

MINUTES

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1. CALL TO ORDER

Chairman Richard Hoard called the meeting to order at 7:00 p.m. Members present: Dan Frasier, Diana Stewart, Mike McHugh, Graham Matthews and Richard Hoard. Staff present: Interim Planning Director Leslie Hubbard, Associate Planner Colleen O’Sullivan and Clerk Ruth Hanover.

Chair Hoard announced Items 5, 7 and 9 on the Agenda will be continued to a later date.

Clerk Hanover updated the Commission on the rotation of Chair and Vice Chair. Commissioner Hoard is Chairman of the Planning Commission for 2018, with Commissioner McHugh as Vice Chairman. For the Subdivision Review Committee, Commissioner Matthews is the Chairman from January through June 2018, with Commissioner Hoard as Chairman from July through December 2018.

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.*

Comments received from Liz McIntosh and Chris Schaefer.

3. MINUTES – October 26, 2017 and December 7, 2017.

Upon motion of Commissioner Matthews, second by Commissioner Frasier and carried, approved the Minutes of October 26, 2017, as amended, and the Minutes of December 7, 2017, as submitted.

Upon motion of Commissioner Frasier, second by Commissioner Hoard and carried, approved the Minutes of September 28, 2017 as submitted. Commissioners McHugh and Stewart abstain.

OLD 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 located at 532 Top of the Grade Road, Douglas City. APN: 015-140-27. Applicant: Lee, C.A. *(continued from 11/9/17).*

Associate Planner Colleen O’Sullivan presented the staff report. She provided a letter of support received from Phillip Bandy tonight. She advised staff is recommending approval.

Commissioner Stewart requested clarification of the Assessor’s Parcel Number, stating it shows 015-140-15 and she did not see that. Associate Planner O’Sullivan stated that was in error, it should be 015-140-25.

Chair Hoard opened the hearing to public comment. With no one coming forward, the Chair closed the public hearing.

Commissioner Matthews moved to approve the variance to allow reduction of the cannabis cultivation setback from 350 feet to 165 feet and 279 feet, respectively, from the residences on APN 015-140-25 (Wright) and 015-140-26 (Bandy), based on Findings of Fact 1 through 4, and subject to Conditions of Approval 1 through 4 as stated in the Staff Report. Seconded by Commissioner Stewart, and carried unanimously.

**5. VARIANCE FROM REQUIRED 350' COMMERCIAL CANNABIS SETBACK P-17-49**

**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 located at 2000 Red Hill Road, Junction City. APN 012-270-50. Applicant: Wisniewski. (*continued from 11/9/17*).

Chair Hoard reiterated this item is being continued, but since it was advertised as a public hearing we will hold a public hearing for anyone wishing to address the Commission on this item.

Chair Hoard opened the hearing to public comment.

Comments received from Marco Martin in opposition to the variance.

No further comments being received, the Chair closed the public hearing.

**NEW BUSINESS**

**6. MITIGATED NEG. DEC. FOR PROPOSED RUTH-ZENIA AND VAN DUZEN ROADS REHABILITATION PW-17-11**

**Public Hearing:** Mitigated Negative Declaration for proposed Ruth-Zenia and Van Duzen Road Rehabilitation. Located on Van Duzen Road (County Road 511), Post Miles 9.5-9.7, 11.2-1106 and 12.15; Township 1 & 2 South, Range 7 E, and Township 2 South, Range 7 E, HB&M, Ruth Lake quad. Applicant: Trinity County Department of Transportation.

Environmental Compliance Specialist David Colbeck introduced himself and presented the staff report. He stated implementation is scheduled for 2018, this has been put together in coordination with the Federal Highways Administration.

Commissioner Matthews stated it would be nice to have a map. Mr. Colebeck responded he would include maps in future projects. Commissioner Matthews said he thought the staff report was well done and he appreciates it.

Commissioner Frasier stated he does have a question of staff. He said we are supposed to recuse ourselves for projects within 500 feet, this project runs through his property, so he was wondering if he needs to recuse himself. He said he was hoping to see County Counsel here tonight to clarify it for him. Commissioner Matthews stated you don’t need to recuse yourself from something happening to a public right of way. Commissioner Frasier said that is kind of the opinion he had, but he wanted to make sure because there is already a deeded right of way through his property.

