

TRINITY COUNTY PLANNING COMMISSION

Regular Meeting

December 10, 2015 at 7:00 p.m.

Trinity County Library, Weaverville

MINUTES

1. CALL TO ORDER

Commissioner Stewart called the meeting to order at 7:00 pm. Members present: Commissioner Brown, Commissioner McKnight, Commissioner Frasier, Commissioner Stewart, Commissioner Matthews, Senior Planner Anderson, Director Tippet, County Counsel Joe Larmour, Clerk Naomi Merwin.

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.

No one came forward.

3. MINUTES – November 12, 2015

Upon motion by Commissioner Brown, second by Commissioner Stewart and carried, the Commission approved the minutes of November 12, 2015 as submitted.

Director Tippet: I wanted to mention that the Chair is running about 20-30 minutes late and dealing with the weather to get over here.

Commissioner Stewart: Thank you.

OLD BUSINESS – None.

NEW BUSINESS

4 PRESENTATION BY SC ON RECOMMENDED WATER POLICY CHANGES

Presentation of the Trinity County Water Resources Planning Proposal to supplement the North Coast integrated Regional Water Management Plan findings to the Planning Commission by the Northwest CA Resource Conservation and Development Council, consistent with the Board of Supervisors action at its October 6th meeting. The Board of Supervisors motion requests that the Planning Commission develop a plan and process for looking at potential water policy changes and bring that plan back to the Board.

Mark Lancaster: County land use planner who worked on long range planning from 1985-2000.

The Water Resources Planning Power Point presentation [*available via Trinity County website, Board of Supervisor August 4, 1015 meeting minutes*] is the result of work we have been doing for the last six years. We made presentations to the Board of Supervisors in 2009 and 2014; it summed up recommendations for amending and updating the water use policies in Trinity County. The Board provided specific direction, which is included in your packet, asking us to take this to the Planning

Commission, and have the commission work on a series of recommendations over time to update the county's water policy.

In 2009 we recommended considering actions, now we recommend adopting changes including: a) update General Plans Open Space and Conservation Element and/or consider drafting a Water Resources Element; b) expansion and/or refinement of Critical Water Resources overlay zoning; c) revisions to subdivision design standards; d) revisions to the sections on proof of water in the Subdivision Ordinance; e) water conservation method landowner recommendations for discretionary projects.

Sandra Perez: As part of this project we wrote sample policies tailored for the Planning Commission to consider; a draft document of proposed policy changes.

Director Tippett: Going back to the October 6, 2015 action there were two things we asked the Board of Supervisors to consider, 1) the monetary component, 2) the investigation of the amount of water that goes out of our watershed. Water is moved from the Trinity watershed to the Sacramento watershed; moving water between watersheds at the scale that it happens between the Trinity watershed and the Sacramento watershed is not typical. There is an investigation to value that and what the economic impacts are to the County. Water policy in California is very dynamic. The drought certainly prompted things, also the Central Valley is settling extremely fast; there is a lot of groundwater legislation that changed things. It doesn't yet affect Trinity County, but it will. In light of this, the Board of Supervisors made a motion to have the Planning Commission go back to develop a plan to look at potential water policy changes and bring it back to the Board.

Mark Lancaster: I would suggest that prior to the whole planning commission seeing the recommended policy language, having a sub-committee review that language, a group of representatives that work together to take language and craft it out. This is probably more important than your marijuana discussions; this is your marijuana discussion. You are talking about erosion, water quality, best management practices, you can't do one or the other; I would encourage you to tackle both, especially since we have some start to that.

Director Tippett: The Board of Supervisors direction was to come back to them with what we want to tackle in the water policy and a timeline or meeting schedule. Essentially, you are going to do, a timeline, and the outcomes/results. Mark has draft policy language which you will need time to review, vet and take an action on. I need to know what that plan and timeline is, that you want me to take back to the Board of Supervisors, how and when you want to move that forward.

