

MINUTES

1. CALL TO ORDER

Chair Mike McHugh called the meeting to order at 7:03 p.m. Members present: Richard Hoard, Diana Stewart, Graham Matthews, Dan Frasier and Mike McHugh. Staff present: Assistant Planner Bella Hedtke, Deputy County Counsel Sophia Meyer and Administrative Coordinator 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 Sebastian of Junction City and Justin Hawkins.

3. MINUTES – March 14, 2019.

On motion of Commissioner Hoard, seconded by Commissioner Stewart, approves Minutes of March 14, 2019 as submitted. Motion carried unanimously.

OLD BUSINESS – None

NEW BUSINESS

4. SIMILAR USE DETERMINATION FOR CRAFT BREWERY IN C2 ZONING DISTRICT

PW-18-04

Planning Commission determination of Similar Use for Craft Brewery in General Commercial (C2) Zoning District. Location: County-wide. Applicant: Trinity County Planning Department.

Associate Planner Bella Hedtke presented the staff report prepared by SHN Consulting. She said one clarifying point to keep in mind is that even though this discussion was triggered by a member of the community wishing to develop a craft brewery, staff is requesting a determination of similar use in the General Commercial (C2) Zoning District county-wide.

Chair McHugh opened the matter for public comment.

Comments received from Shiloe Braxton, Justin Hawkins, Sebastian from Junction City and Dero Forslund.

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

Chair McHugh stated we have 3 issues here and suggested taking them in order. The first is a craft brewery being a similar use, second – the definition of a Residential District, and third – the applicability of a restaurant with a bar in a Residential District. First, look at the similar use aspect in a C2 zone. He asked is it a similar use, and if so, what sort of similar use?

Commission Hoard stated he is personally leaning towards the idea that a craft brewery should be principally permitted or allowed by right in the C2 zoning, for the following reasons: Upon review of Section 21 of the Zoning Ordinance where C2 uses are specified, under uses permitted by right, are bars and restaurants. He said in reading the uses permitted by right, several of them specify that an allowed use must occur within a building. The third one here says retail sales and services connected within a building. Further down says mini storage within a building, recycling completely enclosed in a building. Craft breweries, by nature, due to their specialized equipment, need for sanitary and controlled environments occur within a building. So, it seems like a good fit overall, just due to the application of the restaurant, that fact that the serving of alcohol, and the fact that the establishment itself occurs within an enclosed building. Furthermore, aside from technicalities, he believes that we should encourage this sort of business. Breweries attract a wider range of customer base and aides in development of tourism in the area. Also, for the most part breweries are synonymous with the regions they represent which in turn can further promote the Trinity County name. Lastly, we need to be encouraging business development in the county, not adding to the monetary burdens and restrictions of what would already be an expensive endeavor. To summarize, he believes, in general that craft breweries should be permitted by right without a conditional use permit in C2 zoning.

Commission Stewart said if the craft brewery is large enough that it does require outside containers and anything outside of the building, then a conditional use permit be required; but if it is self-contained, within the building, she also agrees that it should be able to be in C2 by right, regardless of size, as long as it is enclosed in the building.

Commission Frasier agreed stating he also thinks if you're allowed a restaurant and a bar in C2 zoning., he thinks that there used to be a lot of restaurants with a bar in C2 zoning, and thinks essentially that is what these craft breweries are. He said he would be in favor of adding that, only allowed by right and enclosed within a building, that way it would at least be limited by the size of the building on their property, and if they did want to go big and do a full-scale micro-brewery with outdoor tanks and all that, they would be required to get a conditional use permit.

Commissioner Matthews said that seemed reasonable, they are small enough and they are putting up a pretty large building. He said he's fully supportive.

Chair McHugh said let's have three separate motions here, there are three questions and the last two are related.

