
**PLUMAS COUNTY
PLANNING COMMISSION**

Minutes of the Regular Meeting of October 3, 2019

PLANNING COMMISSION MEMBERS:

Dr. Robert Abbott, *Chair (District 1)*
Moorea Hoffman Stout, *Commissioner (District 2)*
Jeff Greening, *Commissioner (District 3)*
Larry Williams, *Commissioner (District 4)*
John Olofson, *Vice-Chair (District 5)*

I. CALL TO ORDER

Vice- Chair John Olofson calls the meeting to order at 10:00 am.

II. SALUTE TO THE FLAG

III. ROLL CALL

Commissioners Present: Jeff Greening, Larry Williams, John Olofson
Commissioners Absent: Moorea Hoffman Stout, Dr. Robert Abbott

Also in attendance (*Supervisors and staff*)
Tracey Ferguson, AICP, Planning Director
Rebecca Herrin, Assistant Planning Director
Tim Evans, Associate Planner
Gretchen Stuhr, Deputy County Counsel
Agricultural Commissioner Tim Gibson

IV. CONSENT ITEMS

A. Items to be continued or withdrawn from the agenda: None.

V. PLANNING COMMISSIONERS' REPORTS/COMMENTS:

There are no Planning Commissioner reports or comments.

VI. PUBLIC COMMENT OPPORTUNITY

There is no public comment.

VII. PUBLIC HEARING ITEM: PROPOSED ORDINANCE AMENDING PLUMAS COUNTY CODE TITLE 9 (PLANNING AND ZONING) TO CLARIFY "HORTICULTURE" DOES NOT INCLUDE "INDUSTRIAL HEMP," ADDITION OF DEFINITION OF "AGRICULTURAL PROCESSING," AND ADDITION OF "AGRICULTURAL PROCESSING" AS A USE SUBJECT TO THE ISSUANCE OF A SPECIAL USE PERMIT IN THE AGRICULTURAL PRESERVE (AP) AND GENERAL AGRICULTURE (GA) ZONES

Vice-Chair John Olofson explains the procedures to be followed during the public hearing.

Planning Director Tracey Ferguson gives an overview of the staff report and recommendation. The Board of Supervisors gave direction to the Planning Commission to investigate zoning for

Industrial hemp. The Commission has also been looking into adding a zoning definition for "Agricultural processing" and recommendation that Industrial hemp, grown as an agricultural crop under existing state law, be permitted in the Agricultural Preserve (AP) and General Agriculture (GA) zones subject to issuance of a special use permit. "Horticulture" is permitted in many of the residential zones with smaller sized parcels, so the proposed ordinance also contains a provision to eliminate Industrial hemp as a use under the definition of "Horticulture".

Industrial hemp is defined in the zoning code the same manner as it is in the California Health and Safety code. Ferguson explains that Industrial hemp is considered a compatible use with agriculture under the General Plan.

Vice Chair Olofson opens the public hearing.

Christi Goodman, representing the Plumas County Growers Association, speaks. She is also an owner of the Lake Davis Campground. Goodman states her objection with restricting the hemp industry by limiting the growing of Industrial hemp to certain areas. She feels that banning horticulture will impact economic development in areas that allow horticulture now on smaller sized parcels. There are many uses of Industrial hemp, including for feed and fiber, and Goodman feels that a robust Industrial hemp program should be encouraged. She is not sure if this ordinance does this. The County should utilize a research protocol to encourage production of Industrial hemp, not only for feed and fiber, but also for production of cultivars and of certified seed. The support of Industrial hemp cultivation will reduce cannabis production.

Emily Bryant states that she has heard a rumor that there is a cap/minimum acreage size for cultivation of Industrial hemp. Commissioner Greening responds that is only a rumor. Assistant Planning Director Herrin explains that is not a part of this draft ordinance.

Agricultural Commissioner Tim Gibson initiates discussion regarding cultivation of Industrial hemp. Industrial hemp cultivation is labor intensive and expensive. Most cultivation for CBD oil involves growing exclusively feminized seeds, but cultivation for fiber or seed would involve male plants, which can cross-pollinate with cannabis (marijuana). Gibson states that cross-pollination can occur up to five miles. Agriculture commissioners across the state are trying to get hemp legalized, he adds.

Christi Goodman states her support for Industrial hemp fiber and seed production as Gibson has outlined.

Luke Jasper states support for allowing Industrial hemp cultivation in the R-10 and R-20 zones on smaller sized parcels. He expresses concern with elimination of these zones from Industrial hemp production. He doesn't want an economic barrier for small producers that would lead to large-scale growers, such as large corporations, taking over the production and cultivation. There are so many different types and uses of Industrial hemp and he is concerned with environmental degradation that would result from large acreages under cultivation.

Gibson adds that the state minimum is 0.4 acres, but there is no maximum acreage. Dave Roberti questions if there are small parcels zoned for agricultural use. Herrin responds that there are some.

Willo Vieira questions excluding Industrial hemp from the definition of "Horticulture" if horticulture is part of the definition of "Agriculture". Herrin explains that Industrial hemp is being removed from "Horticulture", the definition, as it is permitted in residential zones.