Commissioner Matthews: The proposed policies cover a wide range of our land use, general plan, and zoning elements. How do you go about addressing all those without amending or updating the entire General Plan? Or do we develop a water resources element?

Mark Lancaster: I recommend we look at zoning and subdivision ordinance revisions, not necessarily the General Plan. You already have internal inconsistencies within your general plan around water resources; just the process of cleaning up and eliminating those inconsistencies, such as those things that are not still reflective of current conditions, does not require that you update the whole General Plan. For instance, the conservation element states that water is not an issue in Trinity County and will not be so for the foreseeable future. That is clearly something you want to address. As you make

changes to the zoning and subdivision ordinance you just need to make sure that they are consistent with the General Plan. That is where I would start.

Director Tippett: Mark's policies are not in the staff report right now. I would like to close out this discussion for procedure and bring this back in the January meeting with those policies included and have some proposed procedures, timeline and recommended actions. We've gotten the hard part out of the way, which is why are we doing this. I wanted to give you an approach for a motion this evening.

Commissioner Stewart: Regarding the ground water, is there anything in your policies about the fact that there are so many well permits being issued, and the specific uses of those wells? I know that there are wells being drilled for the purpose of selling water privately.

Sandra Perez: A lot of our policies don't specifically focus on groundwater, but we have policies that govern how new wells are treated. In the past it was accepted that a well within a stone's throw of the creek was a well and not surface water. There are changes in our recommendations to distinguish circumstances where you have surface water within a certain distance of the creek; there are standards for wells that are specific to what you have to demonstrate in terms of testing procedures. As far as purpose and use, not as much, but if that is an area that you are interested that certainly can be quantified.

Director Tippett: There were changes in the law, I don't know specifically, but I believe that you cannot export for profit from the property anymore. What you drill and draw has to be used there. Essentially, the ability to transfer is gone, I am not sure of the specific laws to that.

Chair Frasier: When are we going to get these policies and how much time are you thinking we will have to review, and are we going to have a public meeting like we did with the safety element. I don't want to go into this without having public input.

Director Tippett: I expect this to take a couple meetings. I want to present Mark's policies, obtain direction on how you want to do this, a timeline, and what results you are looking for. And to report back to the Board of Supervisors with a plan about what policies we are going to work on and how long it will take us to get there. There will be understanding of the other items that you are tasked with; the Housing Element and the Marijuana Policy. The Board wants to see what our plan is on that.

Commissioner Brown: Will we get actual copies of the water policy at the next meeting then?

Director Tippett: Yes. I want to see the kickoff of what we want to do and have a discussion about how to achieve that.

Sandra Perez: The actual policy recommendations are included on the Board of Supervisors meeting packet in August.

Chair Frasier opened public comment.

Duane Sceper: A couple inconsistencies that bother me about this approach. Last summer I spoke with Craig Hair, Trinity County waterworks, said he had plenty of water and had no problem selling to other people. That seems inconsistent with what we are hearing tonight and is a problem to me. This presentation doesn't take into account any of the new state laws. I don't argue that growers have had a

significant impact, but there is a big different what the growers will be doing under the new state laws with all the restrictions on water use and conditions they have to comply with. There is no study of what impact that will have on these studies, when we've got illegal growers dipping into the creeks. But do we really have a big water problem. You need to have studies that fit the current laws, before you start telling the county to change things. You haven't considered the impact of putting restrictions on people, you're going to be paying me a lot of money to take away a right I have. It seems that there is a lot that is not current and not covered, and it seems that they are coming to you to say adopt new policies based on old law, or open questions. Granted we have a new law on cannabis and no one knows exactly what is going to happen. I think we will see a big change in the illegal diversion of water. I think we will see a big change with the new laws. I have the water district guy telling me he has enough water, this doesn't make a lot of sense.

Bobbi Chadwick: From Hayfork. Great presentation. I would like to ask that as you go forward with this that you consider a right of origin for Trinity County to hold some of that water based on a scale of drought, previous, current needs, and evidence of what is to come. So when we receive our waters we have some way to ensure Trinity County to have first right since it is our water to begin with. That should be implemented in the beginning rather than after we have a drought. I would encourage you to that right of domain that we would ensure that when we have the water we don't give it away before we know we're going to be in a drought.

