

TRINITY COUNTY PLANNING COMMISSION

STAFF REPORT

PROJECT TITLE: Appeal of Director’s Decision to Approve CCL-106

APPELLANT: Rachel Doughty (Greenfire Law, PC) / Rowdy Bear Sanctuary Preservationists

APPLICANT: Petko Petkov (NatureFarm., Inc).

AGENT: Tom Ballanco, and the Flowra Platform

PROPERTY OWNER: Petko Petkov

REPORT BY: Drew Plebani – Cannabis Division Director, Colton Trent – Cannabis Division Environmental Compliance Specialist, Bella Hedtke – Cannabis Division Associate Planner

LOCATION: APN 019-280-003-000

ZONING DISTRICT: Unclassified (UNC)

ZONING OVERLAY DISTRICT(S): N/A

GENERAL PLAN DESIGNATION: Rural Residential (RR)

PROJECT DESCRIPTION:

The proposed cultivation project described herein (Project) includes the cultivation of up to 10,000 square feet (SF) of mixed-light cannabis located in Trinity County on Assessor’s Parcel Number (APN): 019-280-003-00. The applicant is seeking a Small Mixed-Light Tier 1 Cannabis Cultivation License from the County (CCL-106) and a Small Mixed-Light Tier 1 Cannabis Cultivation License from the Department of Cannabis Control (DCC; CCL19-0000087, expires 10-22-2023). Cultivation activities include 8,160 SF of mixed-light canopy and 2,880 SF of immature plant area. The proposed project includes use of two (2) groundwater wells for cultivation and domestic water source.

Location	Land Use	Zoning District	General Plan Designation
North	Vacant	UNC	RR
South	Vacant/ Residential	UNC	RR

East	Residential	UNC	RR
West	Vacant	UNC	RR

Table 1: Surrounding Land Uses to Project Site (Attachment 1)

PROJECT BACKGROUND:

The Cannabis Division Director approved the application for commercial cannabis cultivation license (CCL) 106 on March 31, 2023 and was scheduled for license issuance on or after April 19, 2023, after the 10-day appeal period ended. On April 17, 2023, an application for appeal of the approval of CCL-106 was submitted to the Trinity County Planning Department, pursuant to the standards established in Trinity County Code Section 17.34.110. This appeal was assigned project number P-23-12.

The Director’s license approval and related Appendix C Environmental document was rescinded. Given that CCL-106 was rescinded, P-23-12 was deemed moot. After providing additional discussion in the Appendix C, the license and environmental document were then approved on June 23, 2023 and was scheduled for license issuance on or after July 13, 2023, after the 10-day appeal period ended. The Appellant then appealed the project, which was assigned project number P-23-22, on July 12, 2023. Given that P-23-12 is moot, this staff report analyses the Reasons for Appeal as provided on the appeal form submitted on July 12, 2023.

COUNTY ORDINANCE AND CEQA COMPLIANCE:

An Appendix C document was submitted to the Cannabis Division for CCL-106 on March 9, 2022. Throughout the Appendix C review process, two incomplete letters were sent to the applicant and their agent, followed by resubmittals of the Appendix C document.

A site inspection was performed by Cannabis Division compliance staff on June 1, 2022 to ensure that the site plan and project description included in the Appendix C were accurately prepared. Subsequent inspections were completed as a result of complaints received through the online complaint portal. Complaint verification inspections were completed by staff on October 11, 2022 and May 31, 2023 in order to verify claims of trash and commercial cultivation without a valid county license (see Attachment 7 for more information) and those specific instances of noncompliance were resolved. All outstanding deficiencies identified during the site visit were completed by July 2, 2022. A completeness review was performed by Cannabis Division staff on July 11, 2022 and determined to be complete on October 13, 2022. 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, LACO, prepared a compliance memorandum on March 24, 2023.

The Director’s approval and related Environmental document were rescinded on June 8, 2023 in order for the applicant’s agent to update the Appendix C document to provide additional discussion. Subsequently, a review of the updated Appendix C document performed by County environmental compliance staff, determined that approval of this project is compliant with TCC 17.43, and 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 Cannabis Division Director on June 23, 2023.

REASONS FOR APPEAL:

The Appellants' appeal letter outlined numerous reasons for appealing the approval of CCL-106 (Attachment 1). The Cannabis Division has investigated each of the reasons stated and has provided a summary of the findings below:

1) Inadequate Environmental Review

Response: The review performed by County Staff, 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 LACO's review of the Appendix C, County environmental compliance staff recommended license approval to the Cannabis Division Director on 06/23/2023.

Furthermore, the Appellants' appeal form does not provide specific reasons the environmental review is inadequate.

2) Violation of CEQA

Response: No specific violations of the California Environmental Quality Act (CEQA) were specified by the appellant in the appeal form submitted to the Planning Department. Based on staff's review of the associated project documents, application materials and Appendix C environmental document, no violations of CEQA were identified.

3) Nuisance

Response: Chapter 17.43.080(A) defines any violation of Chapter 17.43 as a nuisance that is subject to fines and abatement pursuant to Chapter 8.64 and 8.90 of the Trinity County Code. Pursuant to chapter 8.64.030, staff is unaware of a resolution by the Board of Supervisors pertaining to this site. Furthermore, given that complaints lodged have been unsubstantiated and/ or issues resolved, and pursuant to Chapter 8.90.050, no action was taken by the Planning Director. See Attachment 7: CCL-106 Code Compliance Timeline.

