



TRINITY COUNTY


PLANNING DEPARTMENT

P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

MEMORANDUM

DATE: Friday, April 8, 2022

TO: Members of the Trinity County Planning Commission

FROM: Lisa Lozier, Interim Director Building & Planning 

SUBJECT: Item 4 Resolution Adopting Guidelines of Commercial Cannabis in Opt-Out Areas and Ordinance Establishing Cannabis Exclusion Overlay Zone District

Please find attached public comments received as of April 8, 2022.

Deborah Rogge

From: Jvorp
Sent: Wednesday, April 6, 2022 1:08 PM
To: Info.Planning
Subject: Comments: Planning Commission Meeting, April 14, 2022 Opt-outs

Existing cannabis Opt-out areas were created by a majority of the residents and property owners in defined areas in Rush Creek Estates and Lewiston to protect public health, safety, and welfare. Residents of the opt-out areas petitioned the Planning Department and requested a prohibition on the issuance of new or transferred licenses in Opt-outs. The Lewiston Opt-out proponents also requested the sunseting of all Commercial Cannabis Licenses and a ban on all commercial cannabis activities.

The BOS passed and extended Urgency Ordinances (UO)s with a single provision: a prohibition on the issuance of new or transferred licenses in Opt-outs. Permanent land-use and zoning changes cannot be implemented via a UO. The UO-created Opt-outs expire when the UO expires.

Permanent Opt-out areas can only be created, certified, and implemented by amending the existing Cannabis Ordinance. Incorporating any opt-out area must follow the procedures and provisions in the amended Cannabis Ordinance. Amending the Cannabis Ordinance is currently under consideration.

The amended cannabis ordinance will contain provisions making all Opt-out areas vastly different in both scope and permanence.

The only determination of a majority of residents and property owners supporting Opt-outs was submitted in the petitions to the Planning Department and BOS. This was before the BOS passed the initial UOs. No determination was made about the sole provision of the UO passed by the BOS. Will a "majority" of residents and property owners (as defined by the amended Cannabis Ordinance) in previous opt-out areas support the vastly different provisions of the amended Cannabis Ordinance? This may include permanently licensing and accepting cannabis cultivation in the opt-out areas. All opt-areas must affirm support following the procedures established in the amended Cannabis Ordinance based on the updated provisions.

In summary:

Don't conflate existing, temporary UO-created Opt-outs with permanent Opt-outs created by the amended Cannabis Ordinance. The UO-created opt-outs lose their full force and effect when the ordinance expires.

All future Opt-out areas must be created consistent with the amended Cannabis Ordinance.

The amended version of Opt-outs must be affirmed voted on by Opt-out areas.

Deborah Rogge

From: Carol Fall
Sent: Wednesday, April 6, 2022 1:39 PM
To: Debra Crawford
Cc: Info.Planning
Subject: Re: Email in Support of OPT OUTs

Hi Debra,

Thanks for your comments. I'm also forwarding them to the Planning Department for consideration.

Carol Fall
Planning Commissioner

From: Debra Crawford
Sent: Wednesday, April 6, 2022 10:37 AM
To: Carol Fall
Subject: Email in Support of OPT OUTs

Feeling like a broken record, this email is to support OPT OUT areas for the future of Trinity County. One only has to look at the Google Earth Maps of Trinity Pines, Wildwood, areas of Hayfork to see what could happen if citizens are not giving the right to maintain their communities without the invasion of grows.

Lewiston and Douglas city have many profit based businesses that support the infrastructure of the area. Vacation rentals will suffer mightily if grows are permitted in the area, in my research I found 32 vacation business in our area. Those business attract tourism which support the marinas, restaurants, stores and attractions are an important part of our infrastructure. In my search I looked for areas where grows abound and found not one rental. Clearly, these areas do not operate in the same manner as our communities and we want our communities to be able to be the tourist hubs to the beauty of the mountains they have been for hundreds of years. Keep OPT OUTs strong, do not let grows, manufacturing or any type of associated business into our area!

