

**MINUTES**

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**1. CALL TO ORDER**

Chair Mike McHugh Called the meeting to order at 7:00 p.m. Members present: Richard Hoard, Diana Stewart, Graham Matthews, Dan Frasier and Mike McHugh. Staff present: Deputy Director of Planning Leslie Hubbard, Deputy County Counsel Amanda Uhrhammer and Administrative Coordinator Mary Beth Brinkley.

**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 agendaized for a future meeting. No action may be taken on these matters at this meeting.*

Dan Davoudian, Justin Hawkins, Lisa Wright and John Brower.

**3. MINUTES – April 25, 2019 and May 9, 2019.**

Commissioner Hoard moved to approve the Minutes of April 25, 2019 and May 9, 2019, as corrected. Seconded by Commissioner Matthews. Motion carried unanimously.

**OLD BUSINESS** - None

**NEW BUSINESS**

**4. PROPOSED MITIGATED NEG. DEC. AND CANNABIS CONDITIONAL USE PERMITS (CCUP-19-02)**

**P-19-16**

**Public Hearing:** Proposed Mitigated Negative Declaration and Conditional Use Permit for Cannabis Manufacturing, Nursery and Distribution. Located at 3001 Morgan Hill Road, Hayfork. APN 017-430-49. Applicant: Valley of Plenty LLC (Davoudian).

Chair McHugh said before you get in this too far, part of what this item is going to request us to do is to approve an I.S. and the staff report specifically says the I.S. is in the staff report, but he has not seen the I.S. Deputy Director of Planning Hubbard responded when our Administrative Coordinator forwarded the agenda to you there was supposed to be a link to the document. She thinks the document was on the... when you receive your agenda from Ruth there was supposed to be a link in that directly to the document. It's on the Planning Department website, all Initial Studies and CEQA documents are on the Planning Department website. Chair McHugh asked the other Commissioners if they noted that link and did they read the I.S.? They indicated they did not. Chair McHugh stated he doesn't think we can approve an item where we don't have the I.S. Ms. Hubbard responded but it was noticed. Commissioner Stewart said the problem is even if the notice is there, not all of us open up [inaudible] we would make not of the fact that okay, it's here, the documents coming. She said she will look at the agenda and if something strikes her, she will look at that particular item, but she's not looking for links. Ms. Hubbard responded one of the problems with, this is the I.S., now would you still want a hard copy of this or a pdf? What form would you like it? Commissioner Stewart responded it's not just her. Hubbard asked all of you, what form would you like it? Chair McHugh said his preference would be a hard copy so he can study and mark it up and deal with it, but he would go with what the general consensus of the Commission is. Commissioner Stewart said she could deal with a pdf, but it's awfully long [inaudible]. Hubbard said and it was too big

for us to send as a pdf, that's why the link was considered. Commissioner Stewart said she understands that now that she knows, she can be looking for it, but she's not sure that, she's not sure what the value would be, well obviously there's a value to marking it up and really look at it, but that's an awful lot for someone to copy five times and put together and then [inaudible], and this is very unfortunate. Ms. Hubbard said we will provide it in whatever format you want, we just need to know. Chair McHugh asked for opinions from the others. Commissioner Hoard said he does enjoy hard copies so he can mark them up, but judging by the size of that; perhaps one solution would be to specify, or to clarify, if something is attached or there is a link, to make sure that it... Commissioner Stewart said somehow to really let us know. Commissioner Hoard said like bold letters "attached is a link, please visit this, or if you would like a hard copy to let us know", just some kind of mechanism for us to be 100% aware that an item or a document is there or accessible to us. Commissioner Stewart said this is something that happened a lot, in fact she's not sure it's ever happened. Commissioner Hoard said it happened at our last meeting. Commissioner Stewart said right, but that was the first time. Ms. Hubbard said if the link doesn't work, we can give you hard copies. If the document is small enough, we can attach it as a pdf it, but in this case we couldn't pdf it. Chair McHugh said his inclination continues, none of the Commission has studied the document. Ms. Hubbard said for future reference all CEQA documents that appear before you will be on the Planning Department website, they always have been, that's just standard operating procedure, and she did mention at the last meeting. Commissioner Stewart said she remembers here mentioning that, but somehow it did not seem to her that she needed to be looking for a link.

Chair McHugh said Commissioners it seems like there is a purpose in continuing this [inaudible]. Commissioner Matthews said he guessed we can discuss that, this happened at our last meeting. Chair McHugh asked what did we do last meeting? Commissioner Matthews said we still took action, because basically we came to the conclusion that the summarization of the document within the staff report highlighted all of the things that needed to be mitigated, all of the impacts were mitigated. He said obviously it didn't include the entire document, but it was highlighted in the document, so we felt that there was enough information there to proceed. Commissioner Stewart said she personally would like to continue on, not to continue this item, but to proceed with discussion of this item. Chair McHugh said he would like that as a motion, he'd like the Commission to vote that is the way we are going to operate. Commissioner Matthews asked should we ask for clarification from counsel? Chair McHugh responded it won't hurt. Commissioner Matthews said we can see if anything that we, if we broke the rules last month, we should know that.

Counsel Uhrhammer said she does think it is a directional issue to be taking action on this item, you have a summary of it certainly in the staff report, she can't tell you how that purports to the actual document or not because she hasn't seen the document itself. She doesn't think there is any harm in hearing it, but taking action on it, she thinks the best practice would be to have the document and at least take a look at it [inaudible]. Chair McHugh said he finds it very awkward to take action approving the CEQA document, recommending to the Board that they accept it, hopefully they will read it, we haven't read it, with all due respect to staff. Commissioner Matthews said counsel did suggest, since people have traveled here for the hearing, so we conduct the hearing, unless there is an option you see as Chair that we could... Chair McHugh said he believes we can have the hearing since it was noticed as a hearing, when we reach the end we have to think long and hard about taking action on it. Commissioner Matthews said there are a number of different actions, correct? Chair McHugh responded there are a number of elements in the [inaudible] a single motion to approve all kinds of things, there's three different conditions he believes, rezone and CEQA document. Commissioner Matthews said and it all depends on the CEQA document. Chair McHugh said okay why don't we continue with the public hearing, see how far we can get tonight, folks are here to talk about it, and asked Deputy Director to proceed with the staff report.

Deputy Director Hubbard presented the staff report. She advised the applicant is here tonight, as is his consultant, so he may be able answer any more in-depth questions you might have regarding the staff report that she doesn't address. She said this is a rezone of an Ag parcel, it's a 30-acre parcel, it's zoned

Agriculture 10-acre minimum to SUD. The reason for that is it will still have an Ag function, but he would like to not almost fully vertically integrate several different cannabis activities. He would like to have a nursery, in the future if code changes, he would like to accommodate a larger cultivation site than he currently has. He would like a distribution facility and manufacturing, and the main reason for the rezone is he would like to do Type 7, or volatile manufacturing. On Ag right now, yes, he can do non-volatile manufacturing, but he is proposing to volatile manufacturing, and he's proposing to do that in a couple of steel buildings, those are on the site map. She said there was a kind of difficult to read project site map in the staff report, so she did print some more at a larger scale if you would like to look at those, they show clearly where the floodplain is on the property. Quite a bit of the property is in the floodplain, the manufacturing that he is proposing is outside the floodplain, to clarify an Elevation Certificate that he had prepared back in 2015. An Initial Study and Mitigated Negative Declaration were prepared for the project, that can be found on line. She said we received one letter from Fish & Wildlife through the Clearinghouse and they had several comments, basically four different comments that they made that are addressed in the staff report. If you have additional questions about those, please let us know. The property has a pretty extensive history of permitted buildings, what you see on the site map, all the structures on the site map, with the exception of one that's currently in process, have been permitted. She said she didn't count them up, but there's probably 15 buildings on the property. Access to the property is via Morgan Hill Road; adjacent land uses to the North and to the South are Agriculture, to the West there is the old Mill Site, it is Industrial. She said his proposal to change to a SUD, like she said is really geared to accommodate a full cannabis facility with a number of different uses.