Commissioner Hoard moved to include craft breweries within a building to be allowed by right under Section 21, C2 - General Commercial District. Commissioner Stewart seconded. Commissioner Hoard asked if he needed findings, and asked counsel if the motion sufficed. Counsel Meyer responded if they approve your motion, that would be a finding. Chair McHugh said the proposed resolution covers all three and asked does it require a resolution? Counsel Meyer responded she thought it should be a motion to amend the Resolution, do it section by section, and then take a roll call vote to adopt the Resolution. Commissioner Hoard withdrew his motion.

Commission Hoard said okay, the motion is that the determination is to allow craft brewery activities in the General Commercial (C2) Zoning District without conditional use permit pursuant to Sections 17.21.020, Uses Permitted, and 17.30.010, Ambiguity, of the Trinity County zoning Code reflected in Section A of the proposed Resolution Number PC-2019-01.

Chair McHugh said so, are we to understand that your motion is to amend this? Commissioner Hoard responded yes. Chair McHugh said to strike the need for a conditional use permit, or do you mean any use permit? Commissioner Hoard responded yes. He said he would amend his motion to say without a

use permit, which includes a Conditional or Director's Use Permit.

Chair McHugh asked so that's your motion? He said he's trying to tie it all together.

Commissioner Hoard moved to adopt Resolution No. PC-2019-01 determination of similar use for Craft Brewery activities in the General Commercial (C2) Zoning District without the need for a use permit pursuant to Section 17.21.020 and 17.30.010 Trinity County Zoning Code and that the Craft Brewery shall be within an enclosed building, or if not, it will require a conditional use permit. Commissioner McHugh stated he thinks that reflects what we were saying. Commissioner Stewart seconded the motion. Motion carried unanimously.

Chair McHugh moved on to the second issue, having to do with the definition of Residential District and the quoted statement there pulls out what it says is within 200 feet from a Residential District. Commissioner Stewart said she read in the staff report from SHN, she thought about the fact that there are buildings in Commercial Districts that have residences on the top floor and that is obviously not a Residential District and she doesn't think that it is reasonable to require them to get a conditional use permit under those circumstances. From a Residential District makes perfect sense, but just from the fact that somebody happens to have chosen to live within a Commercial District should not trigger the need for conditional use permit. Commissioner Matthews stated he agrees, as did Commissioners Hoard and Frasier. Chair McHugh also agreed.

Chair McHugh stated there's one thing that would be nice to clear up someday, which is the use of the word "District". The word "District" is used in the planning documentation, specifically the Zoning Ordinance, to me that's [inaudible] the Residential District if it is zoned that way. That could be one parcel, the colloquial notion of a district is a collective term, it's a subdivision, a group, when we say the Commercial District we are not talking about a parcel, we are talking about downtown, and so the notion that a Residential District could be one residential lot, triggers all kinds of stuff he finds disturbing. In this case, he agrees that a single lot that is in a Commercial District, in the sense of this document, it's one lot that is zoned C2, should not trigger the notion of a Residential District; and he thinks that the use of the term District, because of it's colloquial nature, using it otherwise in Planning documentation, the Zoning Ordinance, is problematic, but he would agree with the rest of the commissioners in this case. If it's a residence in a Commercial zoning district, that doesn't trigger the residential, that's not definition of Residential District within the meaning of this Section 17, so he would agree, and would entertain a motion to that effect.

Commissioner Stewart moved that the definition of a Residential District in Section 17.30.020(A) the Trinity County Zoning Code does not refer to a single residence within a Commercial zoning district.

Commissioner Matthews said it could be scenarios where it's not just a single one. Commissioner Stewart agreed and said okay it does not refer to residences within a Commercial zoning district. Chair McHugh said it could also be not a Commercial District [inaudible], it could be Industrial or Agriculture. Commissioner Stewart withdraws her motion.