VACATION RENTALS – LEWISTON and nearby DOUGLAS CITY

- 1) Lewiston Hotel Bar and Grill
- 2) Lewiston Valley Motel
- 3) The Old Lewiston Inn
- 4) Trinity River Resort
- 5) Lakeview Terrace Resort
- 6) Old Lewiston Inn RV Resort
- 7) Private – Lewiston,
- 8) Tiny House – Lewiston
- 9) Lewiston River Haven Cottage
- 10) Cabin in the Woods, PBF
- 11) The Miners Cabin – Dc
- 12) River Rock Ranch
- 13) Goose Neck Guest House
- 14) Pine Cone Cottage
- 15) Bunk House at River Rock
- 16) Lewiston Fish Cabin
- 17) River Haven Cottage
- 18) Trinity River Retreat
- 19) Camp Cole Fish House
- 20) Trinity River Adventure Cabins
- 21) Bill n Annette Lodging
- 22) The Bear's Den

- 23) Trinity River Fishing Cabin Mountain Getaway
- 24) Newberry House
- 25) Fishella Motela
- 26) Paradise Found – DC
- 27) Rivergold Cottage – DC
- 28) Grand Riverfront Lodge – DC
- 29) Quad P Cabin on the Trinity River
- 30) 3-Bed Cabin on the Lake
- 31) Cozy 3-Story Cabin
- 32) A River Runs Through it
- 33) Lewiston Lake 2 Cabins

Deborah Rogge

From:
Sent: Wednesday, April 6, 2022 3:13 PM
To: Info.Planning
Subject: Opt-Outs in Trinity County

To the Trinity County Planning Commission,

I own property in the Trinity Center Communities District, an opt-out area. We, unfortunately, have been negatively affected in the past by an illegal grow adjacent to our property. The odor was intolerable, the smell even wafting down to KOA; water was taken from the creek to the point that the creek was drained dry by the time it reached the first neighbors coming in on the main road from the highway; our property was trespassed on to the point I had to hire an attorney to draw up a temporary use license; and visitors driving up the road were chased and sometimes even threatened by the owner's "employees." Needless to say, this was a very bad experience for our family. The property was raided twice and eventually the property was sold.

We are not sure what the new owner/owner's agents have planned for the property, but I do not want to go through what we have in the past, especially with odor, water, and trespassing issues. I strongly urge the Commission to make all existing opt-outs for cultivation, distribution, and retail permanent in Trinity County.

Respectfully,

Margie L. Long

Deborah Rogge

From: Shelby Goss
Sent: Wednesday, April 6, 2022 4:04 PM
To: Info.Planning
Subject: Trinity Center Communities Opt-Out

Our home is located in the Trinity Center Communities District Opt Out Area. Several years ago the property adjacent to ours was purchased for the express purpose of a Cannabis grow. We struggle with trespassing issues to and our guests have been met on the shared road by armed employees of the grow. The stench is terrible, and they not only drive through the creek to ingress the property, they irrigate with water from the creek that runs through both our properties. But most importantly, I no longer feel safe in our home.

Four generations of our family have enjoyed the natural beauty of Trinity Center and the surrounding communities for the last 60 years. It's a place where time slows and neighbors look after each other. I urge you to protect this pristine environment and cohesive community spirit.

Please keep us safe by permanently opting out of Cannabis grows in the Trinity Center Communities.

Cordially,

Shelby Goss

Deborah Rogge

From: Nancy Anderson
Sent: Thursday, April 7, 2022 7:32 AM
To: Carol Fall; Info.Planning
Subject: Planning for Opt Outs

Recently I have taken a huge step back in my thinking about Commercial Cannabis as I have tried to really listen to the advocates of it...I already understand my side of the issue, but I want to try to grasp BOTH sides in the interest of moving forward as a community. I am grieved by the contentious comments that honestly come from both sides!

The voters in California made their wishes known, and possibly the entire nation may see this issue settled in terms of legality. So I want to be a part of the solution, not part of the problem.

Mistakes in the past...by county planners, county supervisors, law enforcement, individual licensed growers, persistent illegal operators, and anti-cannabis neighbors...have made this a very confusing issue for someone like me that just wants to see things done circumspectly and wisely. The fears of members of each respective side seem to fuel the flames and make it difficult to move forward.

