



## **TRINITY COUNTY COMMUNITY DEVELOPMENT SERVICES**

### **PLANNING DEPARTMENT**

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**Edward Prestley, Interim Deputy Director**

### **MEMORANDUM**

**DATE:** August 3, 2023

**TO:** Members of the Trinity County Planning Commission

**FROM:** Planning Department

**SUBJECT:** Agenda Item: Item 7 P-23-21 Appeal of Director's Decision to Approve CCL-132

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Narrative received from Appellant August 3, 2023.

**PROJECT/APPEAL NUMBER P-23-21**  
**MEETING DATE: AUGUST 3, 2023**  
**APPELLANT RESPONSE TO STAFF REPORT**

**Staff's Project Background Narrative**

The Cannabis Division Director approved the application for commercial cannabis cultivation license (CCL) 132 on February 17, 2023 and was scheduled for license issuance on or after March 9, 2023 after the 10-day appeal period ended. On March 9, 2023, an application for appeal of the approval of CCL 132 was submitted to the Trinity County Planning Department, pursuant to the standards established in Trinity County Code Section 17.34.110. The Directors approval of the license and related Environmental document were rescinded on June 08, 2023 in order for the applicant's agent to update the Appendix C document in order to provide additional discussion within the document. The updated Appendix C document was approved on June 23, 2023. The project site originally received an approved CCL in 2017, transfer application received on June 14, 2021 for the current applicants and received a UO Extension on September 1, 2021, see below for additional project information. Additional project history detailed below:

- - CCL 132 first licensed in 2017
- - Initial Appendix C submitted February 24, 2022
- - Initial notice of approval February 17, 2023
- - Initial appeal 3/9/23 Appellant Laurie Wills/ Friends of the Grass Valley Creek (P-23-06)
- - Initial PC meeting scheduled for May 25, 2023 (cancelled/continued)
- - Director's Decision to Approve Rescinded on June 8, 2023 (P-23-06 appeal moot),
- - Updated Appendix C approved June 23, 2023
- - Re-noticed P-23-06 June 28, 2023 for July 13, 2023
- - Second appeal P-23-21 Appellant Kristel Bell on July 12, 2023
- - Second PC scheduled – P-23-21 noticed July 19, 2023 for August 3, 2023

**Appellant Response to Staff**

Staff's synopsis of the Project Background lacks key information pertaining to the project history. A more complete accounting of the project information would be:

- 2017 – CCL-132 first licensed
- 2/24/2022 – Initial Appendix C submitted
- 3/6/2022 – **Second** Appendix C submission
- 9/8/2022 – **Third** Appendix C submission
- 2/17/2023 - Cannabis Director notices the approval of CCL-132's cultivation license
- 3/2/2023 – Appellants (to be) review CCL-132 cannabis file and approved Appendix C document during an impromptu extended meeting in which the Cannabis Director, staff, and Appellants (to be) discussed and agreed the Appendix C was potentially flawed. The Cannabis Director informed the Appellants (to be) that the license approval could not be rescinded, but they (the

County) could be sure the issues brought forth would be addressed before the license was physically granted to the Applicant.

- 3/6/2023 – **Fourth** Appendix C submission
- 3/9/2023 – Based on 3/2/2023 cannabis file and Appendix C review, timely filing of appeal by Laurie Wills/Friends of the Grass Valley Creek P-23-06 (Appellant Attachment A. P-23-06 Notice of Appeal Letter - note appeal element 5. Variance Regulations). Staff fails to inform the Appellants of the fourth March 6, 2023 Appendix C submission at the time of appeal filing.
- 4/3/2023 – Appellant inquires as to the status of appeal and the date for which the appeal is set on the Planning Commission agenda (Appellant Attachment B. Email - Status of Appeal Hearing)
- 4/12/2023 – Notice of Special Meeting for 4/27/2023 is published in the Trinity Journal in which Director Plebani proposes changes to Trinity County Code Section 17.43.050(A)(8) pertaining to the methodology for cannabis cultivation setbacks (Appellant Attachment C. 4/27/2023 Notice of Special Meeting - note the proposed language change directly relates to Appellant’s appeal element 5. Variance Regulations noted above)
- 4/13/2023 – Staff notifies Appellant of hearing delay stating *“After confirming with legal counsel that we have the flexibility to do so, we have not yet scheduled the appeal for hearing. We are juggling many different priorities right now and want to make sure we have enough time to appropriately respond to your appeal.”* (Appellant Attachment D. Email – Hearing Delay). As noted above, Staff were working on ordinance language modifications that, if approved, would deem appeal element 5 moot.
- 4/27/2023 – Planning Commission denies Staff’s request to modify the Variance language as proposed.
- 5/9/2023 – Appellant submits request to view CCL-132’s Cannabis file and approved Appendix C (Appellant Attachment E. 5/9/2023 Request to View Files).
- 5/10/2023 – Notice is published setting P-23-06 appeal on the 5/25/2023 Planning Commission agenda (Appellant Attachment F. 5/25/2023 Notice of Public Hearings).
- 5/15/2023 – Staff schedules files/documents review for 5/17/2023 (eight days post request to view file).
- 5/16/2023 – Staff proposes and the Board of Supervisors approves Resolution No. XXX (no number assignment to date) streamlining approval of cannabis licenses requiring a CCV for 2023 (ultimately succeeding to debunk P-23-06 appeal element 5 regarding obtaining a variance).
- 5/17/2023 – Appellants review files/documents; although requested, CCL-132’s Appendix C was not provided.
- 5/19/2023 – P-23-06 Staff Report is released stating the license approval is based on the September 8, 2022 Appendix C submission (Appellant Attachment G. 5/25/2023 Staff Report Excerpt).
- 5/22/2023 – Electronic copy of CCL-132’s Appendix C received. Upon review, Appellants noted the March 2023 update to the Appendix C. Staff used the

March 2023 version for approval processing AFTER the Appellants' file review (changes were made to the sensitive receptors language; another element of the then pending appeal) without notification to the Appellants.

- 5/27/2023 – Planning Commission meeting continued to June 8, 2023.
- 6/8/2023 – Director Plebani issues memo rescinding CCL-132's license approval and associated Appendix C document, deeming P-23-06 moot.
- 6/23/2023 – **Fifth** Appendix C submission to the Cannabis Division (document changes noted as 3:18pm 6/23/2023).
- 6/23/2023 – Cannabis Director approves and notices CCL-132 (as shown in the appeal form, postal date stamped from Sacramento, CA 6/23/2023 – the same date as the Applicant's resubmission)
- 6/28/2023 – Notice is submitted via email to P-23-06 Appellant informing Project/Appeal P-23-06 will be submitted to the Planning Commission for decision on July 13, 2023 (Appellant Attachment H. P-23-06 Appeal Reinstatement).
- 6/28/2023 – Notice of the new approval of CCL-132 cultivation license is posted in the Trinity Journal with the approval date of 6/23/2023 and the appeal deadline date of July 12, 2023 (Appellant Attachment I. 6/28/2023 Notice of Approval) – simultaneously with the P-23-06 appeal hearing date set for July 13, 2023.
- 7/12/2023 – Timely appeal filed for current appeal P-23-21.
- 7/14/2023 – Staff set P-23-21 Planning Commission hearing date for the 8/3/2023 Special Meeting.

Appellant asks the Planning Commission to note the “pattern and practice” on the part of the County pertaining to CCL-132's Appendix C submissions and subsequent appeal filings by members of the public.

Staff demonstrates a pattern of and practices approval of cultivation licenses and CEQA environmental documents without performing their required due diligence to ensure all CEQA requirements are met. Appeals are filed and hearings are postponed while Staff attempt to correct deficiencies in the Appendix Cs, then subsequently set them for hearings to again, postpone to correct issues brought forth by appellants. Staff allowed the applicant to submit “updates” to their Appendix C without informing Appellants of the new submissions which creates an illusion of staff debunking and negating pending appeal elements before they are heard before the Planning Commission.

Numerous instances of this theory are illustrated in the above timeline.

Appellants brought forth concerns to the Cannabis Director and staff at the 3/2/2023 file review meeting. Four days after that meeting, staff allowed a new submission of the Appendix C (attempting to correct the deficiencies discussed), yet neglected to inform the Appellants of this new submission.

Staff knowingly and willingly postponed the P-23-06 hearing to modify setback language in the ordinance to accommodate the historical error in the interpretation of the code. As

stated, the ordinance modification failed, but they successfully persuaded a resolution at the Board of Supervisors level.

Staff withheld access to the updated version of the Appendix C until the afternoon of 5/22/2023 - three days prior to the 5/25/2023 scheduled hearing in front of the Planning Commission. Upon review of the approximately 200 page electronic document, Appellants noted new language, ultimately discovering the March 2023 submission of the Appendix C – more than TWO MONTHS AFTER staff accepted the updated version on 3/6/2023.

Staff rescinded the approval of both the license and Appendix C, deeming the appeal moot by memo at the 6/8/2023 Planning Commission hearing. And, by the Cannabis Director's own admission, did so to once again correct deficiencies in the Applicant's Appendix C (Appellant Attachment J. Plebani 6/8/2023 Memo). This action ultimately denied the Appellants' (and Applicants') right to a fair and impartial Planning Commission hearing and potential ruling on the appeal. Additionally, the Cannabis Director rescinded the approval of the license and environmental documents even though during the 3/2/2023 impromptu meeting he informed the Appellants he was unable to rescind after the approval was noticed and published.

Staff then worked with the Applicant's consultant to define a modeling analysis (more details outlined further in this response) for the Applicant to submit yet a FIFTH version of the Appendix C. Staff then notified the P-23-06 appellant that their appeal was reinstated from a moot decision and would be heard by the Planning Commission on July 13, 2023 for decision, while simultaneously noticing a NEW approval of the license and NEW appeal filing deadline of July 12, 2023.

According to USLegal.com (<https://appeals.uslegal.com/powers-of-appellate-courts/mootness/>), *"The fact that one of the several issues in an appeal has become moot will not dispose the entire cause. The cause can be continued **if the remaining live issues** have the constitutional requirement of a case or controversy."* (Emphasis added).

As the Planning Director's June 8, 2023 memo clearly states, *"both the approval of the license and the associated Appendix C document"* were rescinded, deeming Appeal/Project P-23-06 moot. There were no "live" issues remaining and therefore, the appeal had no cause to continue. Nonetheless, Staff attempted to bring forth the appeal to the Planning Commission when the appeal itself was now based on an obsolete Appendix C submission.