Eric Blomberg: Resident of Douglas City on Browns Creek. Summer before last the creek went dry for the first time since early 1930's. This year, due to extra vigilance, due to government agencies, we did not go dry. Any fish in my section of the creek are gone. I spotted one fish, Fish & Wildlife have been on my property, water quality has been on my property. I'm encouraging monitoring on my property for the benefit of my community. Water quality is a big issue, it is influenced and compromised by pollutants and sediment in direct response to marijuana growing up and down the watershed. Brown's Creek is second largest to the South Fork of the Trinity to Coho spawning. The repercussions of unregulated growing, use of chemicals, and other problems are tremendous. Invasive species are a factor in Brown's Creek. I don't think it's necessary to reinvent the wheel in coming up with strategies, I think it is worth looking at other counties and the successes they've had, and I would hold Shasta County as a good example. I don't think it's unreasonable to treat marijuana as an agricultural product. I am not against marijuana cultivation or use, what I am for is rational environmental protections, and the awareness of the impact of this enterprise on our resources in Trinity County. I think the use of surface water for agricultural uses presents a problem, Shasta County has addressed this. Zoning is a big issue; up and down Browns Creek Road there are a number of grows which exceed the County ordinances. This ties into the potential zoning difference between rural residential and agricultural zoning. I think if a parcel is rural residential it should have different set of growing criteria than agriculture. Finally, with respect to whatever kind of strategies are developed, it seems to me that there should be an eye forward to the almost certainty that recreational use will become legal and how that will affect commercial growing versus what we are experiencing now with medical growing.

Chair Frasier closed public comment.

Director Tippet: Any additional directions for staff other than that proposed to draw up a schedule of the main things that we will target and some of the policies that we will be looking to revise. Next time we will look at timeline and what the end result will be, and what we want to return to the Board as an action.

Chair Frasier called a five-minute recess.

5 DISCUSSION RE UPDATE TO MARIJUANA ORDINANCE

PW-15-06

Discussion re Update to Marijuana Ordinance

Chair Frasier reconvened the meeting and opened item 5.

Senior Planner Anderson: Outlined scope of information provided in Commissioner's agenda packets; Humboldt County's medical marijuana ordinance, information on zone classifications, and a sheet looking at the unclassified districts. To start the discussion, I will go over the staff report that legal counsel has supplied. County Counsel Larmour is here to jump in at various points to provide counsel.

Director Tippett: Right now we are going to go through a process to get something through by March. Cut and dry, get it through, if we bring up things that are very intense and need a lot of vetting we will not make the March 15 deadline. Tonight, keep to the big issues. We will keep notes of everything, so when we start working on the bigger concept to line up with state law we will have that. Right now what we want to do is get something on the books so people have general guidance on what to do. What size property, what zoning, etc. That is what today's discussion is going to be, what are we going to talk about in January when we tackle these issues.

Senior Planner Anderson: the key question is which zone restrictions are going to be placed on commercial growing, sales, processing in the County. The type and size of grow, and linking that with the zone classification; looking at surrounding land uses, and compatible land uses, other conditions in terms of setbacks, and other restrictions regarding what other uses are provided and proper buffering for those activities. The three key points are zone classifications, size of the grow, and each of those zone classifications, compatible land use activity; things like setbacks, distance separations, enclosures. Then we get into indoor/outdoor grows, dispensaries, delivery systems, etc. The broader discussion brings in building code and regulatory framework, which is maybe for consideration down the road. Inspection and licensing requirements you may want to pull that into the land use part of it. I would also mention the water use topic and how those fold into the regulatory framework, such as pesticides. Legal Counsel may also have some comments.

