

MINUTES

1. CALL TO ORDER

Vice Chair Hoard called the meeting to order at 7:03 p.m. Members present: Commissioners Frasier, McHugh, Stewart and Hoard. Members absent: Commissioner Matthews. Staff present: Interim Planning Director Leslie Hubbard, Associate Planner Colleen O’Sullivan, 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 agendized for a future meeting. No action may be taken on these matters at this meeting.

No one came forward.

3. MINUTES

Commissioner Stewart moved to accept the Minutes of May 25, 2017 and June 22, 2017, as submitted. Seconded by Commissioner Frasier, and carried unanimously.

OLD BUSINESS – None.

NEW BUSINESS

4. VARIANCE FROM REQUIRED 350’ COMMERCIAL CANNABIS SETBACK P-17-30

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 160 State Highway 3, Peanut. APN 19-750-20. Applicant: Peanut Valley Farms.

Associate Planner Colleen O’Sullivan presented the staff report. Staff recommends approval.

Commissioner Frasier asked if there are any measurements on the terraced portion of the property. Interim Planning Director Hubbard responded she didn’t think the Code Enforcement Officer did that in the field, but that’s a great point. Commissioner Frasier said on future variances, he would like staff to show a circle around the subject parcel and include surrounding parcels within 350 feet of said parcel in that circle, so the Commission knows what it’s working with on the property.

Vice Chair Hoard opens the hearing to public comment.

Comments received from Eric Lono and Debbie Lono.

No further comments being received, Vice Chair closes public comment on the matter.

Commissioner Stewart moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 230 feet (affecting APN 019-750-21) on APN 019-750-20, subject to Findings 1 through 4 and subject to Conditions of Approval 1 through 4. Seconded by Commissioner Frasier.

McHugh asked staff to respond to the two questions Mr. Lono posed. Associate Planner O'Sullivan responded as far as the dwelling goes, part of the requirement for getting a Commercial Cannabis License is to meet our other standards and requirements in the Zoning Ordinance, so in order to be in compliance they need to submit building plans, which they intend to do. A variance is a different animal, you can talk about the other issues with it, but a variance is specifically about giving a break to a landowner that is not a special circumstance, because of a situation that's unique to that property, so we have applied the variance with modifications to these requests. They will have to do all the other things as well in order to be in compliance with their licensing requirements and to operate under the program.

Commissioner Stewart stated we have approved at least one other variance that had no dwelling. Commissioner McHugh said on that one, they pulled a building permit. Stewart said the bottom line is, unless they get the permit they're not going to get the license anyway.

Commissioner McHugh said the second question had to do with the view from the highway. Associate Planner O'Sullivan said she was unaware of the Board's four guiding principles when she wrote the staff report; however, topographically it looks like it's right on the highway, but she didn't see it when she drove past it last week.

Discussion re grading and lack of a grading ordinance.

Commissioner Frasier stated if you drew 350 foot arc from that you would cut off a portion of his already graded garden area. He said he doesn't think the County is required to grant a variance so someone can have the largest possible garden they could have. If they can use their property for what they want it for, but not to the full maximum size, without us granting a variance, then he doesn't think we should be granting variances. That's his issue with this one, it looks like there is room to put, maybe not the maximum size, but they would still be able to have their commercial operation.

Commissioner McHugh moved to continue the item to August 24, 2017 so a more in-depth analysis can be obtained from the Code Enforcement Officer regarding relocation of the garden site. Seconded by Commissioner Stewart, and carried unanimously.

Vice Chair Hoard stated the first motion is moot.

5. **VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK** **P-17-32**

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 461 River Acres Road, Junction City. APN 09-500-21. Applicant: Lupoloff.

Associate Planner Colleen O'Sullivan presented the staff report. Staff initially recommended approval, but is now recommending denial after receiving concerns from an anonymous neighbor yesterday. She provided a summary of that letter, which was received, after the staff report was prepared, in opposition to the variance. O'Sullivan said as a planner, Rural Residential doesn't seem appropriate in a lot of cases, and in this case, it really seems inappropriate, because these are lots that were created for river access for recreation and residential development; now we've run up against people who want to grow and 350 foot setbacks don't make any sense down there and neighbors are concerned about it and are questioning the 350 foot setback, so staff would like to change their recommendation to denial.

Interim Planning Director Hubbard said this landowner owns the parcel immediately adjacent and passed out print-outs from Parcel Viewer.

Vice Chair Hoard opens the hearing to public comment.

Comments received from Debbie Lono

No further comments being received, Vice Chair closes public comment on the matter.

Vice Chair Hoard passes gavel to Commissioner Frasier.

Commissioner Hoard moved to deny the variance, seconded by Commissioner McHugh. Motion carried unanimously.

6. MATTERS FROM THE COMMISSION

Commissioner McHugh asked if we need to continue to have a second meeting each month for cannabis matters since it is this late in the season and we don't have as many applications as previously, couldn't we go back to one meeting a month. Interim Planning Director Hubbard stated that was going to be under Matters from Staff, and that she fully agreed. She said there might be one or two times we will need a second meeting depending on what comes up, but feels we can combine cannabis matters with regular items for meetings held once a month.

7. MATTERS FROM STAFF – None.

8. ADJOURN

The Vice Chair adjourned the meeting at 7:36 p.m.