Lastly, while Staff delayed 2.5 months before setting a Planning Commission hearing date for P-23-06 (filed 3/9/2023; first hearing date set for 5/25/2023), the current appeal, P-23-21, was set for a hearing date within TWO days of the appeal filing. Although a timely request for a reasonable future hearing date was requested, Appellant was informed "staff is ready" and "refused to budge" on the hearing date (see Staff Report's Attachment 12) Email from K.Bell). All the while, allowing other Appellants to postpone their hearing dates numerous times (see P-23-09 in which a request to postpone has been granted three times, even though staff admittedly state they are ready to present the report to the Planning Commission).

## Appellant's Reason for Appeal No. 1

***“Failure to recognize and properly address cumulative impacts based on CEQA definitions; Failure of the County to require proper cumulative impact analysis when considering the past, current and probable future of the closely related projects within the localized area (as opposed to the County as a whole) and the combined impacts to sensitive receptors within a reasonable area of the project vicinity(s).”***

### **Staff Response:**

Staff directs the reader to Trinity County Cannabis Program FEIR Vol.2.- ES.3.2 Significant and Unavoidable Impacts and Cumulative Impacts. “Mitigation measures have been identified in Sections 3.1 through 3.16 of this EIR that are intended to mitigate project effects to the extent feasible. For the following environmental issue areas, one or more impacts are considered significant and unavoidable; **that is, no feasible mitigation is available to reduce the project's impacts or the project's contribution to cumulative impacts to a less-than-significant level.**” (Emphasis added)

### **Appellant Response to Staff:**

Appellant questions Staff's interpretation of the EIR. If there is no feasible mitigation available to reduce the project's impacts or the project's contribution to cumulative impacts to a less-than-significant level, the County's action is to merely approve the project?

*Hypothetically, if the impacts of a proposed project would eliminate salmon in the Trinity River and there were no feasible mitigation measures available to prevent the negative impact, the County would just approve the project without regard to the predicted damage to the salmon population?*

### **Staff Response:**

Furthermore, the FEIR addresses Odor in Trinity County Cannabis Program FEIR Vol.1.- 3.2.4 Master Response: Odors associated with Cannabis Cultivation. “Odors with distinct odor characteristics emanating from proximate sources are generally not additive or amplified. However, odors with the same or similar odor characteristics emanating from proximate sources may be additive. Therefore, multiple odor sources in a given geographic area would not necessarily increase the strength of an odor, although a higher frequency of odor detection would be expected.” **This evidences that without active cultivation the cumulative effects vs additive effects cannot (be) discerned, and statements related to past odor concerns without quantified data cannot be used to evaluate the subjective concerns stated by the appellant. (Emphasis added).**

### **Appellant Response to Staff:**

Appellant refers the reader to Staff's Attachment 11 – CCL132 Code Compliance Timeline notation 7/11/2022 - 10/18/2022 in which D. Marvel states “15+ complaints received (I believe this number to be closer to 100 complaints, in order to determine total number of complaints the info.planning and info.cannabis email accounts will need to be searched/audited for 132 complaints). Complaints allege unlicensed cultivation, fan noise, excessive odor, and light pollution.”

By staff's own admission of all the complaints noted in the timeline, combined with the voluminous public nuisance complaints submitted (discussed later in this Narrative),

Appellant argues the County is, or should be, fully aware of the magnitude of evidence demonstrating the negative impacts in existence during active cannabis cultivation at the project site.

**Staff Response:**

A more detailed cumulative impacts discussion was included in the most recent Appendix C Checklist that was submitted to the County. This discussion includes analysis of the resource categories: Groundwater Withdrawal, Air Quality and Odors, Noise, and Transportation. These resource categories were identified to have the highest potential for limited cumulatively significant impacts to the environment. The analysis was conducted by staff and the applicant's consultant, which was modeled on the analysis performed in an Initial Study/Mitigated Negative Declaration project previously approved by the Trinity County Planning Commission. Cumulative impacts were analyzed at 1,000 feet from the project as that is the most conservative distance identified for setbacks from sensitive receptors [§TCC 17.050(A)(1)]. This updated cumulative impacts analysis was determined by staff to be consistent with the FEIR and the requirements of the Trinity County Cannabis Program.

**Appellant Response to Staff:**

Several issues arise when attempting to decipher this portion of Staff's explanation:

- a) What was the subject of the Initial Study/Mitigated Negative Declaration project previously approved by the Planning Commission and how does that project relate to CCL-132's project?
- b) What is the §TCC 17.050(A)(1) code referenced, claiming to define the "most conservative distance" from sensitive receptors as 1,000 feet? Research of Trinity County code and the EIR failed to find any notation of the referenced code.
- c) What is the basis of the conclusion that the "updated cumulative analysis is consistent with the FEIR and the requirements of the Trinity County Cannabis Program"? Whose requirements? The only instances within the FEIR and/or County Code (cannabis) pertaining to 1,000 feet refer to the cannabis cultivation distance requirement from locations such as youth oriented facilities, churches, schools and residential treatment facilities (*Cultivation is prohibited within 1,000 feet of a youth-oriented facility, a school, any church, or residential treatment facility (Section 315-843[5][a])*). Is there an implication that the 1,000 feet rule applies to nuisance impacts as well? When the FEIR, Volume 1, page 3.3-10 stipulates impacts such as odor can be a nuisance beyond a 2-mile radius of a cultivation site?
- d) As a final point to this explanation, one must question the County's ethical practice directing staff (Cannabis Division resources) work in conjunction with the Applicant's consultant to co-write the modeling analysis published in the Applicant's Appendix C. As stated in the Staff Report:

*"A more detailed cumulative impacts discussion was included in the most recent Appendix C Checklist... Upon recommendation by staff (according to the P-23-06 July 13, 2023 staff report), this analysis was conducted by staff and the applicant's consultant..."*

Finally, Appellant asks the Commission to note that within the lengthy Staff Response to this element of appeal, Staff is silent as to the Appellant's claim the County fails to consider cumulative impacts within the localized project vicinity area (as opposed to the County as a whole) and the combined impacts to sensitive receptors within a reasonable area of the project vicinity.

## **Appellant's Reason for Appeal No. 2**

***“Failure to require mitigation measures be implemented prior to License approval when valid and significant information regarding historical public nuisance complaints are known to have occurred and recorded in the previous active licensing period (pre-December 2020) and when the Applicants cultivated without a county license in 2022.”***

### **Staff Response:**

Projects that tier off of the FEIR are proposed until approved by the Cannabis Division and subsequent issuance of a commercial cannabis license. Prior to receiving approval multiple rounds of environmental review are conducted to evaluate consistency with the program requirements and objectives of the FEIR and the Trinity County Code of Ordinances. **Following approval of the Appendix C Checklist, there is a 10-day appeal period of the Director's decision to approve the project. (EMPHASIS ADDED)** A project is not applicable to the mitigations of the FEIR and the supplemental plans of an Appendix C Checklist until licensed. CCL-132 has not yet been issued a license following the approval of the Appendix C Checklist, and is therefore not required to implement the mitigation measures of the FEIR prior to commencing proposed operations. On August 24, 2022 Trinity County Code Compliance Staff conducted a cannabis verification check and observed cultivation on CCL-132, cannabis staff forwarded the complaint to Code Enforcement Officer, Rob Barcellona for action. Staff directs the reader to Attachment 11 for history.

### **Appellant Response to Staff:**

Where does one start with this Staff response? This explanation contains little to no substance to the issue at hand.

Appellant refers the reader to the June 23, 2023 **“NOTICE OF APPROVAL FOR COMMERCIAL CANNABIS LICENSE”**. As stated, the Cannabis Director approved the license, not the Appendix C Environmental checklist. The 10-day appeal period applies to the license approval.

Appellant argues CCL-132 is required to mitigate all CEQA impacts prior to the Notice of Approval. Why is a CEQA study even conducted if the license can be approved without implementation of mitigation measures?

Over 100 nuisance complaints submitted to the County, in the form of online Code Violation complaints and by letters to the Planning Commission and/or Board of Supervisors can be found within Staff Reports since 2020. These complaints should be considered historical relevance of project vicinity impacts dating back to when CCL-132 was in operation with and without proper licensing.

Even with the knowledge of these nuisance complaints, Applicants still claim in the Appendix C submission, Environmental Checklist Section 4.3 – Air Quality “No



*significant impacts would occur” and that “approval of the project would not result in significant impacts to air quality”.*

The County itself fails to recognize and acknowledge the nuisance complaints. The Cannabis Division’s July 13, 2023 Staff Report states in part, *“statements related to past odor concerns without quantified data cannot be used to evaluate the subjective concerns stated by the appellant”.* As the recipients of the nuisance complaint submissions, the County is fully aware of the impacts and fails to REQUIRE implementation of any mitigation measures.

### **Appellant’s Reason for Appeal No. 3**

***“Failure to identify sensitive receptors according to the FEIR and County Code definitions.”***

#### **Staff Response:**

Sections 2.3: Existing Setting, and 4.3: Air Quality, in the initial (February 17, 2023) approved document, listed the nearest community with sensitive receptors inaccurately, and was corrected in the final approved Appendix C document. These sections originally listed the nearest sensitive receptor as the town of Weaverville at 5.6 air miles, which was updated to include the nearest neighboring residential dwelling located 357 feet north of the cultivation area. Additionally, the most recent Appendix C Checklist identified all potential sensitive receptors within 1,000 ft. of project.

Cumulative impacts were analyzed at 1,000 feet from the project as that is the most conservative distance identified for setbacks from sensitive receptors [§TCC 17.050(A)(1)]. There is not a definition for “sensitive receptors” in either the FEIR or the Trinity County Code of Ordinances, there are minimum setback requirements for specific identified groups, businesses, or locations that have been identified to have potentially high sensitivity to commercial cannabis operations. The greatest minimum setback requirement for any of these groups, businesses, or locations is 1,000 feet.