Commissioner Stewart stated she would just like to say that she has visited the site twice and on thing she thinks would be important to note is that even though it appears on some of the maps the entire site is in the floodplain, that the project area is about almost sixteen feet above the floodplain, so flooding would not be an issue and she would like to see that [inaudible].

Chair McHugh said he had a question, you mentioned about accommodating additional activities if the code changes, so to piece out what actually is going to be done if the code doesn't change, in other words where we are starting, it's a 10,000 sq. ft. cultivation area today, the conditional use permit for manufacturing, distribution and not the nursery, or a nursery as well? Ms. Hubbard responded and nursery. Chair McHugh asked does the nursery fit within the total canopy on the property, along with cultivation under the current Ordinance? Ms. Hubbard responded well, they're separate, currently he has 10,000 sq. ft. of canopy for his normal cultivation, will remain where it is, and then adding a nursery to that. Chair McHugh asked is that two separate premises? Hubbard responded yes they have to be. Chair McHugh said okay so all of the discussion about the larger cultivation area and lots more greenhouses moving onto the site, it depends on code changes in the future. Ms. Hubbard responded correct. Chair McHugh said peak into future plans. Ms. Hubbard responded correct, but since he was doing an evaluation and he knows he wants to do that, he didn't want a future piecemealing situation, even though he can't do it now, it was included in the evaluation

Chair McHugh opens the hearing to public comment.

Comments received from Applicant Daniel Davoudian, Consultant Charlie Simpson the owner and principle of Basecamp Environmental, Daniel who is a partner in the Hayfork project, Michael Ruth, Gabe Cardullo, Terry Mines, an unidentified man who will be doing the extraction at the facility if approved, Chris Wire, Justin Hawkins, Tom Ballanco, Micha Carbula and John Brower.

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

Commissioner Stewart said she's wondering if we're going to be continuing it because we have not seen the Initial Study, if we want to go on with our comments, or if we want to... it seems to her we're at a decision point right now [inaudible] and she doesn't know that she wants to make comments, if we're going to be

continuing it, she would rather wait to make comments. Commissioner Frasier said he would like to ask Counsel to answer Mr. Ballanco's statement about the zoning notice. Counsel Uhrhammer responded the Rezone is not agendized, the CUP and Mitigated Neg. Dec. are agendized. Commissioner Frasier asked so we wouldn't be rezoning to SUD? Counsel Uhrhammer responded that's correct, not tonight. Commissioner Stewart stated so we would have to continue it in any case. Chair McHugh said [inaudible] requires a rezone, so we can't issue that CUP.

Commissioner Frasier moved to continue the item to the next available meeting so it can be properly agendized and we can see the environmental document, and be noticed. Seconded by Commissioner Stewart. Motion carried unanimously.

Chair McHugh said since you have to renounce anyway, it's not necessary to set the date right now, that would avoid renouncing which you have to renounce

5. **PROPOSED AMENDMENT TO ZONING ORDINANCE FOR A MORATORIUM ON MASS GRADING**

**PW-19-01**

**Public Hearing:** Proposed Amendment to Zoning Ordinance No. 315 for a Moratorium on Mass Grading in Trinity County. Located county-wide. Applicant: Trinity County Planning.

Department of Transportation, Environmental Compliance Specialist, David Colebeck, presented the staff report. He said he wanted to point out one quick thing, that it isn't a moratorium, it is a restriction on mass grading under Ordinance No. 1347. He said the item went to the Board and was approved on April 2, 2019 at the second reading and became effective on May 17<sup>th</sup>, but a conditional approval was that he bring the item back to the Planning Commission for four specific changes. The Ordinance was approved, but they requested a recommendation from the Planning Commission on what you see in Background. He said under A. Agricultural grading exemption (O.) - they wanted clarification on that language; they wanted modification of the timeline for response by the County after receipt of an application; they wanted removal of specific language in Section 5; and to clarify emergency work section. He said staff has also included some other changes that we felt were necessary. He said at the Commission's pleasure he would be happy to talk about each of those items that the Board requested to be changed, or whichever you would like to do. Chair McHugh said it's his preference that he just go through it.

Mrs. Colebeck said the first item in Section 1.4, Agricultural Grading, a particular Board Member asked that that be clarified. There was some discussion about, some clarification about the idea if you're grading an existing hay field, over time that can actually change the topography of the ground. Where the condition here was that you should not be grading more or less than 2 feet deeper or above the natural contour of the ground, and the different types of equipment that could be used during a typical agricultural activity, grading, [inaudible], moldboard plows. He said he added some language here that describes what he meant by grading on agricultural land; so, you can see here the changes are underlined and in italics, any redactions or anything that was taken out is struck-through. He said his intent was to satisfy that Board member's concern about the specific restrictions on agricultural land and what is and is not exempt, so everything you are reading there would be considered exempt. Chair McHugh said the original language is one, four, voluntary [inaudible] grading projects exempt from agricultural grading, that he sees that that, the end of A and the start of B, that that. Colebeck responded thank you.

Chair asked if the other Commissioners had any thoughts on clarifying the exemptions. Commissioner Stewart said it made sense to her when she read it and the others agreed.

Mr. Colebeck said the second item, halfway down Page 2, Time Limits on the Ordinance, that is related to another specific request by a Board Member. He said he tried to add some reasons for and against in those two paragraphs at the top of that section and following that is the actual language modification. Simply

put, 30 days was the original language that you saw, that if the County were to receive an application, we would respond within 30 days of the approval or denial of the application, if we did not then the application would be deemed complete and the permit would be issued. Again, that's meant to keep things moving, of course. Colebeck said the request was to change that to 21 days, specifically because of the nature of contractor work, needing to generate income, needing to generate projects, almost on the fly is one way to put it, during the summer months, during the construction season, you need to mobilize and demobilize, in a fairly complicated and difficult dance often times, so the request was to make sure the County permit process would not slow them down. They didn't want equipment hanging out in the field waiting for the County to provide a permit. He said he very much understands that, that he has worked with contractors and been in that situation where timelines are very tight and logistics are very difficult. On the other side, for the County though, the intent of that 30 days is a sufficient amount of time for us to get through a permit for approval, our workloads don't require that, but it definitely would make things easier for us in terms of processing. And part of the original intent of drafting this Ordinance, was that a Director's Use Permit was requesting the same information that a contractor or a land owner would need anyway to apply for other permits, such as Fish & Wildlife or Water Board, or any of those types of details in terms of project description, maps and material volumes, all that. So, the idea was, this was a similar process, they should already have the materials, they should have already planned ahead, they should maybe plan in those winter months and have things ready to go in the summer months, regardless of their specific schedule of [inaudible]. That was the intent, but [inaudible] 21 days. He said on Page 3, that is where you will see those changes.