Commissioner Frasier said he would make a motion to determine that the existing definition of Residential District is fine for the time being, it says a Residential District would be R1, R2, or Rural Residential, and he thinks the way to do it is leave it as residential zoning rather than residential use. Commissioner Stewart agreed that's what the existing definition says. Commissioner Frasier moved the definition of Residential District in Section 17.30.020(A) should be interpreted to include residential zoning rather than residential use. Seconded by Commissioner Stewart. Chair McHugh stated that in his opinion, this may come back to the Commission for further clarification in the future, but he thinks that clarifies what the current staff question is.

Associate Planner Hedtke asked [inaudible]. Commissioner McHugh responded we want to rewrite that wording to say we want that interpreted to mean it's a Residential Zoning District, not a non-residential parcel that happens to have a legal residence on it, whether it's nonconforming or for whatever reason, but primarily its s a Residential District zone is what triggers the this residential. He asked staff if that solved the problem? He didn't want them to come back next week and say you still don't know how to apply the Zoning Code. Associate Planner Hedtke responded it would be triggered by zoning, so we can probably just change the language to restrict the zoning. Chair McHugh said okay if that solves the problem, and called for a vote on the motion. Motion carried unanimously.

Chair McHugh stated the third issue then may become moot, that specifically listed a restaurant with bar, but could also be considered to be similar to the use type [inaudible], this is the one where it already says anything concerning alcohol, so he thinks this is moot. Commissioner Frasier said he thinks it's redundancy. Chair McHugh said therefore he would just delete that third item from the resolution. The other Commissioners agreed. Commissioner Stewart asked if we needed a motion on that. Commissioner Matthews responded when we do the resolution.

Chair McHugh moved on to the proposed resolution, stating we have to amend the Whereas Paragraph A, and the Be It Resolved No. 1 to amend the... we don't have to amend Whereas B. Commissioner Matthews asked do we need to amend Paragraph A? Chair McHugh agreed we don't need to amend Whereas A. Commissioner Matthews said because it gives us a choice. Chair McHugh agreed it gives us the choice, and then we don't need to amend the "Whereases", other than we might delete C. Okay so we can delete C and therefore delete the "Now Therefore" number 3 and then amend the "Now, Therefore" numbers 1 and 2. He asked if that sounded right and the other Commissioners agreed it did.

Chair McHugh asked the Clerk to read back the motion that Commissioner Hoard made about... it was the first one where we talked about similar use, it has to be indoors. He said if we have the wording right there, we'll just include it by reference. Clerk Hanover read back her notes stating the Planning Commission determined similar use without the need for a Conditional Use Permit or Director's Use Permit, that a Craft Brewery shall be within an enclosed building or require a Conditional Use Permit.

Chair McHugh said it would go after the Whereas because we cited... maybe we should just simplify some wording, so it looks to him, the craft brewery types are similar to the other conditionally permitted uses in C2 zoning and shall only be required to obtain a Conditional Use Permit from the Planning Commission if any of the brewing operation is outdoors. He asked does that get it done? Commissioners Stewart and Frasier said no. Commissioner Frasier said strike conditionally and just make it "other permitted uses". Commissioner Stewart said "are similar to other uses by right". Chair McHugh agreed, delete "conditionally" and say only if it's outdoors. Commissioner Frasier said that's what he would say.

Chair McHugh asked the Clerk if it's clear, we are changing "Now, Therefore, Be It Resolved" number 1 to state Craft Brewery type uses are similar to permitted uses, deleting the word "conditionally", permitted uses in the General Commercial "C2" Zoning District and shall be required to obtain a Conditional Use Permit from the Planning Commission only if any of the brewing operation is done outdoors. Clerk Hanover said then number 2 reads "The definition of a residential district in Section 17.30.020(A) of the Trinity County Zoning Code shall include property that is residentially zoned". Chair McHugh agreed, any property, so we're going to delete "that contains" from there to the end. Commissioner Matthews asked that contains residential zoning. Chair McHugh said that is in a residential zone, primarily residential zone, or we can list them all R1, R2, R3. Commissioner Matthews asked just those three? Chair McHugh said RR, what's mobile MH, he thinks there's a bunch of them, we'd have to go through the whole list. Commissioner Frasier [inaudible] that is residentially zoned. Commissioner Stewart agreed. Commissioner Hoard said there's Residential Office. Chair McHugh responded there's a bunch