#### **Appellant Response to Staff**

Appellant refers the reader to the following:

FEIR, Volume 1, page 3.3-11 in which it states: *“Sensitive receptors are generally considered to include those land uses where exposure to pollutants could result in health-related risks to sensitive individuals, such as children and the elderly. **Residential dwellings**, schools, hospitals, playgrounds, and similar facilities are of primary concern because of the presence of individuals particularly sensitive to pollutants and the potential for increased and prolonged exposure of individuals to pollutants...”* (Emphasis added)

Appendix C, Attachment J Mitigated Measures Summary Table provided by staff, Section Air Quality, Mitigation Measure 3-3.3 in which it states *“Location and distance of sensitive receptors (e.g. **residents**, youth-oriented facilities, schools, churches, residential treatment facilities)...”* (Emphasis added)

FEIR, Volume 1, page 3.3-10 states: *“...Dispersion modeling has been conducted by other counties to determine the distance from which cannabis odor*

may be detected. The results of this modeling indicated that specific **cannabis compounds may be detectable at a distance of 2 miles or more** depending on weather conditions (Kern County 2017:4.3-66 and 4.3-67). (Emphasis added)

Applicant's Appendix C Project Description Section 2.3 in which it states in part:

*"The nearest neighboring residential dwelling is located 357 feet north of the cultivation area (See Attachment L). Lewiston Elementary School is also 2.9 miles away. There are no other sensitive receptors in the immediate vicinity of the Project area."*

Applicant's Appendix C Checklist 4.3 Air Quality in which it states in part:

*"The Project in question has no sensitive receptors in the vicinity of the Project site".*

Applicant's Appendix C Attachment A Odor Control Plan in which it states in part:

*"The nearest residential dwelling is approximately 357 feet north of the project area. The nearest sensitive receptor other than a residential dwelling is Lewiston School which is 2.9 miles away."*

Applicant's Appendix C Attachment J Mitigation Measures Summary Table states in part:

*"The Project in question has no sensitive receptors in the vicinity of the Project site".*

Applicant's Appendix C Attachment L Distances to Sensitive Receptors map which merely depicts six residential sensitive receptors.

Staff claim there is no definition of sensitive receptors when clearly the FEIR and Appendix C references include language as to what is defined as a sensitive receptor.

Staff claim the noted 1,000 foot setback requirements for cultivation is the basis for sensitive receptor setbacks when clearly the FEIR discusses impacts to sensitive receptors at a 2-mile or more distance. What is the purpose of this arbitrary 1,000 foot setback logic when the FEIR specifically states objectional odors may be detected at a distance of two miles or more?

The varying sensitive receptors descriptions throughout the Applicant's Appendix C submission is misleading. There appears to be a pattern of modifying the description to attempt to dissuade/diminish the importance of the element at hand.

#### **Appellant's Reason for Appeal No. 4**

***"Failure of the County to properly identify the project baseline on a site specific basis."***

**Staff Response:**

Staff directs the reader to **Trinity County Cannabis Program FEIR Vol.1.- 3.2.1 Master Response 1: Baseline Conditions**. Baseline physical environmental conditions are based on available data as of December, 2018 with the inclusion of updated information until May, 2019. CCL-132 received its original license on March 28, 2018, and is considered part of the baseline conditions for the Trinity County Cannabis Program. As of December 2018, the project site was disturbed and developed for residential use and minor cannabis cultivation use. Since then, additional cultivation related development has occurred on previously disturbed land and was found to be consistent with the findings of the FEIR.

**Appellant Response to Staff:**

The Applicant's Appendix C states *"The Notice of Preparation for Trinity County's Cannabis Program EIR was published on December 21, 2018, establishing the baseline environmental conditions for CEQA analysis. The Project site was already disturbed and developed as a residential parcel and appeared to have been in some state of cannabis cultivation since October 2018, according to satellite imagery at the time. Additional cultivation operation-related structures and road development/expansion began appearing on the site in 2020"*.

Appellant argues that according to CEQA guidelines, the County incorrectly uses the Cannabis Program EIR date (12/21/2018) as the baseline date for ALL CEQA documents throughout the County, failing to properly identify baseline on a project specific basis, and does so without regard to known factors such as the original licensee's cultivation site plans the County possesses. Furthermore, when using the 12/2018 date for the baseline, the Applicant even states *"cultivation operation-related structures and road development/expansion began appearing on the site in 2020"* yet claims there are no site changes since the EIR certification date.

As discussed in the AEP CEQA Portal (ceqaportal.org) topic paper "Baseline and Environmental Setting", *"Establishing an appropriate baseline is essential, because an inappropriately defined baseline can cause the impacts of the project either to be under-reported or over-reported. A considerable number of CEQA documents have been litigated over the choice of a baseline for a given project, and many CEQA documents have been invalidated for the use of an inappropriate baseline."*

By generic utilization of the 12/2018 baseline for all CEQA projects, the County fails to recognize and establish the appropriate baseline on a project-by-project basis thus subsequently under-reporting the project's negative environmental impacts.

**Appellant's Reason for Appeal No. 5**

***"Failure to identify, discuss and demonstrate various mitigation measure requirements of the Appendix C checklist. "***

**Staff Response:**

No specific impacts/ resource categories are referenced.

Staff directs the reader to the response to **Reason for Appeal 1** for a discussion of the environmental review of mitigation measure requirements for CCL-132. As discussed above an Appendix C document was submitted to the Cannabis Division for CCL 132 on February 24,

2022. Throughout the Appendix C review process, two incomplete letters were sent to the applicant and their agent, followed by two resubmittals of the Appendix C document on March 6, 2022 and September 8, 2022. The Appendix C for CCL-132 followed the standardized review process, including an initial review by external consultants LACO Associates and a full technical review and subsequent compliance of determination by external consultants Helix Environmental Planning. Mitigation measures for all impacts and resource categories were determined to be consistent with the requirements and assumptions of the FEIR.

### **Appellant Response to Staff:**

In direct response to the language used in the above paragraph and throughout the narrative, Staff consistently claim only three versions of the Appendix C were submitted: the original (February 24, 2022, and two resubmittals (March 6, 2022 and September 8, 2022). However, the Appellant asks the Commission to note the existence of FIVE versions of the Appendix C. The three noted by staff, plus the March 6, 2023 and June 23, 2023 submissions (both of which there is no mention of a deficiency letter, only that the Applicant was able to “update” their document).

Deficiencies are noted throughout the Appendix C Environmental Checklist. Not only does the applicant fail to properly identify and fairly depict elements within several sections of the checklist, the County also fails to note and address the various deficiencies, errors and/or omissions.

### **Odor Control Plan Deficiencies**

The Applicant’s Odor Control Plan states in part:

*“Any complaints about odors that could arise would most likely be due to the odor emitted by the cannabis plants two weeks into flower. Before this time, the plant has not matured enough to emit an odor. From this **second week of flower until the plant has been packaged is the heaviest odor emitting period.**”*  
(Emphasis added)

What the Applicant’s Odor Control Plan fails to disclose is that the average flowering period lasts **6-14 weeks** and the processing-to-packaging period typically requires **3-4 weeks**. Therefore, the “heaviest odor emitting period” per harvest is **9-18 weeks**.

Furthermore, according to the Applicant’s Premises Diagram, the project includes a 20’x50’ immature canopy area that combined with the two 20’x100’ mature canopy light deprivation greenhouses and the two 30’x100’ mature canopy greenhouses, demonstrates the project utilizes a **perpetual harvest system** designed to produce 4-6 harvests per year. Although the Appendix C and/or Odor Control Plan is silent on the perpetual harvest design, the fact the project was cited in February 2022 and August 2022 for cultivating without a license is proof the Applicants intend to utilize the perpetual harvest methodology.

Combining the low-end spectrum for the “heaviest odor emitting period” per harvest (9 weeks) with the perpetual harvest system design yielding 4 harvests per year, sensitive receptors within a reasonable distance to the project vicinity will likely be impacted by the heaviest odor emissions **36 of the 52 weeks per year**.

Failure to Properly Depict the Project Vicinity

Applicant's Project Description, Existing Settings describes the area as such:

*"The total existing disturbed area amounts to 2.82 acres. Land uses in the immediate vicinity of the subject parcels consist primarily private land holdings which are similarly zoned as rural residential clustered around the main county roads and valley bottoms (some of which are also involved in cannabis cultivation activities), with open space, agricultural and resource (predominantly for timber extraction) lands up on the ridgetops. The nearest neighboring residential dwelling is located 357 feet north of the cultivation area (See Attachment L). Lewiston Elementary School is also 2.9 miles away. There are no other sensitive receptors in the immediate vicinity of the Project area."*

Applicant's Section 4.21 Mandatory Findings of Significance further states:

*"The Project site is surrounded by undeveloped agricultural land to the east, Grass Valley Creek to the west, and a rural residential parcel to the north. The nearest sensitive receptor (residence) is located on APN 025-180-37-00, approximately 357 feet north of the cultivation area. Due to the rural location and size of the Project site, the potential for the Project to make a considerable contribution to potential cumulative impacts (e.g., odors, noise, lighting, fugitive dust, etc.) from cannabis activities in the Project area is limited."*

The Applicant attempts to illustrate the proposed project lies within a rural, nearly unpopulated area with little to no chance of creating or contributing to negative impacts to the surrounding project vicinity.

However, the proposed project lies in the Grass Valley Creek meadow, directly adjacent to another mixed light tier 2 commercial cannabis cultivation site and amongst heavily residential populated areas and other natural resources within a reasonable distance of the proposed project. A more accurate depiction of the project setting reads as follows (as illustrated in Appellant Attachment K. CCL-132 Project Vicinity Map):

*The project is located in Lewiston, 5.6 air miles southeast of Weaverville, the county seat in Trinity County. The nearest non-residential sensitive receptors in the vicinity of the project area include the Lewiston Elementary School (2.6 air miles), the Lewiston Community Park (2.9 air miles), the Lewiston Community Church (2.8 air miles), the St. Gilbert Church (3.2 air miles), and the Lewiston Historic District (3.2 air miles), which includes 16 contributing buildings and a contributing structure according to the National Register of Historic Places.*

*Adjoining property lines include one parcel to the north with a residential dwelling, one parcel to the west with a commercial business and outdoor public venues, one parcel to the south with a licensed cannabis cultivation farm and residential dwelling, and two parcels to the east - one with a residential dwelling. Within a two-mile radius of the project, there are approximately 100 residential dwellings, four commercial businesses with doors open to the public, the Grass Valley Creek, the Hamilton ponds, the Trinity River, and a National Forest scenic byway [SR 299].*

*As of 7/26/2023, twelve (12) approved commercial cannabis operations exist within a 2-mile radius of the proposed project [according to Trinity County Cannabis Division's records]. This description does not take into account past and future cannabis operations pending approval, or illegal cannabis sites known or unknown.*

#### Incomplete Appendix C Submissions

Mitigation measure 3.3-3: Implement Odor Control Plan for the Growing, Cultivating, Processing, Handling of Cannabis discussion states the applicant must *“Demonstrate that the cannabis site’s distance to receptors, wind direction, and local topographic conditions would not result in detection of cannabis odors by off-site sensitive receptors that would create a nuisance.”*

Applicant’s Appendix C is silent on this topic; failing to demonstrate the effect of these combined elements as potential impacts to off-site sensitive receptors, not only on the individual project level, but as a cumulative impact when combined with other cultivation sites in the project vicinity.