Chair Hoard opened the hearing to public comment. With no one coming forward, the Chair closed the public hearing.

Commissioner Stewart moved to adopt the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, finding that, on the basis of the whole record before the Commission, including

the initial study, and mitigation monitoring and reporting program, that there is no substantial evidence that the project will have significant effect on the environment and that a negative declaration reflects the Commission's independent judgment and analysis. Seconded by Commissioner McHugh, and carried unanimously.

7. **APPEAL OF DENIAL OF COMMERCIAL CANNABIS LICENSE**

**Public Hearing:** Appeal of Denial of Commercial Cannabis License on APN 019-690-20-00 by Interim Planning Director. Project located at 3620 Wildwood Road, Wildwood. Applicant/Appellant: Andrew Merkel.

Chair Hoard advised as stated in the beginning, this item will be continued to a later date; however, it was advertised as a public hearing, so we will hold a public hearing for anyone wishing to address the Commission.

Chair Hoard opened the hearing to public comment.

Comments received from Daniel Davoudian.

No further comments being received, the Chair closed the public hearing.

Chair Hoard continues the item, directing that it be re-noticed when set for hearing.

8. **PROPOSED ZONING ORDINANCE AMENDMENT RE NEON SIGNS**

**PW-17-10**

**Public Hearing:** Proposed Zoning Ordinance Amendment to amend Section Sec. 29.5.K (Signs) of Ord. #315-800 to clarify language regarding neon signs in the Weaverville Historic District. Applicant: Trinity County Planning Department.

Associate Planner Colleen O'Sullivan presented the staff report. She said staff is recommending approval.

Chair Hoard opened the hearing to public comment. With no one coming forward, the Chair closed the public hearing.

Commissioner Matthews moved to (1) find the project Categorical Exempt from CEQA, thereby determining that no further environmental consideration is necessary; and (2) recommend that the Board of Supervisors adopt the Ordinance amending Section 29.5 of the Zoning Ordinance and adopt a new resolution for "Commercial" Guidelines by adding the following sentence to Section 29.5.K.3: "An exception shall be granted to allow a historic, contributing building (built post-1910) that had neon as part of the exterior lighting when it was originally constructed." Seconded by Commissioner McHugh, and carried unanimously.

9. **AMENDMENT TO COMMERCIAL CANNABIS CULTIVATION ORDINANCE**

**PW-17-03**

**Public Hearing:** Discuss and/or take action relating to clean up of Amendment to Permanent Ordinance to Allow Commercial Cannabis Cultivation in Trinity County. Located county-wide. Applicant: Trinity County Planning. *(to be continued to 1/25/18)*

Chair Hoard reiterated that this item is being continued to January 25, 2018, but since it was advertised as a public hearing, we will hold a public hearing for anyone wishing to address the Commission.

Chair Hoard opened the hearing to public comment.

Comments received from Daniel Davoudian and Liz McIntosh.

No further comments being received, the Chair closed the public hearing.

10. **AMENDMENT TO ZONING ORDINANCE TO ALLOW CANNABIS MANUFACTURING**

**PW-17-05**

**Public Hearing:** Proposed amendment to Zoning Ordinance to allow Cannabis Manufacturing in Trinity County. Located County-wide. Applicant: County of Trinity.

Interim Planning Director Hubbard presented the staff report. She said the Manufacturing Ordinance has come before the Commission twice before, this is the third version of the ordinance which more clearly reflects what the State regulations are. This version has a Type N (infusions) and a Type P (packaging & labeling, only) license added to it. She said the main questions before the Commission are the setbacks from bus stops, should they be included? They are currently included in this ordinance with 500-foot setbacks from authorized school bus stops. There have been discussions at Board meetings about handling this requirement through the use permit process, similar to discussions surrounding the Distribution Ordinance. The CEQA checklist would address concerns related to noise, traffic and public services; also, there is currently a 200 foot property line setback for this type of use; it's a place to start the discussion. Director Hubbard pointed out an error in Section 5, Required Findings: letter A should not be a lettered subparagraph. It should just be the first paragraph and not Subsection A. She also said that the Commission had initially wanted to see Type 6 and Type 7 licenses handled differently in the ordinance so it read a bit cleaner.