An unidentified public commenter states that seed production and production of cultivars should be permitted on ten-acre parcels, rather than parcels hundreds of acres in size. Cultivation needs to be opened up to allow seed production in greenhouses, which will result in acclimatized plants, with less pests and less burden on the Agricultural Commission. Gibson responds that he would be required to inspect, regardless of whether or not plants and seeds were brought in from out of the county or produced locally.

Vice-Chair Olofson calls for more public comment. Hearing none, he closes the public hearing at 10:40 am.

Commissioner Greening has issue with horticulture (Industrial hemp cultivation) adjacent to residential areas. There are enforcement issues with the Sheriff, cross-pollination issues. He is comfortable with the ordinance as written.

Commissioner Williams feels that local seed production should not be precluded from the S-3, R-10 and R-20 zones. Perhaps these limited sorts of cultivation could be permitted under a nursery use. Herrin responds that these types of issues could be revisited.

Commissioner Williams expresses concern with how to proceed. He feels perhaps direction could be given to staff on developing criteria for acreages, production of starts and seeds, etc. Perhaps there could be a special use permit requirement to allow nursery production to address nuisance factors.

Vice-Chair Olofson asks if the recommendation to move the ordinance forward to the Board of Supervisors would be premature based on today's discussion.

Commissioner Williams would like to strike the exclusion of Industrial hemp from "Horticulture". Vice-Chair Olofson calls for a motion to approve the draft ordinance as presented. Commissioner Greening feels that the seed cultivation is the issue. Planning Director Ferguson responds that the definition of Industrial hemp includes all parts of the plant, including the seeds.

Commissioner Greening suggests a motion to recommend the ordinance to the Board of Supervisors with the caveat that the Board undertake discussion of allowing Industrial hemp production in some manner on smaller sized residential parcels.

Kevin McNerney, landowner and Industrial hemp farmer, speaks to the Commission. He has fifty acres of Industrial hemp under cultivation this season. The issue of the seed being produced locally is without merit; genetic labs are spending tens of millions of dollars to develop seed. McNerney believes that being able to create seed locally is a far-fetched idea.

Commissioner Williams would like to see a local production component in the ordinance. He feels there is an expressed need to be able to generate seedlings locally and sell to growers. Herrin explains that that type of commercial operation would not be included under the current

definition of “nursery” as a “nursery” is defined as “a home business for the retail sale of plants and accessory commodities where:

“(a) the area in which the plants are raised and kept is not considered as part of the 600 square foot area which is the limit of the area occupied by the home business.

“(b) accessory commodities may include fertilizers, soil amendments, pesticides, and herbicides for the use of which no special license or other entitlement is required and shall not be considered toxic, explosive, or flammable.”

Vice-Chair Olofson reminds the meeting attendees that the public hearing has been closed for some time. Commissioner Greening’s motion dies due to lack of a second.

Deputy County Counsel Gretchen Stuhr suggests that the Commission could continue the public hearing and give direction to staff to amend the ordinance. Ferguson responds that staff could bring the ordinance back to the Commission at the October 17th meeting, with a public hearing on November 7th. There is concern with delaying the adoption of the Agricultural processing component of the draft ordinance.

M/S/C: Greening/Williams/3-0 to send the proposed ordinance to the Board of Supervisors with a resolution confirming the recommendation to be reviewed at the next meeting.

VIII. DISCUSSION: ZONING ORDINANCE PRIORITY LIST

Discussion of setting priorities for future zoning code updates necessary to become compliant with state law changes and to implement the 2035 General Plan.

Planning Director Tracey Ferguson discusses staff priorities for zoning ordinance updates. The first priority item would be both the Floodplain ordinance update and the Surface Mining and Reclamation Act (SMARA) ordinance update as these were identified as a result of potential audits by the State. Second would be the Subdivision ordinance which was been a priority for some time. The Noise ordinance will implement the Noise Element of the General Plan. This ordinance could be undertaken at the same time as the Noise Element is reviewed by the Commission. The Dark Sky ordinance will provide implementation, but is also of interest and could be the third priority item.

M/S/C: Williams/Greening/3-0 to approve staff’s recommendation for the zoning ordinance priority list.

IX. DISCUSSION: STRATEGY FOR PLANNING COMMISSION REVIEW OF THE 2035 GENERAL PLAN

Planning Director Ferguson distributes the Final General Plan copies to the Commissioners.

X. CONTINUED DISCUSSION: RESOLUTION NO. P.C. 10-002 PLANNING COMMISSION RULES OF CONDUCT

Ferguson suggests that this item be continued.

XI. INFORMATIONAL ITEMS/ONGOING PROJECT UPDATES

There are no informational items/ongoing project updates for discussion.

XII. CORRESPONDENCE

There is no correspondence.

XIII. FUTURE AGENDA ITEMS

The 2019/20 Planning Commission budget will be distributed at the next meeting.

XIV. ADJOURNMENT:

M/S/C: Williams/Greening/3-0 to adjourn the meeting at 12:04 pm.

The next regularly scheduled meeting will be held on October 17, 2019 at 10:00 am.



John Olofson, Vice-Chair
Plumas County Planning Commission



Rebecca Herrin, Clerk of the Planning Commission