### **Appellant’s Response to Staff’s Attachment 11 CCL-132 Code Compliance Timeline**

There are several points to emphasize, clarify, add to and further elaborate on in this Staff provided timeline. As much as the provided information is appreciated, it is not a true reflection of CCL-132’s Applicant compliance with Trinity County code and cannabis cultivation laws in general.

Appellant’s responses are denoted throughout the timeline in bold and italics.

## **CCL 132 Code Compliance Timeline (D. Marvel)**

### **2/3/2021 – 12/21/2021**

At least 5 complaints received against CCL 132, alleging excessive fan noise, odor, and light pollution. Please note that the current applicants/licensee (Patrick and Natalie) Transfer Application (indicating ownership of CCL 132) was received by the Trinity County Cannabis Division on 6/14/2021. ***(Appellant Response: Even if the said complaints pertained to prior ownership, the impacts should be identified and noted as existing according to CEQA guidelines.)***

### **3/2/2021**

Compliance related Site Inspection for CCL 132 performed by Daniel Marvel (CCL was owned by previous owner at this time of inspection, not Patrick and Natalie). Site was deemed compliant, no major non-compliance issues noted. Clean, organized, and compliant site per Daniel Marvel’s inspection form.

## **2/21/2022 (Section added by Appellant)**

*After receipt of multiple complaints of illegal cannabis cultivation on Coffin Road in Lewiston, Trinity County Code Enforcement investigated the site of CCL-132, discovering and photographing the cultivation of approximately 1,800 live cannabis plants at the unlicensed site (see Appellant Attachment L. TCSO Incident #22-00185 narrative and resulting Citation #1098).*

## **3/3/2022 (Section added by Appellant)**

*Trinity County Sheriff's Office closes Incident #22-00185 upon notice and visual confirmation of CCL-132's notice of compliance in which the Applicant states "We have chopped all our plants". Upon receipt of the TCSO supplemental report, County Counsel informed the Applicant of the dismissal of the notice of violation (see Appellant Attachment M. TCSO 3/3/2022 Law Supplemental Narrative with County Counsel and Applicant communications).*

## **6/15/2022**

Pre-License CEQA Verification Inspection performed by Cannabis Division staff member Bella Hedtke. Minor Non-Compliance issues documented (expired bldg. permit & unpermitted AC unit in Greenhouse). Very clean and organized site per Ms. Hedtke's inspection form.

## **7/11/2022 – 10/18/2022**

15+ complaints received (I believe this number to be closer to 100 complaints, in order to determine total number of complaints the info.planning and info.cannabis email accounts will need to be searched/audited for 132 complaints). Complaints allege unlicensed cultivation, fan noise, excessive odor, and light pollution.

## **8/23/2022**

Cannabis Division staff member Daniel Marvel visited the property of Kristel Bell/One Maple Winery to observe activities happening at CCL 132 stemming from complaints received. During this visit unlicensed cultivation was observed on the property associated with CCL 132. *(Appellant Response: This statement suggests the Appellant requested Daniel Marvel visit the property at One Maple to observe activities at the CCL-132 location. For the record, based on the numerous complaints received from property owners within the project vicinity, Mr. Marvel reached out to request access to One Maple's property as a potentially better viewpoint of the activities occurring at the site in question.)*

## **8/24/2022**

Cannabis Division staff requested input from County Counsel on the legality of requiring evidence of cannabis plant destruction as the only option for resolving a Notice of Non-Compliance for unlicensed cannabis cultivation. No license for cultivation also means no license to transport or relocate cannabis off property. ***(Appellant Response: the afore-mentioned request stems from Appellants discussions with the prior Cannabis Director, Sean Connell, pertaining to the self-abatement activities noted in February 2022. Past Director Connell was informed that the CCL-132 Applicants were allowed to “self-abate” without any evidence of plant destruction. Applicants email dated March 1, 2023 (in Appellant Attachment M) informs County Counsel they abated (“chopped down their plants”) while neighbors witnessed u-hauls and trucks coming to and leaving the site throughout the previous night creating an appearance that the plants were relocated vs. “chopped”.***

## **9/2/2022**

County Counsel provided clarification to Cannabis Division staff that evidence of cannabis plant destruction is acceptable as the only option for resolving a Notice of Non-Compliance pertaining to unlicensed cannabis cultivation.

## **9/5/2022**

The week of 9/5/2022, former Cannabis Division Director Sean Connell tested positive for Covid-19, resulting in time off for quarantine. Additionally, Code Compliance Lead Daniel Marvel (responsible for writing the Notice of Non-Compliance Notification) tested positive for Covid-19 on 9/10/2022. Daniel Marvel would return to work on 9/26/2022. Director Connell did not return and ultimately resigned from his position in late November 2022.

## **10/18/2022**

While still uncertain of Director Connell’s return, the Cannabis Division forwarded the received complaints to CODE Enforcement Officer Rob Barcellona for resolution/action.

## **5/22/2023**

Site Inspection performed by Cannabis Division Director Drew Plebani and Cannabis Division Planner Bella Hedtke in preparation for the formal appeal hearing of CCL 106. Historical complaints unsubstantiated as site was compliant at time of inspection. During this inspection it was also formally documented that CCL 132 does not require a CCV for residential setback from the residence located on APN: 025-180-37-00 (150 Coffin Rd.) as measurements taken on site exceeded the 350’ residential setback requirement. ***(Appellant Response: According to the narrative, it is unclear as to which CCL this notation pertains to as Staff reference CCL-106, not CCL-132, the subject of this appeal.)***



## 6/6/2023 – 7/19/2023

At least 3 complaints received, alleging unlicensed cultivation, excessive odor and fan noise being created by CCL 132. ***(Appellant Response: Review of noted complaints were conducted during a 7/31/2023 cannabis file review. Details submitted in the complaints do not directly pinpoint CCL-132 as the complaint site, nor accuse the Applicants of cultivating without a license. The language mostly discusses odors and fan noises coming from the Coffin Road area. Sensitive receptors surrounding the project vicinities cannot discern the precise location causing nuisance issues as the two sites are adjacent to each other. Furthermore and for the most part, complaints cannot be submitted assuming the nuisances are a result of the licensed, operational cultivation site (CCL-133) vs. the proposed project's unlicensed, non-operational cultivation site (CCL-132) as Applicants of CCL-132 have an undisputable history of cultivating without a license.)***

## 6/7/2023

Verification Inspection performed by Daniel Marvel stemming from complaint received 6/6/2023. Complaint unsubstantiated as property was found to be compliant at time of inspection.

### **Additional Applicant Responses to the CCL-132 Code Compliance Timeline:**

In previous reports, Staff state *“The Cannabis Division does not keep record of TCSO/CODE citations in cannabis applicant/licensee physical files. The violations tab in a CCL physical file is designated for violations issued by a department or agency with regulatory measures and performance standards pertaining to commercial cannabis operations. Not monetary citations issued by law enforcement organizations.”* (See [Project No. P-23-06 July 13, 2023 Staff Report](#), page 5 staff response to Appeal Reason 4: Habitual Violations).

Appellant argues that the Cannabis Division is the regulatory organization for commercial cannabis code compliance in Trinity County, and as such is obligated to ensure applicants/designees and their sites adhere to said laws, regulations and guidelines when in consideration for a Trinity County commercial cannabis license. CCL-132 was previously licensed and in the midst of consideration for a commercial cannabis license renewal at the time of both TSCO code violations in February 2022 and August 2022 and as such, the Cannabis Division has the obligation to consider all commercial cannabis code compliance and cannabis code violations prior to license approval.

### **Conclusion**

Based on the extensive narrative and supporting evidence provided, please be mindful of the negative impacts our community has endured over the past several years.

We live these impacts daily. Let the perpetual harvest methodology sink in...the analogy of living with the “heaviest odor omissions” period of **36 weeks per year** is only taking into consideration one cannabis operation practicing perpetual harvesting. Coffin Road has two mixed light greenhouse cultivation sites adjacent to each other, in essence creating a

**cumulative perpetual harvest** scenario. It's logical to assume the two operations will not be in sync, which ultimately equates to year-round flowering, or "**heaviest odor omissions**" year round.

With this knowledge, it may be clearer to you why there have been (and still are) such a large number of nuisance complaints filed by community members in this area. The cannabis operations on Coffin Road should not diminish the quality of life for the rest of us.

Finally, be mindful of how our appeals have been treated. FIVE Appendix C submissions; the last TWO based on elements appellants brought forth. This pattern of Approve, Appeal, Fix - Approve, Appeal, Fix - Approve, Appeal, Fix needs to end here with you.

Please obtain CEQA counsel's opinion to the environmental issues brought forth, such as what action the County must take when "**no feasible mitigation is available to reduce the project's impacts or the project's contribution to cumulative impacts to a less-than-significant level.**" (*Do we approve the project and allow the demise of salmon?*)

Please deny the Director's approval of CCL-132's License and direct staff to conduct a thorough CEQA environmental study. Insist a legal, fair and balanced decision is made before bringing forth yet a SIXTH Appendix C submission approval for consideration.

Thank you.