Commissioner McHugh stated on page 4 under No. 4.C, it talks about a dispensary, he thought that term was obsolete, it should be replaced with whatever the right terminology is. He said Paragraph F he finds quite curious, the fire plans "must be prepared by the applicant and approved by a designee of the Board of Supervisors". He asked if that designee would be the Fire Chief's Association or the local fire department. Ms. Hubbard responded that would be our first choice. Commissioner Matthew said in other jurisdictions they have third-party engineers that actually come in and inspect and approve the facility and sign off on it, someone who's qualified. Ms. Hubbard said that would be our second choice.

Commissioner McHugh suggested in Paragraph G that CUPA be spelled out. Director Hubbard said she had requested that Kristy Anderson, Director of Environmental Health attend, because the State really shifted a lot of the responsibility in this over to the local jurisdictions, but she was not able to make it this evening. There was discussion on what CUPA actually stands for.

Chair Hoard opened the hearing to public comment.

Comments received from Chris Schaffer, Nicholas Holiday, Marie Peterson, Jake (trammel?) from Hayfork, Adrian Keyes, Liz McIntosh, Dan Davoudian, and Scott Murrison.

Chair closes public comment period.

Chair reopens public comment period. Comments received from John Brower.

No further comments being received, the Chair reclosed the public hearing.

There was a general discussion about the requirement that 75% of Cannabis at a manufacturing site needed to be grown in Trinity County, and how this would be enforced. Commissioner McHugh stated he thinks this is more of a Board policy question, it's not really a land use question, so we can send a recommendation up to delete it or leave it in, but it's really their call. It's good to get public input since

this is the forum for that and send it up to the Board, as was pointed out earlier, the public is not interested in the 75% requirement. Consensus was reached to recommend the Board drop the 75% requirement from the Ordinance.

The Commissioners then moved on to the issue of school bus stop setbacks. The State requires a 600 foot setback from youth-oriented facilities. Commissioner Matthews outlined his reasons for having no setbacks, other than the usual property line setbacks. He stated that there weren't many parcels that could meet the zoning requirements and the bus stop requirements, and still have a viable parcel. Commissioner Stewart agreed. Commissioner McHugh stated we've had testimony from the school districts requesting that the setbacks be set for the school bus stops, and in terms of a precedent for setting it from a youth-oriented facility, he would use the same argumentation used to set the 600 feet of the State and the 1,000 feet in our own ordinance. They should all be the same, 600 feet, and relax it in the future if it's an issue. There is a variance process to address this issue on a parcel-by-parcel basis, and the setback could be relaxed in the future. As far as the 200 foot property line setback is concerned, Commissioner McHugh stated that this only applies to the Type 7 licenses; there is no property line setback for Type 6 licenses. He does not think the 200 foot setback is unreasonable.

Commissioner Matthews said with regard to CUPA, he agrees, if we don't know what it is, it shouldn't be included. Director Hubbard said she contacted Kristy Anderson to find out, and it is the California Unified Program Agency. They regulate haz mat and hazardous waste, so as a commercial operation they are required to do that. Commissioner McHugh said maybe our feedback to the Board is to take it out our spell it out. Commissioner Matthews said and explain it. He said that's an issue in general with these ordinances from the ad hoc group, is we don't really know what their thinking was on some of these things, there's no explanation, there's no staff note that explains why they put it in. There's no way for us to know what their thought process was.

Commissioner Stewart asked when we discuss each one of these, can we determine what our consensus is so we can move on to the next one and not come back. Chair Hoard agreed, stating although he and Commissioner Frasier have not commented on several of these, but in order to be more organized, we should focus on each item and then move on to the next. He said he agrees with Commissioner Matthews in terms of it is difficult for us to discuss a lot of this if we don't know the intent. It does also help to have County Counsel here to help clarify issues and questions we have, and it is hard for us to determine if there is no clarity. The Board asks us to review these, but under such circumstances, it does prove difficult.