of them and asked would you like to enumerate them then? Commissioner Hoard replied he wouldn't; well then, the fact that Residential Office isn't offices, the use of office space and what not if it occurs in C2 zoning. Chair McHugh said but there is a RO zone [inaudible].

Commissioner Stewart stated we are concerned with it being C2, we don't want to eliminate someplace where microbrewing can occur, so why can't we just say "that shall include any property with a residential zone"? Commissioner Hoard said then we are going back to the single property that might be a residential zone. Chair McHugh said there's all kinds of mistakes, but he thinks in principle we're saying if it's commercial, industrial [inaudible] that, that doesn't trigger the residential setback. Commissioner Stewart agreed, asking how are we going to word it so it works staff. Counsel Meyer started she would say that you're actually declining to define the definition of residential zone as stated in the staff report, that's what you're actually doing, you're not making the finding that's recommended by staff, you're basically leaving it as is and making a determination that it has no effect on this particular.... Chair McHugh said he likes that one best, so we'll delete C, the "Whereas" B and C, and we'll delete numbers 2 and 3, and if staff wants further clarification, they can come back to us with a new item, and the recommendation at that point of verbiage we should probably enumerate those. He said he doesn't want a residential zone in [inaudible]. That's another vague term we have. He asked Commissioner Hoard if he was in agreement with that. Commissioner Hoard responded he was.

Commissioner Stewart moved to adopt Resolution No. PC-2019-01, as revised by the Commission. Seconded by Commissioner Hoard. Motion carried unanimously. Roll Call Vote: Commissioners Stewart, Hoard, Matthews, Frasier and McHugh-Aye.

5. TENTATIVE MAP TIME EXTENSION

P-16-25

Consider and/or take action to grant a one-year time extension of tentative map approval to create two parcels from a 15.36-acre parcel. Located at 531 School House Road, Burnt Ranch. APN: 008-820-01-00. Applicant: Thompson/Hayes.

Clerk Hanover presented the staff report. She stated this is to consider and/or take action on Applicant's request for a one-year time extension of the tentative map to create two parcels of 5.1 and 10.35 acres from a 15.36-acre parcel in Burnt Ranch.

Chair opened the hearing to public comment.

Comments received from Applicant Tyler Thompson and Justin Hawkins.

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

Commissioner Matthews stated it seems pretty straight forward.

Commissioner Frasier moved to grant a twelve (12) month time extension for the Thompson-Hayes subdivision, APN 008-820-01-00. The new expiration date shall, be June 8, 2020. Seconded by Commissioner Hoard. Motion carried unanimously.

6. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK

CCV2018-046

Public Hearing: Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Trinity County Code 17.43.050.A.8], located at 60 Bear Springs Road, Junction City. APN: 009-490-20. Applicant: G. Cruz.

Associate Planner Hedtke presented the staff report. She stated you have three variances tonight, that she

followed the general format from other staff reports from other staff members. She did add a map that showed the neighbors' comments and their proximity to the cultivation site, and she updated some code language. Those are the main changes. She said she wanted to point out that she left out, by accident, if the Commission approves any variances, it will want to add to the Findings of Fact that the variances are not injurious to the public welfare, nor to the adjacent properties, as required by code. Hedtke said the applicant, agent, nor owner are here tonight, but the agent provided you with a letter. She said she outlined two possible recommendations, the first one being to deny it, and the second one is to approve the variance. She also recommends that you add a Condition on the Conditions for the applicant to finish his fence on the east side, because that leaves the neighbor within 350-feet that commented with negative remarks and one of them being "I've asked him to finish his fence". She said that maybe could mitigate some of his concerns. Hedtke added that these are her first variances, so if there's anything the Commission would like to see in future ones to help it make decisions, to let her know.