Chair McHugh said so this reduces from 30 to 21 days the time within which the County's response to the applicant? Colebeck responded correct. Chair McHugh asked and you are proposing that the County is okay with this? Colebeck responded this was a condition of approval by the Board, they wanted the recommendation to come the Planning Commission. Chair McHugh asked does the County have a recommendation, does the staff have a recommendation? Commissioner Stewart said it sounds like a recommendation. Colebeck responded he would like it to remain at 30, he's not sure if you would like to speak to it, but he believes the intent of putting together your permit before you do the work is valid and understanding that changes the shift, the flow of work for any particular contractor to change that mode of work that has been existing in this county for a long time, that work is done on the fly, or there isn't sufficient planning or documentation to show what is being done is the intent of this Ordinance. He said he would recommend 30 days, but he does not want to contradict a Board Member. Commissioner Hoard asked if this was calendar days, correct or working days? Colebeck responded yes, calendar days. Commissioner Stewart said she personally thinks 30 days is reasonable, or we could put 21 working days, that would give them even more time, but she thinks just because the County traditionally has not done a lot of preplanning and getting things organized ahead of time, doesn't mean that they shouldn't start doing it. Commissioner Matthews said it's a big change, it could change to the culture of the equipment operator in the county, it's not a trivial thing. Commissioner Stewart responded and she recognizes that, she was just stating her thoughts, and she understands that they want to get jobs done so they can move on to the next job. Commissioner Matthews said you have to remember, we haven't had a grading ordinance so very few plans have been drawn, or engineered, or any of that stuff [inaudible] building pad, or whatever, this is a large change. Commissioner Stewart said she recognizes that, but if it's going to end up that the Planning Department is going to need 30 days, we should do that at the beginning and not have delays based on the fact that they can't get the approvals out. Commissioner Matthews said the key here is whether or not they get a complete package, an application with sufficient information at the beginning. It's relatively easy to review an application and say there's not enough information here, and they are basically saying provide this, this and this, so that would be relatively easy to do within 21 days. Get out to the site and familiarize yourself [inaudible] plan, when you've got dozens of these maybe, what kind of workload [inaudible]. Mr. Colebeck responded he would be happy to give an overview of what [inaudible] so far as a place to start. Commissioner Matthews said we've been in operation here for two weeks or a month. Mr. Colebeck responded since May 17<sup>th</sup>. The day after the Ordinance came into effect, we sent out four notice letters requesting right of entry in order to look at grading operations that appeared to be over the threshold, at that

point we talked to all of those individuals and were satisfied that they were putting erosion controls in place. Our interpretation of the Ordinance when it was going to start at the time of enactment was that even if heavy equipment was off-site, but there were no obvious soil erosion controls in place, that the project would still be considered to be active. So those were the letters that we sent out. Colebeck stated he's had conversations with some engineers that had called with some detailed questions about how the Grading Ordinance was going to affect any particular project that they going. At that point we talked to several cannabis consultants who had similar questions about when it would apply and when it would not. We've had conversations about clarification and operators that called with the same intent, he's been receiving complaints, so four, four total additional complaints that have not yet been investigated. Commissioner Matthews asked if they were complaints about grading without the proper... Colebeck responded yes about grading. He said would require following procedure here, requesting right of entry to determine whether the thresholds have been met or not, and again, that would apply even if the equipment was off-site if there was no obvious sediment control, erosion, BMPs in place. One of those complaints was through the on-line system. The four additional complaints that have come through, not complaints, but sites have come to our attention from staff or agencies/individuals. He has done one plan check for whether or not they would apply, the Ordinance would apply and he believes that is described at the end of the staff report and in one conversation [inaudible], so we are talking 12 to 15 interactions. Commissioner Matthews asked that's not on a single application? Colebeck responded not a single application. So, it's early in the process, we're rolling it out. To speak to those four notice letters, he was not intending to issue violations off the bat, he was looking for collaboration that they were going to put sediment controls in place and need photographic evidence that was true; so that's a small bit of background. Mr. Colebeck said to your question about what do we expect, he expects over the next several months it will continue on the same with us looking at potential violations and essentially getting the word out to individual contractors, equipment operators and individual landowners that the Ordinance is in effect and it needs to be abided by. Commissioner Matthews asked you expect there's grading going on in the County? Colebeck responded yes. He said understand this is a complaint driven Ordinance at this point.

Chair McHugh asked the Commission what's your pleasure on the recommendation? Commissioner Matthews responded he would like to see a shorter timeframe, just in general, trying to be as responsive as we can, but if we learn that the workload is such that it can't be done, we might have to change that. Chair McHugh said he thinks we've gone beyond just interacting with staff because we're going to have to have public comment on all of it. He said okay now we understand the issue, let's go on to emergency work.

Mr. Colebeck said he is going to point to the top of Page 3, that struck-through paragraph there, was also a request of the Board, suggesting that there are no further intentions at this time to develop a grading program, another grading ordinance.

Mr. Colebeck stated Emergency Work, they requested some clarification; it was kind of two-fold, one Supervisor suggested that the language was too lenient for the landowner who could do excessive grading in an emergency, and others suggested maybe it needed to be more specific. It was stemming from a conversation, he believes, raised by the Commissioners here that individuals with heavy equipment are often called out on emergencies, and they were just requesting some kind of clarification. He said he's hopeful that that language, those conditions, are sufficient to satisfy the Supervisors, but again, it's the Commission's recommendation. So, then staff language clarification is included at the bottom of Page 3, Exemptions, those first three were simplified into just one bullet point which is the basis of the Ordinance itself. If you have a Conditional Use Permit or a Director's Use Permit, you are exempt from the restriction on mass grading, you are allowed to conduct mass grading with those permits.

Mr. Colebeck stated an additional discussion topic is he's had discussions with CalFire about 3-Acre or Less Conversions. He received calls from CalFire and Fish and Wildlife to clarify comments made to the supervisors in one of those meetings, he believes the first one, that you are not exempt from this if you have a 3-Acre or Less Conversion, in other words, if you are approved by CalFire to convert your land, you

still need to abide by the Grading Ordinance if you are conducting grading beyond what is allowable under that conversion exemption. They have very specific things that they will allow, that are under the California Forest Practice Rules, including a landing of a certain size or cutting roads for a certain purpose that are not intended to be permitted or will be decommissioned in some fashion or another, the application of an erosion control plan is very similar idea to what we're doing, but they will allow some cross slope road development and again, landings for the purpose of removing the merchantable timber; however, if those stumps are being pulled out with a piece of heavy equipment or roads are being graded more extensively than just the removal of those trees, that is not an allowable practice and the Grading Ordinance would, typically he assumes, would apply. He said he just wanted to clarify that to the Commissioners. Also, with one particular plan that was brought to us that was a remediation, it was a plan to fix a few creeks that had been cited for violations by State agencies, he allowed that to go through without applying the Grading Ordinance because of specific exemptions, that (1) it was an existing road and the details of the plan don't matter for an existing road, but also that because they are going through a State agency, they were applying CEQA, they were adopting, the letters have changed now, but Exemption F, they were being covered under CEQA by a State agency for that project, and we're considering whether that is appropriate, that we would allow a project to go forward if another State agency is taking the lead on it. That may or may not be the original idea of this, but it seemed appropriate at the time. Feel free to comment on that.

