

**MINUTES**

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**1. CALL TO ORDER**

Chair Matthews called the meeting to order at 7:00 p.m. Members present: Commissioners Frasier, McHugh, Stewart, Hoard and Matthews. Members absent: Commissioner McHugh. Staff present: Interim Planning Director Leslie Hubbard, Interim Planner John Jelicich, and Clerk Ruth Hanover.

**2. PUBLIC COMMENT**

*Members of the public may address the Planning Commission concerning matters within their jurisdiction, which are not listed on the agenda and to request that a matter be agendaized for a future meeting. No action may be taken on these matters at this meeting.*

No one came forward.

**3. MINUTES – None.**

**OLD BUSINESS – None.**

**NEW BUSINESS**

**4. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-25**

**Public Hearing:** Request for “annual variance” from the required 350’ cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 1850 Brady Road, Hayfork. APN 14-410-18. Applicant: Gehret.

Interim Planner Jelicich presented the staff report. Staff recommends approval of the variance.

Chair Matthews opens the hearing to public comment.

Comments received from applicant, Rosanna Gehret. Ms. Gehret stated she has moved two fence lines in order to be compliant with the setback requirements from neighboring dwellings, but the other fence line cannot be moved any closer than 250’ without encroaching on the neighbor’s property, and there is no other site for her garden.

No further comments being received, Chair closes public hearing.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 250 feet on APN 011-410-18 (affecting APN 014-290-04), based on Findings 1 through 4, and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Frasier. Motion carried unanimously.

**5. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-26**

**Public Hearing:** Request for “annual variance” from the required 350’ cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 1341 Sunset Road, Hayfork. APN 19-630-21. Applicant: Hickey.

Interim Planner Jelcich presented the staff report. Staff recommends approval of the variance.

Commissioner Frasier asked why is a variance required from his own house, because in the urgency ordinance we made a point that on contiguous properties, you didn't have to have a variance. Planner Jelcich said he and Code Enforcement Officer Dickey talked about that too and it doesn't make much sense, but the issue is that one of the properties could be sold and that, as he understands it, is why they proceeded this way.

Commissioner McHugh stated he thinks that was an error because it specifically says in the ordinance that "a legal parcel means a parcel with a distinct and separate APN. Where contiguous legal parcels are under identical ownership such legal parcels shall be counted as a single legal parcel for the purposes of this chapter". He said it's not a separate parcel according to the definition, so he doesn't think the variance is needed. Planner Jelcich agreed.

Chair Matthews opens the hearing to public comment.

No comments being received, Chair closes public comment period.

Commissioner Stewart moved that the Commission interprets the ordinance as written, that there is no variance required because the applicant owns both parcels and the parcels are contiguous, and directs that the applicant's variance fees be refunded. Seconded by Commissioner McHugh. Motion carried unanimously.

**6. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-27**

**Public Hearing:** Request for "annual variance" from the required 350' cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec. 32.O.IV(5)(b)], located at 520 Top of the Grade, Douglas City. APN 15-140-26. Applicant: Smith.

Interim Planner Jelcich presented the staff report. Staff recommends approval of the variance.

Chair Matthews opens the hearing to public comment. No comments being received, Chair closes public comment period.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 210 feet (affecting APN 015-140-25) on APN 015-140-26, based on Findings 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Hoard. Motion carried unanimously.

**7. MATTERS FROM THE COMMISSION**

Discussion regarding Planning Commission meetings scheduled for July. Interim Director Hubbard advised there will not be a Regular Meeting on July 13, 2017, but will hold a Special Meeting on July 27, 2017 on variances.

**8. MATTERS FROM STAFF - None**

**9. ADJOURN**

The Chair adjourned the meeting at 7:18 p.m.