**List of Appellant Attachments:**

- A. P-23-06 Notice of Appeal Letter
- B. Email - Status of Appeal Hearing
- C. 4/27/2023 Notice of Special Meeting
- D. Email – Hearing Delay
- E. 5/9/2023 Request to View Files
- F. 5/25/2023 Notice of Public Hearings
- G. 5/25/2023 Staff Report Excerpt
- H. P-23-06 Appeal Reinstatement
- I. 6/28/2023 Notice of Approval
- J. Plebani 6/8/2023 Memo
- K. CCL-132 Project Vicinity Map
- L. TCSO Incident #22-00185
- M. TCSO 3/3/2022 Law Supplemental Narrative

# Attachment A

Thursday, March 9, 2023

**HAND-DELIVERED**

Mr. Drew Plebani  
Cannabis Director  
Trinity County Cannabis Division  
P.O. Box 2819  
Weaverville, CA 96093

RE: Notice of Appeal of the Approved License for CCL-132 (APN 025-180-038-000)

Dear Mr. Plebani,

On behalf of an interested group of property owners organized as the Friends of the Lewiston Grass Valley Creek (hereafter “Appellants”), I hereby submit a timely Notice of Appeal of the above-referenced commercial cannabis license approval for a project located at 200 Coffin Road, in Lewiston.

Reasons for Appeal:

1. Cumulative Impacts: Based on a review of the above referenced cannabis file, it appears the County continues to violate the TAA Settlement Agreement and Judgment in whole or in part by continuing its practice to approve and issue commercial cannabis licenses while ignoring its duty to identify, consider and mitigate cumulative impacts in accordance with CEQA Guidelines. As a comparison, similar findings were discovered after a review of CCL-133 that was approved August 17, 2022. During a recent meeting with staff on March 2, 2023, they acknowledged they do not have the “tools” they need to evaluate and/or measure cumulative impacts. The FEIR is either deficient in this regard or the County is unwilling or unable to address cumulative impacts on a localized or vicinity basis for project specific site inspections before approving projects. This pattern of ignoring cumulative impacts as part of the EIR Appendix C checklist review process is disconcerting on many levels.
2. Precedence: Based on a small sampling of approved commercial cannabis licenses within the Lewiston Expansion Opt Out area, it appears the County is once again setting a precedence of not fully and properly analyzing localized and vicinity cumulative impacts in accordance with CEQA Guidelines on a project by project basis. The County is not allowed to limit its identification, analysis and mitigation of significant adverse immediately adjacent or vicinity impacts. This includes sensitive residential, commercial and public facility receptors. As a result, the County’s effort to limit the CEQA analysis for area impacts, while disregarding clearly adjoining receptors, cannot simply disregard its obligation to fully and fairly analyze and mitigate significant impacts by limiting such a review to the narrowly and improperly defined “immediate vicinity.”
3. Sensitive Receptors: After repeated attempts to work with both staff and the ad hoc committee regarding sensitive receptors identified in the applicant's Appendix C application, we found appropriate action was not taken to correct these inaccurate findings prior to the approval of this license.

4. Habitual Violations: Despite code enforcement violations that were investigated and acted upon by the Trinity County Sheriff's Office (TCSO), no evidence of these violations were found in the official cannabis file under the Violations Tab. Appellants obtained written confirmation that the applicants continued to operate without a license and were forced to self abate their plants in February 2022 and again in August 2022. The applicants have disregarded any and all instructions from the cannabis division to cease operations until which time their license was approved under the EIR Appendix C review process. In addition, the applicants have a history of code compliance nuisance complaints, some of which are in the cannabis file, but the majority are not. Also, some members of the group reviewed the applicant's Hayfork cannabis file (CCL-006 which is currently unlicensed and undergoing its Appendix C review process). Contents of that file include a Warning Notice dated 3/1/2023 that indicated failure to correct the violation within 10 days would result in the violation being sent to the District Attorney's office. Cumulatively, these are prime examples why fines and self-abatement remedies prescribed in the Ordinance allowing for a 7-day correction period are not working. This pattern of habitual violations is very troublesome. As stakeholders, we have publicly requested increased penalties up to and including suspension or revocation of a license for those licensees who habitually violate, especially if they are located within a designated opt out area. We've raised these concerns at appeal hearings, opt-out meetings, ad hoc meetings and with cannabis staff. To date no action has been taken to effect change.
5. Variance Regulations: The site map found in the cannabis file for CCL-132 shows the distance between the designated cannabis cultivation area and the neighbor's residence is less than 350 feet which according to County regulations should require a variance. However, the 6/15/2022 Cannabis Division Site Inspection Form shows the distance exceeds the 350 feet requirement. As a comparison, our research found the neighboring farm (CCL-133) on the contiguous property, located on Coffin Rd, was required to obtain a variance. These inconsistencies are cause for concern and therefore are being included in our reasons for appeal.
6. Failure to Comply with State and Local Reporting Requirements: No records were found indicating the applicant is complying with their requirement to file annual reports with the CA State Water Resources Control Board for the years 2021, 2022 and 2023. Not only is this a State agency requirement, it is a requirement pursuant to County Ordinance 315-849, Section 17.43.060 Performance standards for commercial cultivation of cannabis.

Summary:

Some members of the group have actively participated in the County's cannabis ad hoc committee meetings, led by Supervisors Frasier and Groves. As stakeholders, we provided input and raised concerns regarding the County's Final Environmental Impact Report (FEIR) and Appendix C Checklist. In these private ad hoc meetings, key cannabis staff members, Sean Connell and Ed Prestley, often participated; as did CAO Kuhns and an attorney from Prentice Long as needed at the request of the Supervisors. Members of the group have repeatedly raised some of the above referenced concerns in an attempt to work collaboratively with the County to resolve issues in advance of the EIR site specific review. In doing so, it was our ultimate goal to mitigate the need for future appeals in the best interest of all parties involved.

As recently as March 2, 2023, members of the group conducted a review of the official cannabis file for CCL-132 (once again) after learning that a *Notice of Cultivation Licenses* was published in the Trinity Journal on February 22, 2023; whereby the Cannabis Director approved the license on February 17,

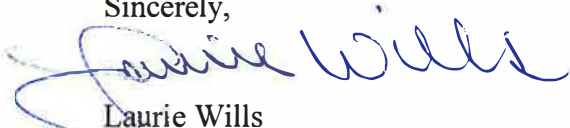
2023, in accordance with the California Environmental Quality Control Act (CEQA Guidelines Section 15168(c) & (e)). The notice indicated the above referenced license has been determined to be later activities and fall within the scope of the certified Environmental Impact Report adopted by the Trinity County Board of Supervisors which adequately describes the activity for purposes of CEQA.

Much to our dismay, we discovered no changes or corrective actions were taken by the County to address many of the above referenced concerns. At our meeting on March 2, 2023, staff acknowledged they did not have the tools needed to evaluate or measure cumulative impacts. We asked staff to withdraw their approval of CCL-132 until which time these issues could be addressed. They stated they could not do that and indicated our only recourse was to file an appeal.

Based on a file review of the two recently approved commercial cannabis licenses (CCL-132 & CCL-133) located on two contiguous parcels on Coffin Rd, in the Lewiston Expansion Opt Out Area (Ordinance No. 315-851); there is no evidence that cumulative impacts were 1.) identified, 2.) taken into consideration on a site-specific basis, or 3.) taken into consideration on a localized vicinity basis, during the EIR Appendix C evaluation process. Furthermore, in this densely populated residential area, there is a long-term vineyard and two commercial cannabis projects; all three of these businesses have adjoining property lines and are situated along a sensitive watershed - the Grass Valley Creek. By approving licenses for the two commercial cannabis projects identified, the County has merely gone through the exercise of accepting Appendix C applications and continues to be deficient in their obligation to conduct a thorough CEQA evaluation that includes environmental cumulative impacts.

For these reasons, we are appealing the Cannabis Director's decision to approve CCL-132, and request that the decision be reversed by the Planning Commission, with possible future license issuance to be considered only at such time that a complete and proper CEQA review has been completed for this project.

Sincerely,



Laurie Wills

On behalf of the Friends of the Lewiston Grass Valley Creek

Enclosures: Application to Appeal of Director's Decision to Planning Commission Form  
Appeal Filing Fee

cc: Friends of the Lewiston Grass Valley Creek

## Attachment B

----- Forwarded message -----

From: **Deborah Rogge** <[drogge@trinitycounty.org](mailto:drogge@trinitycounty.org)>  
Date: Tue, Apr 4, 2023, 10:03 AM  
Subject: RE: Status of Appeal Hearing for CCL-132?  
To: L Wills [REDACTED]

Hi Laurie,

Apologizes that cannabis staff has not responded to you, I had asked them too. It is not be on the 13<sup>th</sup> agenda. I know they reached out to county council as to when it had to be heard, and were told that it did not have to go to the very next available meeting. I have attached a link to the ordinance that speaks to this. So, my apologizes for not fully understanding how this worked, I was going from past practices and many of us assumed this was what needed to be done. Which often would create a hurry-up scenario. [https://library.municode.com/ca/trinity\\_county/codes/code\\_of\\_ordinances?nodeId=TIT17ZO\\_CH17.34HEAP\\_17.34.110AP](https://library.municode.com/ca/trinity_county/codes/code_of_ordinances?nodeId=TIT17ZO_CH17.34HEAP_17.34.110AP)

They are still doing research and will be in contact with you hopefully later today, probably Bella. I was told. I hope this helps and let me know again if you do not hear from them in a couple of days.

Regards,

*Debbie Rogge*

*Admin. Coordinator*

530-623-1351 ext. 2824

[drogge@trinitycounty.org](mailto:drogge@trinitycounty.org)

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**From:** L Wills [mailto:[REDACTED]]  
**Sent:** Monday, April 3, 2023 9:48 PM  
**To:** Deborah Rogge <[drogge@trinitycounty.org](mailto:drogge@trinitycounty.org)>  
**Subject:** Status of Appeal Hearing for CCL-132?

Hello Debbie,

I'm checking in with you regarding the status of an appeal I filed on March 9, 2023, regarding the Director's approval of CCL-132 in Lewiston. Has a date been set in this matter yet? When I filed the appeal I was advised it may be set to be heard either April 13th or April 27th before the Planning Commission. Do you have any updates you can share with me at this time?

Thank you in advance for your assistance.

Laurie Wills

# Attachment C

## NOTICE OF SPECIAL MEETING

### NOTICE OF SPECIAL MEETING FOR TRINITY COUNTY PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that on April 27, 2023 at 6:00 p.m., or as soon thereafter as may be heard, in the Trinity County Library Conference Room located at 351 Main Street, Weaverville, California, the Trinity County Planning Commission will conduct a Public Hearing.