Counsel Larmour: We have provided an outline of what the Planning Commission will ultimately have to decide. Most important is what type of commercial activities will be allowed. I recommend looking at these issues to determine which of these need to be in the short term and which should be considered more thoroughly for the long term. All of these will ultimately need to be covered, but you should look at which of these must be in your short term ordinance and attend to those.

Commissioner Matthews: How are we going about this; allow the public to speak, talk about topics among ourselves?

Chair Frasier: How do we run a public meeting, is this more like a workshop? Should I run this meeting?

Senior Planner Anderson: This is envisioned as a study session for you to raise questions, discuss amongst yourselves, and if you want to entertain the idea you can have a period of public comment following your kick-off discussion.

Chair Frasier: How do we discuss without a motion?

Counsel Larmour: This is put on the agenda as a no action item. An item for discussion amongst yourselves and the commission to take no action tonight. Up to the commission to have a discussion amongst yourselves. You could invite public comment or you could hold that for the meeting when action is going to be taken by the commission. Time is always an issue.

Commissioner Stewart: Since the Board of Supervisors specified they want us to do the three things that are written here, I think those are what we should be contemplating on in January and February. If our charge tonight is to determine what to focus on and not make any decisions.

Director Tippett: This list is more exhaustive than what we are going to consider right now. First we are going to talk about zoning and size of the grows. We are already halfway there. It's any other items you may want to hit.

Commissioner Stewart: I would also like to talk about indoor versus outdoor grows.

Chair Frasier: What do you mean by that, all indoor or all outdoor?

Commissioner Stewart: A mix.

Chair Frasier: There are people that would prefer to limit it to only indoor.

Commissioner Stewart: I would like to have a discussion when we are actually working on it, regarding whether we want to have any indoor grows, or some, or none.

Commissioner Brown: It seems the biggest issue is setbacks, that seems to determine the grow size in some cases. I think the setbacks require a workshop meeting in themselves. I want to hear public comment on the setbacks, I think there will be people that want big setbacks and those that don't. My own thoughts are to have larger setbacks, but I want to hear public comments on that. I think we need a separate meeting on that particular aspect.

Director Tippett: Our dilemma is in order to enact things in March. In working backwards, you have two or three meeting to discuss this. In order for the Board of Supervisors to take action and have it implemented.

Commissioner Brown: I want to make sure that we have public comment on some of these key issues. For our first process for our short term ordinance, do we need to consider anything beyond tier license number four? If we are trying to get growers licensed by March 1, do we even have to have that rolled into our ordinance.

Senior Planner Anderson: I would say no, we do not. Things like that can come in later as we refine the ordinance. We are under a severe time pressure; we will not have a perfect ordinance but there will be future opportunities to factor those details into a final version of the ordinance.

Commissioner Brown: How many of the permitting factors do we need to work on?

Director Tippet: We are just doing land use. The Agriculture Commissioner will be working on permitting. What form to fill out, what license to bring, what fees etc, will be set by the Agricultural Commissioner. Commercial could be just Agricultural and Timber Production Zones; you need to set a parameter for us.

Commissioner Brown: The three classifications we are talking about are Agriculture, Rural Residential and Unclassified? or just Agriculture and Unclassified?

Chair Frasier: That's the issue. We can talk about it amongst ourselves to see where we are going with that.

Commissioner Matthews: Easiest to take Humboldt County's and the state and go with it, but I am uncomfortable with some of the cultivation size limits on some of those.

Audience: Humboldt County's ordinance information is outdated.

Senior Planner Anderson: To address the public, that information has been corrected with the Planning Commissioners' packets, with the updated Humboldt County ordinance.

Commissioner Matthews: Is RA in Humboldt County the same as Rural Residential?

Commissioner Brown: No, it's Rural Agriculture.

Commissioner Mathews: does Humboldt allow anything in Rural Residential zoning?

Chair Frasier: my take is anything in Rural Residential would have to be personal use. We can't allow people to raise cattle in Rural Residential.

Senior Planner Anderson: Humboldt zoning code has a Rural Residential Agriculture zoning system. There are a number of different categories.