Mr. Colebeck said and lastly, culvert replacement, this wasn't intended to cover culvert replacement, that again, would be covered by a number of other agencies, that would be applying conditions to those projects, that he doesn't perceive that we would be putting grading restrictions on that type of activity. He said he does have other things to talk about, but he feels he talks too much.

Chair McHugh opened the hearing to public comment.

Comments received from John Brower, Justin Hawkins, Veronica Kelly-Albiez, Tom Ballanco and Dero Forslund,

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

Chair McHugh said we'll walk through them again and asked if anyone had any more thoughts on agriculture grading exemption language on Page 2, Section 1.4, Paragraph M, anything come to mind after that comment? How about the time limit, the topic of the day? Well, first of all, how about striking that struck paragraph, any thoughts on that one? He said it seems pretty simple, the Board doesn't want that one, because they're not sure there will be another ordinance. Commissioner Matthews said and that was part of the justification for the moratorium originally and we had Director Tippett tell us it was going to be such a complicated process to develop a grading ordinance, that it was going to take a long time, but we need to do this now. He said he's a little bit confused about what the direction is. Commissioner Stewart said that's right, that she remembers that. Commissioner Matthews said he made a big point of it. Commissioner Stewart said exactly, and that we need to get this done and then there would be a further, more detailed ordinance later. Commissioner Matthews said but it was going to take a long time. Commissioner Stewart agreed. Chair McHugh said that's short of an urgency ordinance whereas the statute covers the time limits running on them, this doesn't really commit anything and he thinks it's probably superfluous [inaudible], that would be his understanding of it.

Chair McHugh said how about the 21 vs. 30 vs. some other number? Commissioner Hoard said he's kind of confused on the Conditional Permit and the Director's Permit, like is any of this going to come before the Commission as a Conditional Use Permit? Is there a need for that? And then if there is a need, where is the threshold that specifies what is a Director's Use Permit and what would come before the Commission? And then furthermore, if it's a Conditional, 21 vs. 30 days? Commissioner Hoard said he thinks the Conditional Use Permit and the Director's Use Permit are for other, if you're getting a Conditional Use Permit say for your cultivation site, then the grading part would have already been looked

at by staff, so then you wouldn't need to get a grading permit. Mr. Colebeck said it would be a pretty unusual situation he thinks where a Conditional Use Permit would be required specifically for a grading when another exemption would apply, some other agency, utility work, he would have to think about how far that would come into play; but the idea of a Director's Use Permit, we built in the Conditional and Director's Use because of the scale of a potential project. If it's particularly large it's going to have more significant environmental impacts where a Conditional Use Permit would make sense, so we did want to include that, he would think more closely, Director's Use Permit.

Chair McHugh said the 300 meets the timeline, the Director can only kick a Director's Use Permit to the Commission because he doesn't want to make that particular decision, so that can happen. If that turns it into a Conditional Use Permit that's great, but that's not going to happen in 21 days, you're not going to get it noticed and on our agenda and all that in 21 days, so he doesn't see if it is a CUP how it meets the Ordinance timeline, 21 day period, he doesn't think it can meet the 30 day period. Mr. Colebeck said that's a fine question, again he would think generally if you are getting a Conditional Use Permit you are going through another process and you would not be applying for it; if, however, you did, then you could apply for it later on. So, going through the Conditional Use Permit and then you would deal with any particular grading issues down the line that's closer to that application deadline. He's not sure exactly how to deal with that. Chair McHugh said he's not sure how that would work, he can't even envision a situation where that would come up, he's not sure it hurts to have it in there, except that it ties our hands, we'll never make the 21 day and have it be an automatic approval. Colebeck said [inaudible] a Conditional Use Permit for grading. Chair McHugh said it says a "Grading CUP or CUP Permit Application" and asked what is a Grading CUP Application? Commissioner Frasier said he would say the easiest way to clean that up would be to get rid of the DUP and CUP and just be a Grading Permit Application, because a CUP, you're not going to need a Grading Permit if you're getting a CUP. Commissioner Matthews said that's a point of condition, wouldn't it be a Conditional CUP? [inaudible] Grading Permit, it has to be addressed somehow. Commissioner Frasier said grading would be addressed in any CUP because... Commissioner Stewart said because they're doing something else. Commissioner Frasier said yeah and we already address grading in CUPs without the Grading Ordinance many times, there's erosion control measures and all that in all your CUPs. Chair McHugh said he thinks that's the exemption at the bottom of Page 3, a project that grades a volume over the threshold that obtains a CUP or DUP is an exempt project, because that permit process will cover the grading, which brings us back to [inaudible]. He said if we delete the reference to DUPs and CUPs and just reference Grading Permit, is that consistent with the way the process starts slow. Mr. Colebeck responded we wanted to house it in an existing permit process, so we chose the Director's Use Permit process. Commissioner Stewart said yeah, but can we just eliminate CUP, because you don't want to have CUP there, because there's no way you can get the CUP [inaudible] within 21 days.

John Brower asked the Chair to open public comment again because he had something to add. Chair McHugh told him to just ask. Mr. Brower said both yourselves and the Supervisors never granted authority for Director's Use or Conditional Use Permits regarding this, it's a ministerial permit. So, he thinks we're talking about a ministerial permit, and some confusion about if a Grading Permit through ministerial means can have an exemption if it's part of a Director's Use or Conditional Use Permit project. This is a ministerial permit as currently approved. Chair McHugh said that makes him want to just delete DUP and CUP reference in here because they've already said if you go through a DUP or CUP, you're exempt because those processes will cover the grading requirement. [inaudible] ministerial or any other kind of action, you have to get a Grading Permit and then the timing for it [inaudible]. Mr. Colebeck said he was sorry and asked how would exemption A read then, you're going to strike Conditional Use or...? Chair McHugh responded no, exemption A would stay the same; it's the reference to 21 days would drop the reference to DUP or CUP. Section 1.5 is where we dropped that and we leave the exemption for... Commissioner Frasier said and then after all that, we still haven't come up with the number of days. Chair McHugh said we still need to decide the number of days, but CUP was jumping out [inaudible].

Commissioner Matthews asked Mr. Colebeck if he could expand a little bit, when you said you wanted to



do it within the framework of an existing process, why you chose a DUP and not a CUP? Mr. Colebeck responded the intent of the process is that an applicant would drop off a standard DUP Application at the Planning Department that would include project description, location map, neighbors, all that stuff, which is a standard permit with a standard fee schedule, so we wanted to fold it into that because it's an established process. At that point that Application would be delivered to the Department of Transportation for review, because that's basically where the engineers are housed, in the operations division, and recommendation for approval of that permit would happen in that house and then go back to the Planning Department. So, there's meant to be some give and take, but it was through a standard route of following the subdivision or map revisions, lot line adjustments or other types of permits that require routing through other departments. That was our intent, so instead of creating a new ministerial permit process, we wish to use the Director's Use Permit process. Commissioner Matthews asked so where does the CUP come in to that, was there a threshold? Colebeck responded that was part of a discretionary threshold where the Director would apply a requirement for a CUP if a project was large enough and potential environmental impacts were large enough that it was warranted. Chair McHugh said in some sense though it's not a Use Permit as contemplated by the Zoning Ordinance, right? It's not a use in that sense, subject to zoning, you know. The Grading Ordinance, it's like a Building Permit, it's more like a Building Permit which has a ministerial process, right, it gets routed? Colebeck responded correct. Chair McHugh said he didn't think we should try to adhere to a DUP Permit, he thinks it's a Grading Permit, if you can figure out what that is. He said if you really need the Ordinance to say it's a ministerial or it's something else, then they can fix that at the Board when counsel looks at this and says we would like the Board to say it's that kind of permit. But because a zoning Use Permit doesn't seem to be what it is, it's not a Director's Use Permit in essence, all the other ones that we've seen, that come by, are Director's Use Permits [inaudible] the use of the property, it's not an alteration like a Building Permit [inaudible]. He asked Mr. Colebeck if that made sense to him, that he didn't want to force something [inaudible]. Mr. Colebeck responded yes, he can review the video too [inaudible].