Commissioner Hoard stated he does appreciate the comment/no comment map because it just specifies it in relation to where the adjacent parcels lay, and thanked Planner Hedtke. Chair McHugh agreed.

Chair opened the hearing to public comment.

Comments received from Sebastian of Junction City.

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

Commissioner Matthews asked staff what the age of the aerial photos are. Planner Hedtke responded 2014, that she had to go out and verify that. Commissioner Stewart stated it seems that putting up a fence would probably go along way towards mitigating the concerns of one person who is within the 350-feet. The way his complaint is written about the robbery, who knows what occurred, it doesn't sound like he was even there during the robbery that occurred. She said she would be inclined to say to put up a fence within a certain period of time and approve the variance, especially given the condition of the property post-fire. It's reasonable that there's no septic or anything on hand, because they are in the process of trying to get the property rebuilt.

Chair McHugh asked do we have a process for requiring a fence on a variance? Commissioners Frasier, Matthews and Hoard said they didn't think so. Commissioner Stewart said we have had other conditions where we put conditions on a variance. Commissioner Frasier said usually you put conditions to be [inaudible], because you have to move it or make it smaller. Commissioner Stewart said she doesn't see any reason we couldn't put a condition on this particular one, this is what's bothering the neighbor, so require him to put up a fence.

Commissioner Frasier stated he wished we had some input from the people involved with this, because this email really doesn't... it's hard to read between the lines because it's all about stuff that doesn't matter, then at the very end he states he opposes it, but doesn't really state the reason why. Good or bad, the 350-feet from the residence was put in there was because if that person opposes it, that was to protect them, and when it was originally done, even if their only reason was they didn't like it, that was reason enough. That's why from the beginning he thinks it was a bad idea to use residential, we should have come up with a property line setback and we haven't done that, so he still thinks if we grant this variance against the neighbors wishes, then we are granting the use of someone else's property.

Commissioner Stewart stated she hopes people don't think she's out of line, she doesn't know either of these people, has no idea about them, but since Mr. _____ had a..., it sounds as though he is a new owner, and she is wondering if there is kind of a dislike of the type of person that it is, well it is Hmong. She said unfortunately it happens a lot.

Commissioner Hoard stated he wanted to comment in terms of conditions. He remembers specifically one item last year, Mr. Chang, somewhere in Hayfork, that we did set a condition in his variance, that was to eliminate a row that was directly in his neighbor's view, so we have before done this, adding conditions to variances, so add the condition that the fence be completed, he doesn't think that would be out of line with some conditions on variances we have before. Now in reading the staff report, he was concerned about the letter presented from Mr. Noble regarding the robbery and some other comments, but in light of a letter we received from Michelle Gargano, explaining or rebutting basically some of the arguments below of medicinal and also in light of Mr. Sebastian's comments out of Junction City, personally he is from Junction City, he is well aware of the area and aware that it was completely scorched. So, he does favor people wanting to revitalize that area and add to the growth, because it was very devastated and it is a tough reality to drive down those roads and to see what very little is left. So, in light of clearing some of the issues that Mr. Mark Noble has, he is in favor of granting this variance.

Commissioner Stewart asked if that is a motion. Commissioner Hoard responded it could be. Commissioner Stewart said because if it is, she would second. Chair McHugh advised you need to put that in the form of a motion.

Commissioner Hoard moved to approve the variance on APN 009-490-20-00 based on the Findings of Fact 1 through 3 and adding an additional Finding No. 4 that that this variance would not be injurious to public welfare or property, and adding the additional Condition No. 5 that applicant shall complete the fence that is adjacent to the property of Mr. Noble or that faces Mr. Nobles residence.