#### NOTICE OF PUBLIC HEARING

#### ZONING TEXT AMENDMENT - TRINITY COUNTY CODE SECTION 17.43

**ZONING TEXT AMENDMENT – AMEND TRINITY COUNTY CODE SECTION 17.43.050(A)(8) (DEV-23-01):** The purpose of this agenda item is for the Planning Commission to make a recommendation to the Board of Supervisors to adopt an ordinance amending Trinity County Code (TCC) Title 17, Section (§) 17.43.050(A)(8) to revise the following code section to replace the term 'cultivation' to 'canopy'. Staff believes that 'canopy' was the intended term to use when verifying site compliance with the residential setback code section. No other ordinance revisions are to be considered at this time, comprehensive ordinance amendments are still on track to be completed in 2023. County-

wide review. Staff: D. Plebani.

Definition of referenced terms per TCC (§) Section 17.43.010: "Canopy" means the designated area(s) at a licensed premise that will contain mature plants at any point in time. This definition is intended to mirror the definition of "canopy" as defined by the State of California, or as may be amended.

"Cultivation" means the planting, growing, harvesting, drying or processing of cannabis plants or any part thereof.

"Designated area" means the hoop-house, greenhouse, and/or outdoor area(s), identified for the planting, growing and harvesting of cannabis, excluding drying, processing and other post-harvest cultivation activities. Designated area shall not exceed two hundred percent of the area for the license type unless otherwise approved by the planning director; canopy (mature plants) will not exceed the square footage allowed per license type and the additional square footage shall include immature plants (in a vegetative state prior to flowering) and access areas. Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a nursery license. Code section to be amended with reflected track changes:

TCC (§) Section 17.43.050(A)(8): For specialty cottage, specialty and small licenses ~~canopy cultivation~~ shall not be allowed within three hundred fifty feet of a residential structure on any adjoining parcels. For medium licenses, ~~canopy cultivation~~ shall not be allowed within five hundred feet of an adjacent property line.

Applications for a variance from this provision will be considered by the Trinity County Planning Commission. After obtaining an initial variance, the planning director can issue a director's use permit for subsequent years after an inspection.

Anyone desiring to make a statement may do so in writing. Staff reports will be available on the Internet at: <https://www.trinity-county.org/Agendas-Minutes-Staff-Reports> and at the Planning Department office by request. Written comments may be submitted to Trinity County Planning Department, PO Box 2819, 530 Main St. Weaverville, CA 96093. (530) 623-1351, or by email to [Info.planning@trinitycounty.org](mailto:Info.planning@trinitycounty.org). Written comments must be received by the close of business on April 20, 2023 or they may not be considered by the Commission.

If you challenge the action or proposed action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission and/or Board of Supervisors at, or prior to, the public hearing.

April 12, 2023



## Attachment D

----- Forwarded message -----

From: **Bella Hedtke** <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>

Date: Thu, Apr 13, 2023, 9:01 AM

Subject: P-23-06 Hearing Date Update

To: [REDACTED]

Cc: Drew Plebani <[dplebani@trinitycounty.org](mailto:dplebani@trinitycounty.org)>, Bear Banonis <[bbanonis@trinitycounty.org](mailto:bbanonis@trinitycounty.org)>

Good morning Laurie,

After confirming with legal counsel that we have the flexibility in code to do so, we have not yet scheduled the appeal for hearing. We are juggling many different priorities right now and want to make sure we have enough time to appropriately respond to your appeal. We will notify you when the appeal is scheduled for hearing at the Planning Commission.

Thank you for your patience with this.

Respectfully,

### **Bella Hedtke**

Associate Planner

Trinity County Cannabis Division

530 Main St., P.O. Box 2819, Weaverville, CA 96093

[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)

Cell: (530) 739-8811

Office: (530) 623-1351 ex. 2821

[Trinity County Cannabis Division Webpage](#)

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**Attachment E**



**TRINITY COUNTY**  
**COMMUNITY DEVELOPMENT SERVICES**  
**BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH**  
**P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093**  
**PHONE (530) 623-1351 ♦ FAX (530) 623-1353**

**Request to View Cannabis File**

Requestor Name: Laurie Wills Request Date: 5/9/2023

Agency/Company: \_\_\_\_\_ \*Phone No.: (530) 778-3944

Address: \_\_\_\_\_

Email: lawills33@gmail.com

Description of Cannabis File(s) Requested to View *(Please be as specific as possible)*: \_\_\_\_\_

**All associated active and inactive files related the following CCLs, inc. the Appendix C records.**

**CCL-132, APN 025-180-038, 200 Coffin Road, Lewiston**

**CCL-006, APN 011-410-032, 380 Carter Gulch Rd, Hayfork**

Received by:	Date: Deadline for Meeting(2 business days)	
Meeting Date:	Meeting Time:	
Confirmation sent by/date:	Confirmed by Requestor:	
Staff attending Meeting:	Individuals attending Meeting:	
Emails:		
Copies made/NOTES:		

## Attachment F

### **NOTICE OF PUBLIC HEARINGS**

#### **NOTICE OF PUBLIC HEARINGS**

**NOTICE IS HEREBY GIVEN** that on **May 25, 2023 at 6:00 p.m.**, or as soon thereafter as may be heard, in the Trinity County Library Conference Room located at 351 Main Street, Weaverville, California, the Trinity County Planning Commission will hold public hearings regarding the following items:

**APPEAL OF PLANNING DIRECTOR'S DECISION (P-23-06):** An appeal of Cannabis Director's Decision to approve a Commercial Cannabis License renewal application (CCL-132) for 200 Coffin Rd. Lewiston. Appellant: Laurie Wills / Friends of the Lewiston Grass Valley Creek. Licensee: Natalie (Koehler) McNamara. Assessor Parcel Number: 025-180-038-000

**APPEAL OF PLANNING DIRECTOR'S DECISION (P-23-09):** An appeal of Cannabis Director's Decision to deny a Commercial Cannabis License renewal application (CCL-208) for 480 Oak Ranch Rd. Lewiston. Appellant: Stefan Monev. Licensee: Stefan Monev. Assessor Parcel Numbers: 025-180-030-000

**CONDITIONAL USE PERMIT (P-23-04):** The applicant is requesting approval for construction of a 1769 sq. ft. addition to the Kinder Kids Montessori school. Applicant: Kinder Kids Montessori (Jolene Edwards-Agent). Address: 31341 St. Hwy. 3 Weaverville. Assessor Parcel Number: 024-380-008-000 Planner: Mitchell Wexler

**VARIANCE (VAR-23-03):** The applicant is requesting a variance for commercial cannabis cultivation within a 1000 ft. setback from Hayfork Seventh Day Adventist church. Applicant: Brian Sullivan. Address: 136 North Oak Avenue Hayfork. Assessor Parcel Number: 014-330-060-000 Planner: Mitchell Wexler  
Anyone desiring to make a statement may do so in writing. Staff reports will be available on the Internet at: <https://www.trinitycounty.org/Agendas-Minutes-Staff-Reports> and at the Planning Department office by request. Written comments may be submitted to Trinity County Planning Department, PO Box 2819, 530 Main St. Weaverville, CA 96093. (530) 623-1351, or by email to [Info.planning@trinitycounty.org](mailto:Info.planning@trinitycounty.org). Written comments must be received by the close of business on **May 23, 2023**, or they may not be considered by the Commission.

## **PROJECT BACKGROUND:**

The proposed cultivation project described herein (Project) includes the cultivation of 10,000 square feet (sf) of mature mixed-light cannabis and 2,951 sf of support area located in Trinity County on Assessor's Parcel Number (APN) 025-180-038-00. The applicant is seeking renewal of a Small Mixed-Light Cannabis Cultivation License from the County (CCL-132), to cultivate up to 10,000SF of cannabis mature canopy, and currently holds a provisional Small Mixed-Light Cannabis Cultivation License from the Department of Cannabis Control (DCC; CCL19-0002038). The project site originally received an approved CCL in 2017, transfer application received on June 14, 2021 for the current applicants and received a UO Extension on September 1, 2021, see below for additional project information.

## **COUNTY ORDINANCE AND CEQA COMPLIANCE:**

An Appendix C document was submitted to the Cannabis Division for CCL 132 on February 24, 2022. Throughout the Appendix C review process, two incomplete letters were sent to the applicant and their agent, followed by two resubmittals of the Appendix C document on March 6, 2022 and September 8, 2022.

A site inspection was performed by Cannabis Division compliance staff on June 15, 2022 to ensure that the site plan and project description included in the Appendix C were accurately prepared. All outstanding deficiencies identified during the site visit were completed by September 8, 2022. A completeness review was performed by Cannabis Division staff on July 15, 2022 and determined to be complete on February 17, 2023. Both the site inspection and completeness review processes are designed to verify site and application compliance with Trinity County Code Chapter 17.43 (Commercial Cannabis Cultivation Regulations). The County's contracted environmental consultant company, Helix, prepared a compliance memorandum on February 17, 2023 with a final review performed by County environmental compliance staff, that determined that approval of this project is a "later activity" associated with the Cannabis Program EIR, as defined by subsection (c) of Section 15168, in that (i) all impacts associated with the approval of this project are within the scope of environmental review previously studied, and (ii) the requirements and mitigations required by Chapter 17.43 and 17.43G of the Trinity County Code, adequately serve to mitigate the impacts associated with approval of this project, it adequately evaluates all potential environmental impacts, and can be appropriately tiered within the Trinity County Cannabis Programmatic Environmental Impact Report. Based on the application review, site inspection and Helix's review of the Appendix C, County environmental compliance staff recommended license approval to the planning director on February 17, 2023.

## **REASONS FOR APPEAL:**

The appellants' appeal letter outlined six main complaints for appealing the approval of CCL 132 (Attachment 2). The Cannabis Division has investigated each of these complaints and provided a summary of the findings below:

- 1) Cumulative Impacts: Based on a review of the above referenced cannabis file, it appears the County continues to violate the TAA Settlement Agreement and Judgment in whole or in part by continuing its practice to approve and issue commercial cannabis licenses while ignoring its duty to identify, consider and mitigate

## Attachment H

----- Forwarded message -----

From: **Deborah Rogge** <[drogge@trinitycounty.org](mailto:drogge@trinitycounty.org)>

Date: Wed, Jun 28, 2023, 7:57 AM

Subject: July 13, 2023 Planning Commission

To: L Wills [REDACTED]

Good Morning Laurie,

On Thursday, July 13, 2023, at 6:00 p.m. your project/appeal P-23-06, will be presented to the Planning Commission for a decision. The mailing address associated with the project parcel shall receive a letter of notification in the mail. A copy is attached for your convenience. Below is the information to participate via ZOOM if that is more convenient for you. Participation in person is always welcome.