Chair Frasier: That is not a zoning we have in Trinity County.

Commissioner Matthews: Does the necessary zoning already exist or do we need to create new zoning?

Commissioner Brown: I'm not in favor of creating new zoning.

Commissioner Matthews: Say we suggested it's just going to be Agriculture; we have the map that says 37,000 acres. My guess is that virtually none of the existing grows are on Agricultural parcels. Most are in Rural Residential.

Chair Frasier: I'm less concerned about making existing grows legal than making policy that is functional.

Commissioner Matthews: there will be a lot of competition for Agricultural land.

Senior Planner Anderson: One approach if you wanted to consider Rural Residential that it would be through a special use permit process where you would assess existing grows and condition in future grows. We are pretty confident that many of the grows are in the Rural Residential zoning. I wanted to

highlight unclassified zones where there is Agriculture designation under the General Plan as another consideration.

Director Tippett: One other thing is we do have a lot of 30 acre Rural Residential zoned properties, what happens is you zone a property but it doesn't get divided and it can have RR10, but it can be 40 acres.

Chair Frasier: that Rural Residential parcel that is 40 acres they can ask to be rezoned Agricultural. I am more comfortable that we stay with Agriculture type zoning. You open the door for agriculture in Rural Residential then you invite all agriculture in Rural Residential. Then a neighbor could have a pig farm.

Senior Planner Anderson: That is why there is a permit process, not all agriculture uses are allowed, there are special and conditional use permits to moderate the impacts.

Commissioner Stewart: Do we know what we are talking about in January?

Director Tippett: You are getting us to a point where we can focus our energy to get information and get it back to you.

Commissioner McKnight: Setbacks will have a large bearing on Rural Residential.

Commissioner Brown: I would like staff to come back with examples from other counties besides Humboldt of what their setbacks are. What they are doing now.

Audience: Siskiyou banned as well as Shasta.

Commissioner Brown: Do we know anything about Mendocino County?

Counsel Larmour: The only ordinance I have seen at the commercial level is a pro-cultivation ordinance in Humboldt County. Most of the eastern counties have gone for bans on commercial activities. The central valley is supposedly working on an ordinance but I have yet to see an ordinance. I assume staff will provide that to you as soon as they are available.

Commissioner Brown: I'm not necessarily opposed to Rural Residential, but I would want to establish setbacks. I have been directly affected by it and I would like the setbacks I've seen in the previous ordinances. That would differ quite a bit from Humboldt.

Director Tippett: one of the things that is going on next week that may help in setting parameters, is the Board is going back to look at personal grow ordinance to look at changing the sizes at the upper limits, and it might be that they set our bottom parameters by default. Right now Rural Residential 30 acres or more has to be eight plants or less, what if they change that to 20? That may give us an area to work from. What I'm hearing is we do want to look at some of the Rural Residential use permit aspects based on setbacks.

Commissioner Stewart: I would also like to see a discussion about water and permits from the state water board and those kinds of water permits that need to be obtained.

Commissioner Brown: It seems that the 2015-003 order, in the short term, mitigates the negative impacts on water.

Senior Planner Anderson: I would say because of the state water monitoring system that will be implemented through the MMRSA that this will be covered, as they are going to have to show a right to water, plans that protect water quality as part of the licensure process. We will clearly touch upon those, but I think it will become clear.

Commissioner McKnight: The Unclassified zoning is also a variant that needs to be looked at.

Chair Frasier: One issue is what about the option of going to a no grow ordinance. Is there anyone that is looking into that? I have had that discussion a lot in my district.

Director Tippett: You can have that discussion.

Commissioner Matthews: That is not the direction the Board provided.

Commissioner Stewart: You certainly would not get buy-in from me.

Chair Frasier: What I'm saying is when the public comment comes up, and we go back to our districts, and people ask why are we doing this, what is the answer?

Commissioner Stewart: The answer is we don't want to continue to be one of the poorest counties in California.