Commissioner Stewart said the other way you could fix it besides removing DUP or CUP would be simply to add a phrase after, remove the "or" and put "request for information or referred to Planning Commission". Chair McHugh said then you're not going to fall under that 21 days. Commissioner Stewart replied she knows, but they will have taken their action within 21 days, and that's all that they are required to do, is take an action. Commissioner Frasier said he really doesn't think reviewing grading falls under the purview of the Planning Commission, he doesn't think he's qualified. Chair McHugh said unless it triggers a CEQA, unless it's a really big deal, then you are into a bigger permit land, but if this is like cutting in a roadway and you need the Director to sign off on it, because it's gotten routed and he approved it, a Use Permit. Commissioner Stewart said they just got done saying that it would be, the only ones that would be referred to the Planning Commission, would be those that went over what they felt the reasonable threshold was for CEQA and if they need to have that ability to move it up a step, then they should have that. Commissioner Matthews said the point is, there just aren't going to be any projects that are just grading projects, we're always going to have some other development, some other use, he means the grading is just a means to an end, right? Commissioner Stewart said well she would like to hear if staff has any thoughts.

Deputy Director Hubbard said so, once again, like with a Director's Use Permit, part of what we found with cannabis is that when a new license or permit type comes in the door, if we don't have a structure for handling it right from the beginning, then it's very difficult to deal with that project once it's in motion and change the process. So, the Director's Use Permit, we have a routing process already in place for that, we have a fee structure for it, it seems like we were anticipating that a Grading Permit would require a similar level of effort for us to evaluate as a Director's Use Permit, with the exception of the County engineer or other engineering staff at DOT reviewing them with a little more effort than your standard Director's Use Permit. Your standard Director's Use Permit is like an RV parked on the site for a year while somebody is building their home. Chair McHugh said the thing is that the Director's Use Permit is a discretionary decision, right, a Grading Permit is if I meet the requirement, I get to grade, that's a ministerial... Hubbard

responded that she understood his point earlier, she was just trying letting them know why they chose that structure. Chair McHugh said it seems to him you could follow the Director's Use Permit process, but it's not a discretionary thing, it just gets the routing done, then at the end of the day the Director signs it and says yeah it was properly done, if he needs to, but unless [inaudible] point wrong that's not the way... Hubbard said no, and she understands his point, she thinks it's something to go to the Board and they should make a decision, then if it's a new permit type they should decide on a fee, an appropriate fee. Chair McHugh responded that's something they definitely should do. Hubbard said we tried to figure something that was already built. Commissioner Matthews asked do neighbors get notice? Ms. Hubbard responded yes, under a Director's Use Permit we do. Commissioner Matthews said but they don't on a Building Permit. Ms. Hubbard responded correct. Chair McHugh said let's back up, the intent of this Ordinance is to capture the environmental problems and head them off, in that sense, it's a Building Permit. You've got to build to code, your plans have to be plan checked and you have to build to code, you have to grade to code, you have to meet all the requirements; but this isn't a neighbor thing, it isn't a discretionary thing where if it doesn't fit in the neighborhood we should do it, it's like it can't pollute the stream, it can't meet... you know. If you put the DUP term in there, it makes it sound like its discretion and the neighborhood would be factored in, etc. etc. Commissioner Matthews said grading has a potential to create all sorts of issues. Commissioner Stewart agreed. Chair McHugh said so does a big building. Commissioner Stewart said yeah, but if they take off the top of a hill that [inaudible]. Chair McHugh said you want to not do that by the hill, right, that one was made very clear to him in a past life. Commissioner Stewart said and it affects your neighbors. Chair McHugh said of course it affects the neighbors, that's not the point, the point is on a discretionary thing like that, he's not against noticing the neighbors, he's saying it affects how these permits are issued. Commissioner Frasier said [inaudible]. Chair McHugh said we're beating this to death. Commissioner Matthews said that's one of the things that takes time, is if you are going to get in touch with the neighbors, then you have to mail out notices and you can't possibly do it in 14 days, you probably can't even do it in 21. Chair McHugh said he's sure they can't. Commissioner Matthews said at least if you're expecting to give notice you want more than a day for them to get back to you, or something like that. Commissioner Frasier said he thinks if we start requiring neighbor feedback for every grading project in Trinity County, we'll never move dirt again, not legally, because if it is like a Building Permit, there has to be guidelines and they have to be followed. You can't have everybody have their say and then decide differently on every project, it would never work. Commissioner Stewart said I don't like the color pink my neighbor painted his house. Chair McHugh said exactly. Commissioner Matthews said so we definitely need to remove anything with a Use Permit. Chair McHugh said yes, thank you.

Commissioner Frasier said and then we have to get back to the number of days. Commissioner Matthews asked if it's a ministerial permit, what would be the normal routing process timeframe on a Building Permit, it doesn't have to go to the Board, but the Planning Department, is it any different? Deputy Director Hubbard responded well, a Building Permit, it depends on the complexity of the project for one thing, you know, generally speaking, the permit comes in, it gets routed to all other departments. Commissioner Matthews said he's submitted Building Permits and he's gotten a call that it was ready within five days. Hubbard responded again, it depends on the quality of material that comes in, they get routed to other departments and there is a plan check day, the Building Official pretty much dedicates one day a week to do the plan checks. She said how this process works in DOT, we're anticipating that their workload can handle it, but turn around time she would think [inaudible] from all departments. Commissioner Matthews said so for 14 then. Chair McHugh said [inaudible] makes 21 sound [inaudible] which is what the Board wants. Commissioner Frasier said he would agree with that, 21 should be fine. Commissioner Matthews said he tried. Chair McHugh asked do we have consensus on 21 days and striking DUP and CUP references in that paragraph? Commissioner Hoard asked if that was 21 calendar days. Chair McHugh agreed, stating we can add that word, calendar days. Commissioner Matthews said Grading Permit. Mr. Colebeck asked striking DUP and CUP in that specific paragraph? Chair McHugh responded yes. Colebeck said there are other locations by the way where Director's Use Permit is included, including that Emergency Work section. Chair McHugh said well let's go back to Emergency Work, so perhaps that

should say Grading Permit? Commissioner Matthews asked any Director's Use be replaced with Grading? Chair McHugh said yes, and you might start capitalizing Grading. He said okay the rest of those Director's references in that paragraph are to be convinced that it is in fact an emergency, he thinks that's appropriate; but the reference to the Director's Use Permit should be Grading under Section 1.9. Mr. Colebeck replied he understood. Chair McHugh asked if there was concurrence on that. The other Commissioners responded in the affirmative. Chair McHugh said on the exemption form, staff rewrote the exemptions to consolidate all that in one paragraph at the bottom of Page 3. It's an italicized paragraph.