Chairman Hoard discussed his reasons for not having specific bus stop setbacks, including his concerns for 'one size fits all' applied to parcels with different characteristics. He stated that the setbacks should be considered on an individual basis through a use permit process. He supports the 600 foot setback from the youth-oriented facility, but wants a more thoughtful approach to other setbacks. He also has problems with number of cultivation variances; that there needs to be a thoughtful umbrella solution within the ordinance, or address it through a CUP process. He said for these two reasons he cannot stand behind specific setback for school bus stops, or behind the various processes for a quick fix for potentially reoccurring problems.

Commissioner Frasier said his theory would be to stay with 600 feet setback for bus stops, like we have used in our other variances, for uniformity. He said his biggest thing was the manufacturing; we don't have any manufacturing, so if we could try to have it built where it fits, then we won't have thirty-five variance requests that have to be processed every year. Chair Hoard said nonetheless it seems we have consensus to drop the school bus stop setback, or defer that to the conditional use permit process.

There was a general discussion regarding available parcels with the correct zoning that can meet setbacks. Chairman Hoard stated that the Commission had consensus to either drop the school bus setback or defer it the CUP. There was further discussion about how it needs to be one or the other; not a choice. More discussion ensued on what authority Planning had to impose setbacks that weren't in the Ordinance. Commissioner Stewart wants to eliminate the bus stop setbacks and Commissioner McHugh want to keep them.

Chair Hoard re-opens public comment one last time on this item.

Comments received from Daniel Davoudian, John Brower, Jake Rosen Crist, Sebastian Canter and Tom Ballance.

Chair reclosed public comment.

There was further discussion regarding bus stops, where they are, when and how they change. There was also discussion about whether to handle these setbacks through a variance process or through the CUP. A motion will be made later on this issue.

Chair Hoard moved on to the 200-foot setback. There was a general discussion regarding property line setbacks for Type 6 and Type 7 licenses in manufacturing, and the possible need to have greater setbacks for Type 7 because of the volatiles. There was clarification of setbacks in Heavy Commercial and Industrial zones. It was generally agreed that 200 feet was excessive and that 100 feet is adequate for Type 7 licenses.

Commissioner Frasier said before we move on, we did have consensus that we need to have CUPA explained and spelled out. He thinks we skipped that one. Chair Hoard agreed, we did have consensus.

Chair Hoard then moved on to Allowable Zoning Districts. Commissioner McHugh pointed out this is the Commercial Manufacturing Ordinance, not the Microbusiness, which will have its own separate set of zoning requirements, to answer questions that came up about that earlier.

There was a general discussion regarding including the Ag Preserve (AP) zoning in Manufacturing, including minimum lot size, state contracts and appropriate uses. Concern was expressed that parcels getting a tax break because of Williamson Act contracts should rezone to Ag. There was more discussion regarding the nature of Ag property, that the emphasis is on agriculture, not manufacturing. There was general agreement that if someone wanted to manufacture Cannabis on AP property that they should rezone it.

There was a general discussion regarding including Rural Residential (RR) in manufacturing. There was further discussion about including Types P, N and 6 in RR and whether they should be part of the Microbusiness Ordinance, and on a lower level of activity. Commissioner McHugh stated that if someone proposed a large-scale operation that it would need a Type P permit and thus it belongs in Commercial. to meet the economic needs of some residents or some districts. These are processes, Type P and Type N, that can be done discretely and safely and can provide for the economic needs of families and to the community. At the least, if we're not going to include RR in Type 6, he thinks it merits consideration to look at these two licenses, P and N, to be included in RR. Type N is essentially taking a product that has already passed through a Type 6 or Type 7 process and basically manipulating what the outcome is in different applications, and Type P is essentially packaging and labeling. He said he doesn't think we need to hold these two processes and have them only be able to be carried out in Commercial and Industrial zones. He's in favor of adding a Type N and Type P operation to Rural Residential.

Commissioner Frasier said he wouldn't include any type of license in Rural Residential; you could have a Type P license in RR zoning right in the middle of somebody's residential neighborhood, and you have truck traffic non-stop from somebody bringing in product, somebody bringing it in boxes, and somebody taking it out in boxes, so it doesn't fit, maybe on the micro level. Director Hubbard read the uses allowed under Rural Residential with a CUP UNDER THE Microbusiness Ordinance, which will be before the Commission soon.

Consensus was reached not to change the allowable zoning districts as written in the draft ordinance.