It is the role of government to maintain balance and provide boundaries through laws/ordinances. This has got to be one of the toughest issues before you, and I do not envy the decisions that you have to make! Cannabis is such a unique issue because after so many years of being illegal, its participants have now transitioned from being "outlaws" to "business owners"...a change that those of us that have been on the outside, looking in, have found difficult to comprehend!

My only understanding of this issue is from the point of view of a teacher who saw the effects of cannabis-use by minors (illegal in every aspect of the issue) whose school performance seemed to diminish over years of use. I will say that in a small number of students who had attention deficit issues, it did seem to help them focus...so I don't deny there are some medicinal uses, even in minors. But for the majority, it seemed to effect their motivation to excel academically. But, underage drinking is just as bad, if not worse! Truth be told, if I had to choose, I'd rather see both cannabis AND alcohol (and of course ALL mind-altering drugs) just go away, if it would save the minds of our youth! But this will never happen.

So please be patient with me as I (and others who share my perspective) try to cope with this industry and it's evolution to legality. I want to embrace my neighbors (or in many cases, absent licensed-land owners who I've never met) who are trying to do this legally and meet "in the middle" in the mandated public hearings over these issues. Instead of using these meetings as a soapbox to take shots at the opposition, can we simply use these opportunities to educate each other, as some have tried to do?

For my part, after taking a more balanced view of the issue, I still believe that there are some planning decisions that will help both sides to coexist more peacefully moving forward...

*Allow Opt Outs to be the bandaid on a outdated General Plan

*Expedite the NEW General Plan with an emphasis on Community Plans to welcome cannabis with open arms in communities that have a high percentage of residents agreeable, and maintain carveouts with "limits" to new licenses in communities that have a high percentage of residents who have expressed this desire.

*Foster the development of "Peacemakers" meeting between the two Communities (formerly known as "the Hatfields and McCoys") to start the conversation of moving forward together in areas of consensus and tolerance in areas of conflict.

*View cannabis as a kind of agriculture that has certain qualities that will bother some neighbors and create nuisance issues (like large scale hog and poultry farms), and rewrite the ordinance to limit the number of licenses issued in a certain square mile area to mitigate this.

*Focus on the bigger cannabis issue: illegal growers who are having the most detrimental impacts on the environment, water resources, etc.

Recently I have heard comments that have compared the issues around cannabis to the effects of wineries and, closer to home, alpaca farms. I can only speak to alpacas...their urine smells worse than their manure, and I take measures to make sure that smell doesn't build up! It isn't too difficult, with only a dozen animals. I'm sure 200 would be a different story! But a significant difference is that I don't see 500 alpaca farms trying to get into Trinity County, or 500 wineries!

We do have the potetial for 500 legal cannabis businesses in Trinity County! Please do your responsibility to all residents in Trinity County and govern, lead, and ordain in a way that protects the rights of all in a fair and balanced manner.

Sincerely,

Nancy Anderson/Owner
One Thing Ranch

Deborah Rogge

From: SCOTT SIMPSON
Sent: Thursday, April 7, 2022 7:53 AM
To: Info.Planning
Subject: Opt Outs

Greetings

I am writing in support of the establishment and enforcement of opt out zones for commercial Cannabis growing in areas with established residences. I have seen the destruction to the quality of life in areas with neighboring residences and businesses first hand as I have a loud, unbearably stench belching operation on one of my property lines.

These growers can file for permits in areas away from established "communities" where it may be less convenient for them, but not inconvenient to those who have built their lives here only to have them deteriorate through the fault of only one entity- Trinity County.

There is a balance here to be had, but only Trinity County can make that balance work. Permits already issued that should never have been issued, such as the grow on Coffin Road, are in place and should serve as a reminder as to what happens when the county gets it wrong. Consider past mistakes before making more.

Thank you
Scott Simpson, Lewiston

Deborah Rogge

From: Loren Long
Sent: Thursday, April 7, 2022 11:23 AM
To: Info.Planning
Cc: Carol Fall
Subject: Cannabis Opt Out

I will not be able to attend the Planning Commission meeting on April 14th and wanted to provide comments.

I am a property owner in the Trinity Center Community Services District, which is an Opt Out area for the cultivation of cannabis for commercial purposes. I am an advocate for keeping it that way. I also do not want retail sales or distribution of cannabis located in this district.