Chair McHugh said in additional discussion topics there were comments from the audience about limiting the State agencies to CalFire, Fish and Wildlife. He said he kind of likes that idea personally. Commissioner Matthews asked you kind of like that idea? He said he thinks that sends a bad message himself. Chair McHugh asked how so? Commissioner Matthews said if you were an employee of another agency you would feel discriminated against.

Mr. Colebeck asked if he could speak to that. Chair responded please do. Colebeck said for one, permits, it's not just the Stormwater Pollution Prevention Plans that was mentioned that would apply for the Water Board, but also for one permit, but potentially for permits with the Army Corps of Engineers, and if the intention of the comment was that CalFire Conversion Exemption would be exempt, and he doesn't agree with that, he doesn't think that [inaudible] make that clear. CalFire really would not have a lot to say about grading operations, unless there was an exemption in place, but calling them out specifically could potentially muddy the water, [inaudible] CalFire and whether or not there's a 3-Acre Conversion on that one. Commissioner Frasier said CalFire would also be involved if you've got a THP on the property, which would lead to grading that would be over the threshold. Colebeck said very true, yes and those are specifically exempt, they were called out specifically. Chair McHugh asked to our forest permit? Colebeck responded correct.

Chair McHugh asked was there was anything else under additional discussion topics? Commissioner Matthews responded we didn't reach a conclusion though, did we? Chair McHugh asked was there any action to be taken? Commissioner Frasier said he actually would like clarification on the 3-Acre Conversion discussion, where you specifically said digging stumps, in some cases that might be part of the 3-Acre Conversion, then would it be exempt, or are you only talking about stuff that occurs after the 3-Acre Conversion is done? Colebeck responded anything that CalFire would allow under the conversion exemption should be allowed, it is abiding by the California Forest Practice Rules and it is a written exemption under CEQA, conversion less than 3 acres, that should all be okay. If stumps are part of that as determined by CalFire staff, such as your digging a landing or skidding road, or whatever that may be, that is appropriate. He said what he is trying to avoid is the idea of going through, for whatever bona fide intent was stated for the conversion, and expanding that into something that doesn't meet that intent, such as doing a fuel break, you are moving merchantable timber and then removing all the stumps with heavy equipment, that is not necessary for a fuel break. So, the intent doesn't meet up with what CalFire understood in their paperwork, the intent becomes something different and he believes the Grading Ordinance should apply in that situation. If CalFire determines that conversion is for another purpose and we look at that project and we concur, then he thinks the Grading Ordinance should apply. If the homeowner has any confusion about what they are doing, then they should contact CalFire, or they should be contacting us to verify before their activity whether or not this ordinance would apply. Commissioner Frasier said he just wanted to clarify that because one of the exemptions you can get for a 3-Acre Conversion is to convert from forest to agriculture, which requires digging all the stumps. Mr. Colebeck said again, that would be a bona fide intent, unless it contradicts Planning Department policy if the agricultural practice is for cannabis specifically; you could do another agricultural purpose yes, but if it's specifically cannabis, there are feelers in place in the Planning Department.

Chair McHugh asked is there any further discussion about the discussion topics? Mr. Colebeck stated that he did want to add if he could, something that he just came up with today quite honestly, was the idea of,

and of course, this is subject to interpretation from the Commission or recommendation, for how this should be applied; if an individual is depositing spoils from off-site onto their property, non-native material onto a location that would be greater than the threshold here, described here, his intent is that, that is a grading practice, it's the definition [inaudible], if it's outside of a mining operation or any other exemption, and asked if he was correct. Commissioner Matthews asked besides a filter on it and they start piling it up and it's more than two feet above existing grade? Colebeck responded that would only be an agricultural exemption if it was greater than 800 cubic yards or more than 10,000 square feet, then he interprets that as a grading activity, even if the material specifically came from off-site. He said if you look towards the definitions of grading in Whereas 2 and Whereas 3 and also... Commissioner Stewart said grading and filling or a combination thereof... Chair McHugh stated it does say "Whereas grading is defined as filling", does that answer the question? Colebeck responded he didn't want to get into a grey area here, so he is preemptively asking for your interpretation of it; if you look under Section 2.A also, the restriction of how this ordinance applies, it is Affects, contains, involves or consists of a volume of graded material greater than 800 cubic yards, whether its contiguous or noncontiguous". He said he did not say spoils specifically. Chair McHugh said well the other thing is [inaudible] is that the Whereas defines grading, but the ordinance doesn't; or Ordinance 326, which starts right above Section 1, below that, the definition of grading doesn't appear. Mr. Colebeck responded there is not a "definitions" section, that is correct, it was written as the "Whereases" provide the definitions. Chair McHugh said he guesses that's the legislative intent section and asked Counselor does that work? Deputy County Counsel Uhrhammer responded usually there is a separate definitions section, and you might want to clarify that [inaudible]. Commissioner Matthews said it looks like we have some more changes to do. Chair McHugh said he would agree, it should have a definitions section to clarify any and all terms used in here, specifically eliminating those three grey areas.

Commissioner Stewart she wanted to ask a specific question regarding fill brought in from off-site. If you are using the Whereases as your definition then that qualifies the grading, in her opinion. Commissioner Frasier stated it would be better to have that defined so it's in everyone's opinion though. Mr. Colebeck asked may he include that in the Whereases? Commissioner Frasier responded he would recommend having a "Definitions" section. Chair McHugh agreed and said he thinks in our motion you can recommend a "Definitions" section., and asked do we agree with the interpretation of Commissioner Stewart that his example of the big fill pile from off-site is grading? Commissioner Matthews said absolutely. Commissioner Hoard agreed. Chair McHugh stated we concur that is not grey, that's black and white, and that we recommend the next time the Board takes a run at this that they put a "Definitions" section in there, and if they really need us to do that, send it back to us, instead of doing it tonight. Commissioner Matthews asked so did we basically not take any action on the additional discussion topics? Chair McHugh responded [inaudible] and asked if there was any further discussion or action to be taken? Commissioner Frasier said he didn't think so. Chair McHugh said if we do nothing, we really haven't really changed... Commissioner Matthews said he means so it's basically at staff's discretion whether they are going to [inaudible] dig up permits from these other agencies when they choose to say if a permit is required, right? Chair McHugh said well the discussion doesn't recommend that such language be added to the ordinance, are you recommending that such language codifying that? Commissioner Matthews responded no. Chair McHugh said he's okay with the practice. Commissioner Matthews responded so was he. Chair McHugh asked if anyone else wanted to discuss the additional discussion. Commissioner Stewart said she's good. Commissioner Hoard said he does have one point he wants to bring up under exemptions, it would be Page 8 of our staff report, the new letter J, and asked for clarification of the paragraph asking where does like residential products fall under that? His concern, and he's heard from someone, that they wanted to do a certain amount of grading, but there was some grey area because they are residential and the residential area was going to be included in that grading, therefore they would break the 20,000 sq. ft. threshold. The grading they had proposed or envisioned, plus the current permit they have for their residential site, so they fell into that grey area, so how does that get treated, can the residential site be excluded and can that be specified, or would that fall under the Building Permit? Mr. Colebeck asked to clarify, it's a residential parcel, one? Commissioner Hoard replied he didn't know all