Chair McHugh asked if the motion included setbacks? Commissioner Hoard responded yes, the motion includes setbacks. Chair McHugh asked in the Conditions of Approval. Commissioner Hoard responded yes, in the Conditions of Approval.

Commissioner Hoard moved to approve the variance to allow reduction of the commercial cannabis setbacks from 350 feet to 153 feet from the residence on APN 009-490-21-00. from 350 feet to 210 feet from the residence on APN 009-490-19-00, and from 350 feet to 262 feet from the residence on APN 009-490-24-00, based on Findings of Fact 1 through 3 with the additional Finding No. 4 that the applicant complete the fence that is directly opposite of Mr. Noble's house. Commissioner Stewart seconded the motion.

Commissioner Frasier stated he doesn't know how we can find its non-injurious to the adjacent property owner, he doesn't want it. Be whatever reason that may, the way that our ordinance was written was to protect that property owner if he's within 350 feet of the grow and his saying it's injurious is enough to make it so, so he has a hard time with Finding No. 4.

Chair McHugh called for the vote on the motion. Commissioners Stewart and Hoard-Aye; Commissioners Frasier, Matthews and McHugh-Nay. Motion fails 3 to 2.

7. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-2019-001**
Public Hearing: Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Trinity County Code 17.43.050.A.8], located at 80 Suzy Q Road, Salyer. APN: 008-400-48. Applicant: S. Hill.

Associate Planner Hedtke presented the staff report. She stated this staff report was prepared in the same way. The site had a couple of neighbor comments as well and with that in mind she gave very similar options, but she did want to add that the Commission can add mitigation measures because [inaudible]

greenhouse with carbon filtration could eliminate some of the odor that the neighbors are complaining about. She forgot to add it. She also added that on the Conditions of Approval for all of them, and all of them going forward, she changed Condition 1a to read the application for renewal shall be made preferably at least 60 days in advance, instead of 30, because she believes they have been backed up.

Chair McHugh opened the hearing to public comment.

Comments received from Applicant Shauna Hill and Tyler Thompson.

No further comments, Chair closes public comment period.

Commissioner Stewart stated she respected the fact that the applicant actually came and has given us her version of what's going on. She also wonders why these people didn't complain when the first variance was requested. As has been stated by other people, it just doesn't seem fair when somebody has started a business, if someone were to put in a wheat field or a hog farm, which both have odors, and the neighbors suddenly objected, we wouldn't tell them they had to give up their hog farm.

Inaudible discussion amongst Commissioners.

Chair McHugh said so let me be clear, it's a vacant lot that has objected and it is a vacation home for the Britton's that have objected? Planner Hedtke responded correct. Commissioner Matthews asked require a fence?

Unsolicited comments from a member of the public.

Another member of the public asked if public comment was still open. Chair McHugh responded, no, but go ahead. Comments received from Christian Nagel.

Commissioner Matthews stated he doesn't really think we can just base it on whether it's a vacation home or not, and certainly our precedence has been when there's opposition from adjacent neighbors; he thinks we might have approved one where there was opposition and there were special circumstances.

Commissioner Matthews moved to deny the variance, based on the opposition of the adjacent property owners. Seconded by Commissioner Frasier.

Chair McHugh asked do we need that Finding in there? Counsel Meyer responded you are denying the variance so there is no Finding.

Chair calls for the vote on the motion.

Commissioners Matthews, Frasier and McHugh-Aye; Commissioners Hoard and Stewart-Nay. Motion carries **3 to 2**.

Applicant was informed she could file an Appeal with the Clerk of the Board of Supervisors if she wished, that there is a \$500 fee and that she has 10 days to file an Appeal.

9. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **CCV-2019-005**
Public Hearing: Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Trinity County Code 17.43.050.A.8], located at 940 S Meadow Lane, Hayfork. APN: 017-440-20. Applicant: S. Fogal.