### YOU CAN PARTICIPATE IN PLANNING COMMISSION MEETINGS VIA ZOOM

Meeting Link: <https://us06web.zoom.us/j/5950072851?pwd=RHp6TDhNajNJMVJHZFJlRmhacmJjUT09>

Meeting ID: 595 007 2851

Passcode: 267684

+1 669 900 6833 US (San Jose)

+1 346 248 7799 US (Houston)

Find your local number: <https://us06web.zoom.us/j/5950072851?pwd=RHp6TDhNajNJMVJHZFJlRmhacmJjUT09>

If you have any questions or would like additional information regarding the Planning Commission hearing date, please let me know. Thank you.

Regards,

**Deborah Rogge**

*Administrative Coordinator*

*Trinity County Planning Dept.*

*61 Airport Rd. PO Box 2819*

*Weaverville, CA 96093*

530-623-1351 ext.2824

Fax 530-623-1353

# Attachment I

## **NOTICE OF CULTIVATION LICENSES**

### **NOTICE OF APPROVAL FOR COMMERCIAL CANNABIS CULTIVATION LICENSES**

Applications to allow a commercial cannabis cultivation license

("CCL") have been received by the Trinity County Planning Department-Cannabis Division for the following Assessor's Parcel Numbers ("APN"):

<b>CCL:</b>	<b>APN:</b>
CCL-106	019-280-003-000
CCL-132	025-180-038-000
CCL-444	018-560-003-000
CCL-558	016-200-010-000
CCL-595	019-680-017-000
CCL-667	015-050-048-000
CCL-771	020-510-020-000

In accordance with the California Environmental Quality Act (CEQA Guidelines Section 15168(c) & (e)), the above referenced license has been determined to be later activities and fall within the scope of the certified Environmental Impact Report adopted by the Trinity County Board of Supervisors which adequately describes the activity for purposes of CEQA.

The Cannabis Director approved the above referenced CCL on **June 23, 2023**. Should you desire to appeal this decision, you must do so within 10-working days, or by **July 12, 2023** pursuant to Trinity County Zoning Code Section 17.34.110. The license can be issued on or after **July 13, 2023**.

Upon request, you may inspect the subject license application file at the County Planning Department in accordance with the Public Records Act.

If you have any questions or wish to receive additional information concerning the above listed cannabis license or wish to file an appeal, please contact Bear Banonis in the Trinity County Cannabis Division, P.O. Box 2819, Weaverville, CA. Phone (530) 623-1351, or by email at [info.cannabis@trinitycounty.org](mailto:info.cannabis@trinitycounty.org).

June 28, 2023

## Attachment J



**TRINITY COUNTY**  
**COMMUNITY DEVELOPMENT SERVICES**  
BUILDING - ENVIRONMENTAL HEALTH – 61 AIRPORT ROAD, PO BOX 476  
PLANNING- CANNABIS - 530 MAIN ST., PO BOX 2819  
WEAVERVILLE, CALIFORNIA 96093  
PHONE 530.623-1351, FAX 530.623.1353

Ed Prestley, Interim Deputy Director

## MEMORANDUM

**DATE:** June 8, 2023

**TO:** Project Files, Applicant of CCL 132 and Appellant of P-23-06

**FROM:** Drew Plebani, Cannabis Division Director

**RE:** Rescind Approval for CCL 132

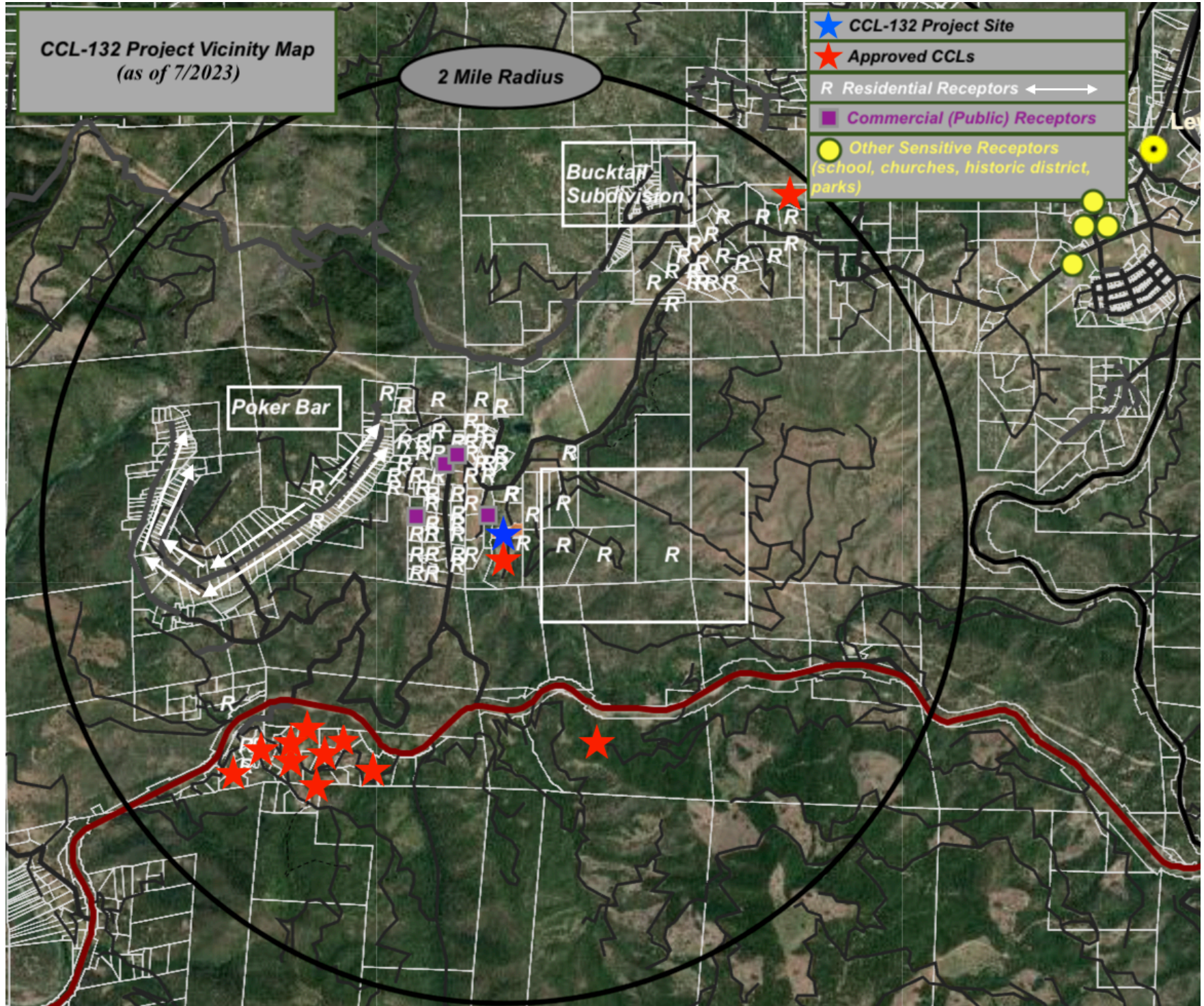
---

**Rescission of Approval for CCL-132:** County Counsel has advised, that in order to properly respond to the Appellant's concerns regarding the Appendix C document, the Director should rescind the approval of the license and the associated Appendix C document.

**Appeal Moot P-23-06:**

Given that the approval for both the license and Appendix C document have been rescinded, Appeal P-23-06 is now moot and not available for consideration at a public hearing at this time. In the event of future project and license approval, the Appellant will be notified through the Cannabis Division's noticing processes and would then have the opportunity to pursue any appeal it believes is required under TCC § 17.34.110 (Appeals).

# Attachment K







# TRINITY COUNTY SHERIFFS OFFICE

Incident #: 22-00185

Reporting Officer: ROBERT BARCELLONA

Report Time: 02/21/2022 12:01:49

## Incident

Incident Nature  
CODE ENFORCEMENT

Address  
[REDACTED]  
LEWISTON, California 96052

Occurred From  
02/21/2022 12:01:49

Occurred To  
02/21/2022 12:02:17

Received By  
BAYLEE RIVAS

How Received  
Radio

Contact  
DEPUTY ROB BARCELLONA

Disposition  
Active

Miscellaneous Entry

Disposition Date  
02/21/2022

Cleared

Judicial Status

Cleared Date

Clearance  
REPORT PENDING

Cargo Theft Related

Responding Officer(s)  
ROBERT BARCELLONA

Case Numbers  
22-00185

## Offenses

### MUNICIPAL CODE VIOLATIONS

Completed?

Method Of Entry

Gambling Motivated?

Premises Entered?

Location Type

Cargo Theft Related?

Statute  
17.42.070 (C) - TCC - M  
(65000)

Description  
PARCEL ~2.5AC & 5AC,  
6PLNTS OR 200 SQFT

Category  
TCC

## Persons

**COUNTY OF TRINITY  
Victim**

Address	Phone	DOB
11 COURT ST WEAVERVILLE California 96093		
Race	Sex	Ethnicity
Height	Weight	
	0	

**EMERALD CREEK LLC  
Offender**

Address	Phone	DOB
[REDACTED]		
Race	Sex	Ethnicity
Unknown	U	
Height	Weight	
	0	

**Narratives**

**Original Narrative**

**02/21/2022 15:08:40**

TRINITY COUNTY SHERIFF'S OFFICE

**NARRATIVE**

Code Enforcement has received multiple complaints of illegal cannabis cultivation on Coffin Road in Lewiston. There are two State Licensed sites but neither have County Permits. The address of this property is [REDACTED] (APN 025-180-038) under the name of Emerald Creek LLC.