the details. Colebeck said his question is was it a subdivision Map or a parcel map revision, because that's a standard process that Leslie had mentioned, that it would go through Engineering at DOT that would review all the grading operation plans for road pads, and everything else then would go to the Director of Health for the same thing. He said that is a standard process and those plans are checked and so that's why it isn't included here. If you are talking about someone who wishes to grade on their parcel and it is zoned Residential of whatever type, this ordinance would still apply if they met the threshold. Commissioner Hoard asked including their building pad, for which they already have a permit? Colebeck responded if they have an existing road that they are grading, that is exempt as well, but if they're developing a building pad, this ordinance is filling in a gap where people have gone through a parcel and graded out a housing pad of whatever size they are able to do, and then they apply for the Building Permit, and the Building Permit itself doesn't specifically say that pad has to be constructed to any particular standards. The foundation does, and everything related to that building does, but the pad itself and the conditions that it was graded under are not addressed, and so this was meant to fill in that gap where people would clear land and then get a Building Permit later. Commissioner Hoard responded he could understand that.

Chair McHugh asked any other topics at all? Okay who wants to make a motion?

Commissioner Stewart moved to recommend to the Board of Supervisors that we approve the suggested language changes to the Restrictions on Grading Ordinance No. 1347, with the following changes: (1) adding "calendar" to make it "21 calendar days", and (2) remove "DUP" or "CUP" and make it a "Grading Permit Application" under the Time Limits on the ordinance; (3) under Emergency Work, change Director's Use Permit every place it is used to "Grading Permit"; and (4) add a list of "Definitions" to the ordinance. Seconded by Commissioner Hoard. Roll Call Vote: Commissioners Hoard, Matthews, Frasier, Stewart and McHugh-Aye.

## **6. MATTERS FROM THE COMMISSION**

Commissioner Stewart stated she does have one thing. She was very concerned about the DEIR Meeting, about the fact that it was advertised as a presentation discussion and informational Q and A, and it was also said the word "dialogue" was used by Director Tippet at the very beginning. When the gentleman from Ascent answered for the first hour virtually every question with the phrase "well you need to put that in writing" or the phrase that "well the definition or all the mitigations were based on the program" and did not answer any specific question. That's not a dialogue, it's not a conversation, it's not a question and answer. She said the first time anybody got a really straight answer was when David said that well the program is 530, and while she applauds him for saying that, she has some issues with that statement, but she thanked him for that. She said shortly after that she had to leave and she hopes that it got better, but she has a feeling that it didn't; but she thinks that everybody there came away very frustrated with the fact that it was not a dialogue, it was not a discussion, even questions as to the structure of the EIR were not answered and as far as she is concerned it is not acceptable.

Commissioner Frasier said he raised his concerns at the... the same issue with the Draft EIR Meeting in District 5. He said he brought it up to staff before the meeting that the notices didn't arrive in the mail until the 24<sup>th</sup>, when the meeting was on the 22<sup>nd</sup>. That was his biggest issue with the EIR Meeting in Mad River.

Commissioner Mathews advised he would probably not be at the meeting on July 11<sup>th</sup>, he will be working out of town on the 11<sup>th</sup>. Just an FYI.

Chair McHugh advised he will be out of town on August 8<sup>th</sup> and probably August 22<sup>nd</sup>, although he's not sure about the second one yet, but definitely he will be out on the 8<sup>th</sup> of August. Commissioner Matthews stated he most certainly will be out of town on August 22<sup>nd</sup>.

Chair McHugh said he's heard rumors that the EIR is headed in here possibly as early as August and asked were you planning regular meetings, or he's also heard it could take two or three nights and asked if that was consecutive meetings, are you planning three nights in a row? Deputy Director Hubbard responded she was going to speak to that under Matters from Staff. Chair McHugh responded why don't you go ahead then we are at Matters from Staff.

## 7. MATTERS FROM STAFF

Deputy Director Hubbard said regarding the timeline for what we see, the big things that we see coming, we've come up with a tentative timeline for the Planning Commission Meetings to hear the Draft EIR and the Ordinance. Tentatively we were looking at two days, August 21<sup>st</sup> and 22<sup>nd</sup>, if it looks like you are all not going to be here then we will work with that timeline, we were trying to verify whether or not we would have... We were thinking we would be using a different venue than here; it might be necessary to go to the Trinity Alps Performing Arts Center. If that time doesn't work Graham and you know you're not going to be here, then we will work with the timeline because she thinks it's important that you are all here. Commissioner Matthews asked would that be the soonest it could happen, because earlier in August he will be around? Ms. Hubbard responded you know, she'll have to look, we chose those dates for a reason, but she'll look to see if we have any flexibility to go sooner [inaudible]. Chair McHugh said he won't be here on the 8<sup>th</sup> and there's a chance he won't be here on the 22<sup>nd</sup>. Commissioner Stewart asked these will be evening? Ms. Hubbard asked do you have a strong preference? We need, we know we are going to have long meetings, we could even go earlier in the evening again around 5:00 pm, maybe 4:00 pm, there's some flexibility there and she wanted to get some guidance from you regarding the timing, we're trying to get the dates nailed down. Chair McHugh responded in general he would personally be flexible on a 4 vs. 6 or 7, or 5 or something like that, but the question that raises in his mind is the public's access, you know, are they available to get off work and come. Commissioner Stewart said as well as Commissioners, some have jobs. Chair McHugh said as well as Commissioners with day jobs. Ms. Hubbard responded so 5 pm would be more realistic and then you can kind of just brace yourself for a rather long meeting. Chair McHugh said yes, you can bring the pizza, alright? Hubbard responded okay. She said you will get some correspondence from her via email or phone to verify this is in the next, probably tomorrow. Chair McHugh asked do we all have copies of that EIR? Other Commissioners indicated they did. Ms. Hubbard said hard copies of that. Chair McHugh responded yes and that's really helpful. Commissioner Matthews asked when are comments due? Chair McHugh responded the 12<sup>th</sup>. Commissioner Matthews asked and do you expect to get... we will be reviewing the full document, including the response to comments, right? Ms. Hubbard responded in the affirmative. Commissioner Matthews said that's going to be a lot of effort he would imagine. Chair McHugh said he would be impressed if it fits into two nights. Ms. Hubbard responded well and if that's something you anticipate, we can reserve a third day, kind of a placeholder, that's what we're doing for the Board Meeting. Commissioner Stewart said she believes we will need a third day. Chair McHugh said it's going to be a very popular subject, well attended he would guess and lots of commentary which is all good. Ms. Hubbard said we'll go back to the calendar then. Commissioner Matthews asked do you have any thoughts on how those things will be structured for the meeting? Hubbard responded yes. Commissioner Matthews asked would it be on specific topics for a given evening? Ms. Hubbard responded no, of course we start with the public hearing and, hold on to that, we will let you know, there is a structure, yes; now if we're going to do a third day that might change a little bit. She asked Mr. Colebeck if he wanted to speak to anything. Mr. Colebeck responded not at this point, no. He said recommendations would be great, though he expects that Ascent will be here, he spoke with Pat Angell of Ascent who is the principle author, he expects he will be here to present. Ms. Hubbard asked if there was anything else regarding that.