Counsel Larmour: Just so you understand, the answer goes back to the Board, they have made a motion that they want you to establish an ordinance, and your direction is to meet that end.

Director Tippett: Stewart came up a good point, on the indoor/outdoor discussion. It is at the will of the commission if you think that is something we should be discussing.

Chair Frasier: I think that is a good issue to have on there.

Senior Planner Anderson: Does the Commission have thoughts on the size of grows? Align with the state regulations and allow grows up to 22,000 sq. ft.

Director Tippett: Plant count, does the commission want to go on plant count or size?

Commissioner Brown: I would prefer to stay with whether canopy or cultivation area rather than plant count to keep it consistent with the state licensing and water board. I think in terms of size that goes back to setbacks. In the rescinded ordinance, it was a 500 ft. setback, and it limited it to 30 acres with setbacks and cultivation size. Setbacks set the size that can be grown. To me determining the setbacks determines everything.

Senior Planner Anderson: Thoughts about enclosure versus open cultivation?

Director Tippett: I have a list of issues here: setbacks, zoning types, Rural Residential larger lots, Unclassified and Agriculture, indoor/outdoor, grow size by canopy area or plant count; there are pluses and minuses to each type of size/count. That is a good list to start with, is that our list?

Senior Planner Anderson: Under enclosure is fencing and screening requirements.

Commissioner Stewart: I think fencing is a good thing to add. I don't think anyone is happy with what we have now.

Director Tippet: I have added fencing and enclosures.

Chair Frasier opened public comment with a three-minute time limit.

Duane Sceper: Hayfork. I sent you what came from me and had nothing to do in what originally came in the packet. Please read our existing zoning; I'm hearing comments that rural residential is not a general agriculture use, it is under our current zoning. I read rural residential uses permitted: agricultural uses permitted except those requiring a special use permit, marijuana cultivation is not one of them, agricultural uses are agricultural purposes for producing a commodity for commercial purposes. It is included within that zoning. Don't worry about the number of plants, you're wasting your time, licenses will be coming from the state saying what they can grow, the county can look at what licenses they issue based on the property. Focus your immediate efforts on zoning now, where it is allowed today, and parcel sizes. Setbacks are important too, because that will limit grow sites, but don't try to get creative with the setbacks. I think that's where you need to put your focus on right now and later we'll spend more time hammering out more.

Michelle Meyers: Weaverville/Junction City. At the last meeting there was a discussion regarding the possibility of having a sub-committee. I haven't heard any discussion whether you are doing that, I would like clarification on that. In regards to dispensaries, I am concerned about that, not so much the growing that is here. Selling it in my town, that makes me nervous.

John Brower: Junction City. I would encourage you to stick with adopting the Humboldt County ordinance. It would simplify all of this. We are going to get lost in the bushes in this and miss the deadline. A huge portion of our county identifies with Humboldt anyway. It simplifies everything; we could get lost in the details, but the urgency of this is real. We have to do this during a time of year when the roads are crummy and holiday things are going on. Stop debating details right now and adopt the Humboldt County ordinance. That should be the recommendation to the Board of Supervisors and immediately.

Jose Acosta: Hayfork, Friend Mountain area. You don't have to limit the size, you can limit how many grows you want and how many permits you give out and require that there be a legally permitted structure on the property.

Tom Ballanco: Douglas City. In the short term, I think Mr. Tippet mentioned the March 156 deadline which is pushing everyone in an unnatural fashion. I think something more inclusive and easier to apply would be a better fit for this deadline. As we get time, later you can get into workshops, you can get into more detailed things, especially as the state legislation comes on line. The state legislation doesn't mention any restriction on licenses except for class three. I think it is reasonable for the county not to worry about that, unless people start going in a direction that the state may change. If we cap at 10,000 sq. ft. it may be difficult for some people but there is no guarantee that the state will pass that. I think keep it simple, keep it under 10,000 sq. ft., make is easier to get more people engaged in, so they are on the path of compliance and it makes it easier for everyone.