The problems with cannabis are many. I had a grower on the property next to mine who caused many problems for me and law enforcement. He claimed he had a license to grow, but did not. He stole water from the creek that ran through his and my property. He drove motor vehicles through the creek daily. Due to concerns that he would acquire ingress egress rights over my property I was forced to hire an attorney. I was exposed to the obnoxious skunk-like odor produced by the cannabis. The workers which he hired were of questionable character and were threatening. He was raided two times before he finally quit growing and then sold the property. The property has since been purchased by another party or group, not sure what, who I am suspicious also has interest in or intentions of growing commercial cannabis in an Opt Out area.

There is a great deal of private land in Trinity county where cannabis can be grown where the process will not be a problem. Opt Out areas were obviously created in locations where it would be a problem. Opt Out areas or zoning restrictions are a reasonable method of managing it. It is concerning to me that the County may be considering allowing changes or variances regarding cannabis which would negatively affect the Trinity Center community.

Thank you,

Loren Long
Trinity Center, CA

Deborah Rogge

From: Sally Barrow
Sent: Thursday, April 7, 2022 12:09 PM
To: Info.Planning
Subject: opt out ordinance

Sally Barrow

Bear Creek Road Rush Creek Opt Out

The two meeting Planning Commission opt out workshop was completed last month. We have been waiting years for the opportunity to make our case to the Commission. The goal of the workshop was to discuss an opt out ordinance that would finalize our opt out and act as a template for the current opt outs and the ones to follow. One of the greatest fears of most people is public speaking, even under the most friendly of circumstances. Many of the supporters of our opt out and other interested persons just don't have the confidence to participate in the public comment portion of these meetings. The audience atmosphere is often hostile, and sometimes aggressive. The Cannabis community has no shortage of articulate speakers. They pack every meeting and their three minute comments can really add up. These meetings to finally discuss the rights of our residents to protect our own investments and regain control of our neighborhoods, turned into **more** discussion of how the cannabis cultivators can protect **their** investments and profit from and expand their operations within the opt out areas. Our original urgency ordinance, approved unanimously three times by the BOS, includes language allowing for no new permits issued and no transfers of current licenses. After the overwhelming cannabis input at the workshop, the commission suggested that allowing transfers of grandfathered permits would be 'fair' to protect the cultivator's investments, and even considered giving them the opportunity to get additional licenses for certain other cannabis activities within the opt outs. I will ask the question I have asked many times before, why is the cannabis community given such preference? Why, even in that setting, was it only the cultivators' investments that were discussed? Why is the investment of my whole life and the lives of my neighbors held in such contempt? Where is the concern for the rest of us? The cultivators' entire investment has been providing potential profit for them all during their period of operation. Their neighbors, long before the arrival of these licensed growers, have been building hoped for equity. They find this equity greatly diminished by the presence of an industrial cannabis site in their area. The no transfer clause was an attempt to return our neighborhoods to their historically residential use.

I am asking the Commission to consider, when hearing all of the various cannabis issues, the voices of the vast majority of citizens in Trinity County that do not cultivate legal cannabis. Please remember us when you are making decisions that will affect the quality of our lives.

Deborah Rogge

From: Steven Goss
Sent: Thursday, April 7, 2022 2:24 AM
To: Info.Planning
Subject: Opt out in a Trinity Center Service area.

Dear Planning Commission

My family has been vacationing in Trinity center area for over 50 year and we own a parcel of property up Rancheria Creek since the early 1980s. A few years ago we were introduce to the cannabis industry when a grow was started on the property just below us. Besides the skunky smell, my biggest concern is the safety of my family. This industry has brought an element of personnel that, by nature of this industry, is threatening and makes us feel unsafe on our own property. It was a place where we could take walks without feeling like we were targeted as potential threats. I have also hunted and fished extensively up in the area and am concerned about the health of the creek that runs through the two properties. The past grower has had multiple violations, in fact, they were raided due their violations, then ignoring the law they started a grow again. This crop requires a lot of fertilizer and I can't imagine that the run off will not do damage to the creek and it flora and fauna.

Please keep the Cannibas industry out of the Trinity Center Service area.

Steven J Goss DVM

Sent from my iPad