Ms. Hubbard stated she wanted to give a little bit of an overview of what we having going on in the Planning Department right now and with Cannabis. She said in Cannabis we have around forty variances. The Compliance Team has been trying to talk people out of variances. Of course that

indicates that something is going on that, you know, it's not normal to have that many variances, so we are working on that, but right now and it is what it is, and maybe when we revisit the ordinance maybe you could... that would be the soonest time that we can really address it fully.

Chair McHugh said he had a question. You mention the EIR and the ordinance, what is that ordinance that you are talking about? Ms. Hubbard responded well what we are doing is proposing the EIR for the County's Cannabis Program and then at the same, on the heels of that combining all of the Cannabis Ordinances into one ordinance. Chair McHugh said okay, he thinks that's a great idea. Hubbard said so licensing, we are continuing on, in Cannabis we are continuing on with our licensing, we are in the lower three hundreds right now, making sure that all renewals, trying to make sure are processed as early as we can because we are anticipating that once we gain a little bit more momentum with the EIR and also combining the ordinances, along with some revisions, we're thinking that we're not going to have... you know staff is going to be very busy taking care of that. So, we are working on messaging, like she said, to get the renewals in, get them taken care of; inspections are continuing out in the field. She said we have been asked to come up with a report regarding, or an assessment regarding variances, so that was asked at last meeting. At this point she is assuming that we would cover it in our new approach to the ordinance; it seems to make sense at that time. That looks like it's going to be, like she said, it was going to be scheduled around the third week of August, and asked if that was okay with the Commission, stating that she doesn't think anybody would gain anything [inaudible]. Chair McHugh said postponing it, not agendizing anything about those kind of changes to the ordinance, until we actually do the ordinance after the EIR, makes sense to him. Chair McHugh asked the ordinance, is that part of the two- or three-day thing? Ms. Hubbard responded in the affirmative. Chair McHugh said oh, so. Hubbard said certifying the EIR and then looking at the ordinance. Commissioner Frasier said we really better do three days, and the remainder of the Commission agreed.

Ms. Hubbard said okay in the Planning Department, you know we are kind of running side by side. Cannabis is definitely still taking over everything, you know, she encourages all of you to come in to the Planning Department between 8 and 2, sometimes you know, you come in and it's like Wall Street, it hopping, it's a very very busy place. She said that she appreciates that some members of the audience state that staff is overwhelmed. Yes, okay, she gets 150 emails a day, standard, it is not doable. She's letting you know it's not sustainable. Staff is doing... she thinks, you know, we are covering bases as well as we can, we coordinate, you know she... a standard thing before it goes to other departments, other agencies, we have a lot of meetings that are mandatory; you know, could we cut some of that out to try to produce better work product, [inaudible] good work product. She guesses we could try to do some of that and then we would lose the benefit of clear communication with other departments or agencies, so she's been hesitant to do that. She tries to have personal meetings with people that are either in the process of planning a project or that have a license pending, because that communication seems to be very valuable; so, if you have a different view on how you think staff could invest time to be more productive and we're completely [inaudible] for that. Her concern is that right now it is very very hard to get something done start to finish without the process changing somewhere along the way; you know, there were comments made about CUPs taking a long time to process, she keeps a communication log of all the CUPs just so she can go back and verify that, hey, I don't want anything to sit with me or with any of our staff members, sometimes these things take a long time and by the time they get the studies done, it's six months longer than they thought it would be. She said we do use SHN as a consultant, we try to use them just specifically for project work, so they are not doing any of the adminis... we want them to be billable, basically. If somebody comes in with a project and we can bill for that project, that is how we want to use them. It is in the contract that they can function as an extension of the Planning staff, so you know, administratively we could plug them in. We are going to start using them for variances, so far we haven't used them for variances, we've been concentrating more on Conditional Use Permits, whether they are for cannabis or other projects. We've been using them on Conditional Use Permits because they can write the CEQA document and the CEQA document takes a long time, and staff just does not have the time or the ability to do it.

Ms. Hubbard said we are working on a Fee Study for cannabis. There is still the noise assessment that we are suppose to come back to the Board with a, no it is to you sorry, to you with Mountain Communities Healthcare District clinic expansion; we have the General Plan RFP that we started on; a Housing Element report; we have larger projects that are in the hopper right now, and trying to turn most of those over to SHN so they can do that project. Redding Rancheria, for example, that's a good example of the larger projects, they recently had an outreach event here in town; they are thinking of doing a healthcare campus in the Trinity Alps Business Park, so that's an example of the other types of projects we have. She said there is a large affordable housing project that we're talking about and it's taking some time to deal with that right now. We have the standard staff reports, mandatory training, sexual harassment training, so we are constantly busy and the effort is not at all to disregard the discontent that the public feels toward the Planning Department right now because they are frustrated. She said really, honestly, she feels like it's a disservice to the public in so many ways that it takes so long to turn things around. Given the staff numbers that we have right now, it's pretty much unavoidable; all we can do is try to look at July 8<sup>th</sup> as a nice new date when we get a new Planning/Building Director walking in the door. She said Rick Tippet phasing out of cannabis after we get through this EIR process, but it didn't seem like a fair thing to put on the new Planning Director being in the middle of the process, so Rick will be in place as the Director of Planning through that process and then still the new Planning Director will be overseeing the Planning projects. So, we hope that the planning projects that have been stalled out for a while, Certificates of Compliance, Parcel Maps, other projects that are very distant from cannabis, because cannabis has been taking over everything. We are hoping we regain momentum with it.

Commissioner Stewart asked if she could ask a question, stating she understands everything you are dealing with right now, she really does, but was not noticing the zoning change just an oversight? Hubbard responded yes, she's sure it was. Commissioner Stewart said [inaudible] any plans to separate the two, because it really can't be, it has to be part of [inaudible]. Hubbard said and she thinks that's part of the by product of you know... it was literally, the staff report was literally going out the door as she was walking out the door to one of the five meetings for the EIR, and she certainly doesn't want to be in crisis mode because this is the type of product that results, and it is kind of confusing which fire to put out. We hope to have that changed, like she said, with having a new Director in the building, you know Rick has done his best for the distance, he has many hats and is working on a very large project right now like the jail. We're hoping that will separate things a little bit, that more, we have eight people on staff in cannabis right now; everyone has now had their job for about six months, at least, so they know what they're doing, there is a learning curve for sure and they are settling in pretty well. Hubbard said she doesn't want to be the gate keeper and so we have switched over to a case management model with our cannabis cultivation licensees, so if someone is assigned, one of the Code Compliance Specialists, if any issues come up regarding one of their sites, that's the person that they speak with so that she is not the funnel, and not any one person be in that position. Chair McHugh asked how many Planning staff are not in cannabis? Hubbard responded one, Ruth; although you know once a project gets routed, a Planning project, like the CUPs, those are Planning projects, even though it's a cannabis use permit, it's a process that has been established with Planning, so it is handled... she's the only one really... we try to keep her out of cannabis because we found just the nature of it once you start to get involved, it's really difficult not to recognize how many things need to be done and that starts taking up time. She said Bella is hired through Planning, but she's really, a lot of her time is spent on cannabis. Chair McHugh said it's an interesting job that the new lady is stepping, the new Director is stepping into.

## 8. ADJOURN

The Chair adjourned the meeting at 9:11 p.m.