Wally: Hayfork. I think of what is going into those plants. Don't use chemicals. I grow, and I grow without any kind of chemicals and mine goes to a dispensary. I don't want chemicals in my body and I don't think anyone does.

Liz MacIntosh: Junction City. What passed in Humboldt County, is the product of a lot of drafts. Now they say this is a commercial agricultural crop, we're not hiding it, we're not calling it a nuisance, and we're not saying only 30 acre properties and higher can have it, when that is not the reality here. You have people who have taken this risk for over 30 years, and if you are more inclusive you will have an easier time getting people into compliance. Our compliance starts in January with the water board, we're here because we really want direction and we really want to be involved in the process. I don't know if you have any ability to have public workshops, committees, conversations, public comment is great but, I think what you see as the reality versus what those in the industry see as the reality, what is a mega grow, what is a mom and pop. Maybe we could enlighten each other on what they are. It seems with those setbacks; you're saying only a 30-acre property with a 600 ft setback with only a grow in the center will be the best; sometimes the five acre property with three water sources may be the best; not all the properties are the same. It's expensive to buy that land and people have already invested. I just want it to be sunk in reality. Especially with 2016 approaching and big money behind the recreational use bill.

Chair Frasier closed public comment.

Director Tippett: There is one matter that a member of the public brought up that I think warrants discussion, I would like to talk about: does it need a house, does it not, does it need to be permitted, does it not. Humboldt has language that we can look at and which the Board would like us to look at. But they want these parameters we discussed to be Trinity County specific. I would like to add homes to the list of discussion topics, other than that we have good direction.

Senior Planner Anderson: Staff has provided copies of the November Humboldt ordinance; we will provide the full new Humboldt ordinance in short order.

Commissioner Brown: What will be the format of the January meeting?

Director Tippett: We will bring all five items to the commission and we talk about those five items, and the ones we have clear direction on we will take that direction and take action on, and those that there is not clear direction we will take back and work on. My goal is to have everything packaged up so we can be done in February and we can get it in front of the Board so they will have time to send it back to us.

Chair Frasier: Will there be separate agenda items?

Director Tippett: There will be one agenda item but separate motions.

Counsel Larmour: Correct.

Commissioner Brown: We'll have public comment on each item?

Director Tippett: If the chair wants to handle it all at once or have public comment on each item. If I were to envision it, we would discuss the item, open it up for comment, bring it back for motion and discussion, and close the item.

Senior Planner Anderson: Does the commission have any thoughts about the sub-committee idea?

Director Tippett: No time for a sub-committee.

Chair Frasier: We don't have time.

Director Tippett: If you were to go on the sub-committee approach I would recommend it be to a specific issue; something that is technical such as water or pesticide use for example.

Chair Frasier: that is something we could discuss after March?

Director Tippett: Yes. Once we get something to the Board in March, we will be diving in full time. My hope is to have the second phase ready by this time next year for the 2017 grow season. The good news is I also expect state law to be more finalized. Right now we need something for this coming season.

6 MATTERS FROM THE COMMISSION

None at this time.

7 MATTERS FROM STAFF

Director Tippett: We received an appeal from Dollar General (Cross Development), that will be moving forward. We have an application for a switching building up by the ATT building up Hwy 3 for Velocity to put in a switching unit to allow for them to do fiber optics to increase speed in town. This one is right on the cusp, on whether to bring it to the Board, in this case there were no impacts to the surrounding area, I decided to go ahead with a directors use permit but because of its proximity to the highway I wanted to advice you that we are looking at that as a Director's Use Permit so we can get that service to the community faster.

Senior Planner Anderson: The building in question would be a 15x20 sq. ft. structure that would match the ATT building next to it. There would be a 60 ft separation from the center of Hwy 3. The installation would involve bringing a building in and installing it on a graded patch. In terms of water, run-off, cultural resources, we haven't identified any significant impacts through the initial study.

8. ADJOURN

Chair Frasier adjourned the meeting at 9:36 p.m.