary of the Planning Commission