On 2/21/22 I went to [REDACTED] and honked my horn. A male subject came from inside a metal building. While the door was open I observed a large amount of growing cannabis. To the left of the metal building were two large green houses. I asked the subject if he was the owner. He stated he was just working at the property. I asked if there was cannabis inside the two green houses. He stated there was. I asked how much cannabis was being cultivated. He stated he was unsure. I advised that the property was in violation of County Cannabis Code because there was not a current permit for the cultivation. I asked if I could look inside and photograph the cannabis. The subject opened both green houses and went inside with me.

Inside green house 1 I photographed and observed approximately nine hundred (900) immature cannabis plants being cultivated. I then went to green house 2 and observed and photographed approximately nine hundred (900) cannabis plants in the budding stage.

There were a total of approximately one thousand eight hundred (1800) growing cannabis plants. This property is a 3.85 acre parcel and would be allowed to cultivate a maximum of six (6) cannabis plants without a commercial cannabis permit.

I advised the subject that since he was not the owner, I would issue the Notice of Violation and post it on the fence. He stated he would contact the owner.

I issued and posted NOV 1098, Case # 22-00185 for the following violation:

17.42.070(C) Excessive Cultivation

Inside the plastic sleeve, I left my business card with my office number as well as the red letter provided by County Counsel. I advised the subject of the seven days for compliance as well as the appeals process.

DISPOSITION  
Active Pending

ROUTING  
County Counsel

NOTICE OF VIOLATION, ORDER TO CORRECT, AND NOTICE OF ASSESSMENT OF CIVIL FINES AND PENALTIES

APN: 025-180-038 Citation Date: 2/21/22

Property Address [REDACTED]

Lewiston CA 96052

Owner: Emerald Creek LLC

Tenant/Lessor/Occupant:

VIOLATION(S)

The following violations of Trinity County Code ("TCC") exist on the above-referenced property:

- § 17.42.060(A)—Single-Family Residence. Activities shall be conducted exclusively on a legal parcel of property on which a single-family residence is located.
§ 17.42.060(C)—Notarized Letter. If the person conducting activities is not the lawful owner of the parcel, such person shall maintain a notarized letter of consent from the legal owner(s).
§ 17.42.060(E)—Fence. All outdoor cultivation shall be located behind a fully enclosed opaque fence at least 6 feet in height, and may not be constructed or covered with plastic or cloth.
§ 17.42.070(C)—Excessive Cultivation. +1800 marijuana plants observed on the parcel, in excess of the 6 plants allowed on a 3.85-acre parcel with a permitted single-family residence.

TIME TO CURE

You have seven (7) calendar days from the date you receive this Notice of Violation ("Notice") to cure the violation(s) herein. Date of receipt shall be evidenced by either return receipt or a signed affidavit of personal service by the appropriate County representative.

CONSEQUENCES FOR FAILING TO CURE

You must immediately act to correct the violations and/or file an administrative appeal. Please note, you must request reinspection of the property once the violations have been corrected to prevent accrual of administrative fines and/or commencement of enforcement proceedings by the County.

Additional consequences may occur if the violation(s) cited within this Notice continue after expiration of the seven (7) calendar day cure period, including, but not limited to: criminal prosecution, civil injunction, administrative abatement, judicial abatement, revocation of permits, recordation of Notice, and withholding of future County permits.

RIGHT TO APPEAL

Time to Appeal: The property owner, tenant, lessor, and/or occupant affected by this Notice may, in writing, appeal the determination and amount of potential fines and penalties herein, within ten (10) working days of receipt of this Notice.

the determination final. Appeal forms are available at the County Administration Office and online at www.trinitycounty.org. Contents of Appeal: The appeal must include: (1) a brief statement setting forth the appellant's interest in the matter relating to imposition of the penalty; (2) a brief statement of material facts supporting the appellant's claim no administrative penalty should be imposed, or penalty of a different amount is warranted; (3) an address at which the appellant agrees to receive notice of any further proceedings and/or orders by first-class mail; and (4) payment of any fee established under TCC § 8.90.160, or a request for exemption as provided in § 8.90.170. Hearing on Appeal: The appeal hearing process shall be conducted in the manner outlined in TCC § 8.90.130.

DETERMINATION OF FINES AND ADMINISTRATIVE FEES

TCC § 8.90.080. For any violation of the County Code, the Director may impose an administrative fine within the amounts set forth below:

- A. If the violation arises from unlawful commercial, industrial, rental (residential or non-residential), owner-occupied residential, or similar structure on the property, the Director has discretion to impose a fine in one of the following sums:
1. The fair market value of the land or structure in violation for the period of time elapsed from the date of transmittal of the notice of violation through to the abatement of the violation by whatever means;
2. \$1,000 per day for the first violation, \$2,500 per day for the second violation, and \$5,000 per day for the third violation from the date of transmittal of the notice of violation of excessive cultivation of cannabis; or
3. In the event use of a structure in violation is permitted with an appropriate permit, up to a maximum of five (5) times the amount of the standard fee for such a permit.
B. For any other violation, the Director may impose a fine of up to \$100 from the date of transmittal of the Notice, and up to \$100 for each calendar day thereafter that the violation exists on the Property, through the effective date of the notice of violation.
C. It is the intent of the Board of Supervisors in enacting this chapter, that fines for violations of this Code be set at amounts no higher than that which are sufficient to secure compliance with this code and to deter individuals and entities from violating this code.

Based on the above, the Director sets the fines at \$1,000 per day for the first violation, \$2,500 per day for the second violation, and \$5,000 per day for the third violation, for excessive cultivation of cannabis, all other fines shall be \$100 per day starting on 2/22/22.

I swear under penalty of perjury under the laws of the State of California the foregoing was:

Personally served Posted at the above property address
Dated: 2/21/22 Director: R. Dancellors



LIST 1  
DETAIL

1 Property Address: [REDACTED]

### Ownership

County: **TRINITY, CA**  
Assessor: **SHANNA WHITE, ASSESSOR**  
Parcel # (APN): **025-180-038-000**  
Parcel Status: **ACTIVE**  
Owner Name: **EMERALD CREEK LLC**  
Mailing Address: [REDACTED]  
Legal Description:

### Assessment

Total Value: **\$427,761**      Use Code: **CXX1**      Use Type: **RESID. SINGLE FAMILY**  
Land Value: **\$221,648**      Tax Rate Area: **063-001**      County Zoning:  
Impr Value: **\$206,113**      Year Assd: **2021**      Census Tract: **1.01/2**  
Other Value:      Property Tax:      Price/SqFt:  
% Improved: **48%**      Delinquent Yr:  
Exempt Amt:      HO Exempt: **N**

### Sale History

	Sale 1	Sale 2	Sale 3	Transfer
Document Date:	<b>05/05/2021</b>	<b>07/12/2018</b>	<b>10/24/2007</b>	<b>05/05/2021</b>
Document Number:	<b>2021R01520</b>	<b>2018R01911</b>	<b>2007R04283</b>	<b>2021R01520</b>
Document Type:	<b>GRANT DEED</b>			
Transfer Amount:	<b>\$1,200,000</b>	<b>\$400,000</b>		
Seller (Grantor):	<b>MASONDAVIS JACOB E</b>			

### Property Characteristics

Bedrooms:	Fireplace:	Units:
Baths (Full):	A/C:	Stories:
Baths (Half):	Heating:	Quality:
Total Rooms:	Pool:	Building Class:
Bldg/Liv Area:	Park Type:	Condition:
Lot Acres: <b>3.850</b>	Spaces:	Site Influence:
Lot SqFt: <b>167,706</b>	Garage SqFt:	Timber Preserve:
Year Built:		Ag Preserve:
Effective Year:		

# Attachment M

03/03/22  
09:11

TRINITY COUNTY SHERIFF'S OFFICE  
Law Supplemental Narrative:

Page: 419  
1

### Details

Incident Number 22-00185  
Sequence Number 1

Name R BARCELLONA  
Date 16:26:30 03/02/22

Narrative  
(See below)

=====

Narrative:  
TRINITY COUNTY SHERIFF'S OFFICE \_\_\_\_\_

### SUPPLEMENTAL NARRATIVE:

On 3/1/22 I received an email from Patrick McNamara, of "Emerald Creek LLC" in Lewiston. The email was in response to a Notice of Violation placed on the property on 2/21/22 for excessive cannabis. In the email, McNamara stated that all cannabis had been removed and was requesting a re-inspection.

On 3/2/22, I went to the property address of [REDACTED], APN 025-180-038 and confirmed that all cannabis had been abated and the property was now in compliance with the Trinity County Cultivation Ordinance.

DISPOSITION:  
Case Closed

ROUTING:  
County Counsel

CONTROLLED  
DOCUMENT  
DEPARTMENTAL INFORMATION  
USED BY CRIMINAL AGENCY  
TO County Counsel  
AGENCY TC  
BY msherman  
DATE 3/3/22  
TRINITY COUNTY  
SHERIFF'S OFFICE  
WEAVERVILLE, CA

**Rob Barcellona**

---

**From:** [REDACTED]  
**Sent:** Wednesday, March 2, 2022 10:24 AM  
**To:** Kelsey Walsh  
**Cc:** code\_enforcement; Rob Barcellona; Gretchen Dugan  
**Subject:** Re: Requesting reinspection

Thank you.

On Tue, Mar 1, 2022 at 4:12 PM Kelsey Walsh [REDACTED] wrote:  
Good afternoon,

Thank you for your email. I will relay this information to code enforcement and they will coordinate a time with you to re-inspect. Once they re-inspect they will write a supplemental report. This report will get sent to my office for review at which time we will dismiss the notice of violation against you.

I appreciate you reaching out.

Regards,

Kelsey Walsh

-----Original Message-----

**From:** Natalie Koehler <[REDACTED]>  
**Sent:** Tuesday, March 1, 2022 4:02 PM  
**To:** [code\\_enforcement@trinitycounty.org](mailto:code_enforcement@trinitycounty.org)  
**Cc:** Kelsey Walsh [REDACTED]  
**Subject:** Requesting reinspection

Good afternoon,

This is Patrick and Natalie McNamara. We got a notice of violation on our cannabis farm on 2/21 at [REDACTED]. The NOV # is 1098.

We have chopped all our plants and are requesting a reinspection. We left a message with deputy Rob Barcellona as well as the code enforcement number. Please let us know how to proceed from here. Just making sure we will not get charged the \$1000 fine/day. Thank you.