Associate Planner Hedtke presented the staff report. She said Fogal is here tonight. There were comments on the property, she wouldn't necessarily say they were all negative, but there were comments. She said she gave the option to, as referenced in one of the neighbor comments, continue the item until their property sale closes. She said her other recommendation was to approve acknowledging that this is an annual process and the new owner will have the opportunity next year to raise their concerns.

Commissioner Stewart asked so, the gentleman who wrote the letter of concern, his property is already in escrow, or he just has it up for sale? An unidentified member of the public responded that property has actually been under the same owner who wrote the letter for as long as he has owned his property, however she has been leasing it to the person she is planning to sell it to, which has been an ongoing thing for years and whatever their agreement is or isn't, he does not live there, but he in turn, rents to illegal growers and this gentleman feels he's sort-of caught in the middle of this based on this hypothetical sale if it is actually taking place.

Chair McHugh opened the hearing to public comment. He asked the unidentified member of the public if there was anything else he would like to add.

Comments received from Applicant Steve Fogal, Christian Nagel, Justin Hawkins, Sebastian from Junction City and an unidentified member of the public.

Chair closes public comment period.

Commissioner Stewart stated to her, the most important sentence is the last one in the letter from the person who has the concerns, that says "I have no objection to variance on APN 017-440-20-00, I wish my neighbors the best of luck and am actually very happy that they may use and enjoy their property in whichever way they see fit". She said she thinks that is what we should be looking at.

Commissioner Frasier stated he actually has a couple of thoughts regarding this one. His first concern is about the testimony we heard about the neighbor being raided for illegal cultivation. We have in the past, allowed variances where there was obvious cultivation on the neighboring property, that would be something; but at the same time, he's said it before and he will say it again, if it were him doing it, he would move the one green house and remove the need for a variance, rather than go through the variance process, put up the greenhouse, and then the next year have to go through it again. If you do indeed end up with new neighbors that do not like you, you are going to have to remove the greenhouse anyway. So, he would still be inclined to deny the variance on the basis that it isn't necessary. He said looking at the plot, he thinks that it could be made to fit into the property without requiring a variance.

Commissioner Stewart stated they just got done saying that they could, but they would have to do grading. Commissioner Frasier responded grading is not such a terrible thing if it is done properly. Commissioner Stewart said she bet that Mr. Hawkins would not agree that would not be a terrible thing, because it would be affecting his view of the hillside. Commissioner Frasier said one property or the other would be affected. Commissioner Stewart said she would bet Mr. Hawkins has been compliant for a long time. Commissioner Frasier said he has said too, we do have precedence in the past where there's no growing on the property, we've never had anybody have a complaint or a concern, and also be actively growing on the property

Commissioner Stewart moved to approve the variance to allow reduction of the commercial cannabis cultivation setbacks from 350 feet to 251 feet to the residents located on APN 017-440-21-00, based on Findings of Fact 1 through 3, including the additional Finding No. 4 that the granting of the variance is not injurious to the public or to the adjacent property. Seconded by Commissioner Hoard.

Commissioner Stewart stated there are illegal grows all up and down that area and we should not be denying a variance for somebody who is doing everything and has done everything for years that he is supposed to be doing.

Commissioner Matthew stated its agricultural property; we've recently come down and said there wasn't a setback, right, for stacked licenses. Chair McHugh said that hasn't happened yet. Commissioner Matthews agreed it hasn't, but certainly our intent was agricultural property. He said he's supportive of this, given the nature of the property.

Chair McHugh called for the vote. Motion carried unanimously.

10. MATTERS FROM STAFF

11. MATTERS FROM THE COMMISSION

Discussion regarding meeting schedule. Planner Hedtke advised the next meeting will be on April 25, 2019.

Commissioner Stewart advised Associate Planner Hedtke she did an excellent job

12. ADJOURN

The Chair adjourned the meeting at 8:59 p.m.