There was a general discussion on whether to include the word "Commercial" in the Title of the Manufacturing Ordinance. There was a discussion regarding the need for fire plans as part of the Manufacturing CUP and that the state had many regulations regarding this issue.

There was further discussion regarding the 1,000 foot setback from youth-oriented facilities and that churches were part of that. There was general agreement to keep this setback in place.

Chair Hoard said it seems so far that the changes we have come to agree with are: Add "Commercial" to the title; in Section 4, Paragraph C, eliminate or change the word "dispensaries"; in Section 4, Paragraph G spell out CUPA, just for the sake of clarity. Other than that, a consensus that we have, or the majority, of what we have agreed upon, to drop off the 75% or at the discretion of the Board, however they want to address that; drop the school bus setback altogether; to reduce the 200-foot setback for Type 7 licenses to 100 feet; and no changes in allowable zoning districts.

Commissioner Matthews moved to recommend the amended Ordinance go the Board of Supervisors for approval. Seconded by Commissioner Stewart. Motion carried 3-2, with Commissioners Frasier and McHugh voting no.

#### **11. MATTERS FROM THE COMMISSION**

Commissioner Stewart asked when Microbusiness would be coming before the Commission as a lot of people have been asking. Commissioner McHugh responded the notice was in the paper. Director Hubbard responded it has been noticed for January 25<sup>th</sup> here at the Planning Commission.

Commissioner Matthews said you will have to ask the new Chair whether to follow the policy that we established last fall, that we would not consider an ordinance if it didn't come in our regular packet, if that is going to continue in 2018. Chair Hoard said yes, he strongly agrees it does and it should.

Commissioner Frasier said back when we did the 2015 to 2019 Housing Element we had a lot of public comment, people asking for K Housing Ordinance. He said he brought it up under Matters from Commission in Hayfork three years ago or more, but it has never been agendized. He worked with a local builder and came up with paperwork, and he requested the matter be agendized for the February regular Planning Commission meeting. He provided a copy for staff and for each of the Commissioners.

Chair Hoard asked if there were any scheduling conflicts. Commissioner McHugh asked if there is a second meeting in February. Director Hubbard said yes. Chair Hoard advised he will not be attending the February 8<sup>th</sup> meeting. Clerk Hanover advised there will also be two meetings in March.

#### **12. MATTERS FROM STAFF**

Interim Planning Director Hubbard advised, like we discussed, the Microbusiness will be coming to the

Planning Commission on January 25<sup>th</sup>.

Director Hubbard advised she received a phone call from the Superintendent of Trinity Alps Unified School District about bus stops. She said it was not received timely enough to include in tonight's discussion, but he has offered to make a presentation, and his take on it tentatively was maybe there are some bus stops that would more or less be carved out areas. There are certain bus stops that are very critical to them to keep, others not so much. He said he'd be happy to explain how the bus runs work. She said if the Commission wants that he's willing to do it. If not, no big deal. Commissioner Matthews said hopefully he can produce a map that shows all the bus stops and we can go from there. He said if they're not used, they're not necessary, they shouldn't be an active bus stop and shouldn't be on the list. Chair Hoard agreed, stating we have mentioned before that we need a map or clarification in terms of bus stops in relation to adjacent properties and their specific zoning, so if he wants to provide that information it would be great. The more information the better. Director Hubbard said she thinks that's part of the issue, people have pointed out that bus stops change. Commissioner McHugh said he thought it would be useful to have a presentation, particularly since the issue has been raised what justification is there for these; we should hear from the schools. Commissioner Stewart said we're talking about Trinity Alps School District, not the entire Trinity County, because most bus stops in Hayfork they pick the kids up at their house. Chair Hoard said in light of what Commissioner Stewart has said, if this is a representative for the entire County, on request of Commissioner Stewart representing the Hayfork District, let him know we are also interested in hearing about Hayfork and how that applies to her district. Director Hubbard asked for clarification/direction. Commissioner Matthews said he thinks we can give Mr. Barnett fifteen minutes of our time. Chair Hoard agreed and directed he be agendized.

Director Hubbard advised the draft Grading Ordinance will come before the Commission in the spring.

**13. ADJOURN**

Chair Hoard adjourned the meeting at 9:06 p.m.