4) Violation of Trinity County Ordinance Section 17.43.070(A)

Response:

Trinity County Code of Ordinances Section 17.43.070(A) reads as follows:

“A. Applicant shall be denied a license or the approval of a license shall be revoked if the county becomes aware that:

- 1.The applicant has provided materially false documents or testimony;
- 2.The applicant has not complied fully with the provisions of this chapter, including any of the requirements of NCRWQCB Order #2015-0023, SWRCB, or CDFW; or
- 3.The operation as proposed by the applicant, if permitted, would not have complied with all applicable county and state laws, including, but not limited to; the building, planning, housing, fire and health codes of the county, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.

A.1. Staff has not received any evidence that the applicant provided false documents or testimony.

A.2. The applicant has maintained active enrollment under State Water Board Policy and General Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ and R1-2015-0023-DWQ) (Attachment 8). The applicant received a letter from the California Department of Fish and Wildlife on February 20, 2019 stating the project as proposed is not subject to the requirements of Fish and Game Code sections 1602 (Attachment 9).

A.3. The project review process is a collaborative process that is designed to assist applicants in achieving compliance through with all applicable county and state laws. Projects as originally proposed are not always designed to meet the requirements of county and state laws, and therefore are not guaranteed approval. The process of review, deficiency notification, and resubmission allows applicants an opportunity to reconfigure proposed operations in a manner that would comply with the requirements of county and state laws. A proposed project, such as CCL-106, does not receive approval until such time that the proposed configuration would comply with all applicable county and state laws.”

The Appellant’s letter does not specify the specific violation this claim is asserting, given that the applicant currently possesses a valid NOA from the Water Boards, is not subject to the requirements of Fish and Game Code sections 1602 and no violation letters are in the physical or electronic file from either State Agency, the Division finds this site in compliance with Trinity County Ordinance Section 17.43.070(A).

5) Violation of Trinity County General Plan

Response: The Appellant’s letter does not specify how this project is in violation of the Trinity County General Plan.

Staff directs the reader to the **Trinity County Cannabis Program FEIR Vol.2, 4.3.11 Land Use and Planning**, including the following excerpt: “The Cannabis Program does not include any changes to community plan policies, land use designations, and zoning and therefore would not conflict with land use plans and regulations that address environmental issues.”

Additionally, Staff directs reader to **Trinity County Cannabis Program FEIR Vol.2, “Impact 3.11-2: Conflict with Relevant Zoning, Plans, and Policies for the Purpose of Avoiding an**

Environmental Effect. The Cannabis Program would amend the County Code of Ordinances that implements the General Plan land use policy direction, and would be consistent with General Plan land use provisions. Further, the Cannabis Program contains permitting requirements that provides a mechanism for the County to ensure compliance with relevant plans and policies.”

6) Violation of Trinity County Cannabis Program—stemming from issues related to light pollution, noise, odor, waste, fencing, discharge of firearms, road and traffic conditions, setbacks, dust, erosion, grading and related vegetation disturbance, unpermitted grading and construction, hydrology, and wildlife.

Response:

Upon review of the application materials and the approved Appendix C Checklist for CCL-106, staff determined that the project as proposed meets all applicable requirements of the Trinity County Cannabis Program. This includes all requirements outlined in both the FEIR and the Trinity County Code of Ordinances. A more detailed description of the analysis for each individual item can be found below.

-Lights

The FEIR includes the following requirements that ensure nighttime lighting and glare impacts are avoided:

- All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky (Section 315-843[6][l]).
- Those cultivations using artificial lighting from mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise (Section 315-843[6][m]).

The approved Appendix C Checklist for CCL-106 states that the project will utilize blackout tarps to meet the above requirements.

-Noise

The approved Appendix C Checklist for CCL-106 includes a detailed discussion of noise impacts related to the construction and implementation of proposed cultivation activities. The project is required to meet the standard of mitigation measure 3.12-1 of the FEIR, which prohibits the generation of construction related noise between 7 p.m. and 7 a.m. Long term sources of noise related continual operation of the project include a diesel-powered generator that supplies the project with power. In compliance FEIR discussion of impact 3.12-2: Creation of Long-Term Nontransportation Operational Noise and Chapter 17.43.060(B) of the Trinity County Code the generator was measured below the maximum ambient daytime noise level of 55 dB, at 43.1 dB at the property line. Furthermore, in compliance with the above referenced sections, the generator is prohibited from and will not be operated during the nighttime hours of 10 p.m. to 7 a.m. The project proposes the use shielding to further reduce potential impacts related to long term operational noise from the generator.

-Odor

The approved Appendix C Checklist for CCL-106 includes a detailed Odor Management Plan prepared by Trinity River Consulting. The plan includes a description of all potential odor omitting facilities that will be utilized for cultivation, the operational activities that have the potential to produce odor, proposed odor mitigation practices, and an implementation timeline. The mitigations included have been evaluated and determined to be consistent with the requirements of the FEIR.

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 discerned, and statements related to past odor concerns without quantified data cannot be used to evaluate the subjective concerns stated by the appellant.

Additionally, staff directs the reader to Attachment 7: CCL-106 Code Compliance Timeline.

-Waste

The approved Appendix C Checklist for CCL-106 includes multiple discussions about the treatment and disposal of cannabis waste. Waste management is discussed in Section 4.19 Utilities and Service Systems, the Biological Resource Assessment, the Odor Management Plan, and the Site Management Plan of the Appendix C checklist. Cannabis waste will be composted onsite in a 30 ft. x 60ft. area in the southern portion of the property; this method of cannabis waste disposal is compliant with requirements of the FEIR and the Trinity County Code of Ordinances. Refuse and domestic waste will disposed of by means of recycling, and transport to the Hayfork Transfer Station solid waste facility.

-Fencing

The FEIR and the Trinity County Code of Ordinances both require cultivation sites within 0.5 miles of a County designated scenic roadway to screen cultivation activities from public views along the scenic roadway (TCC §17.43.060(U)). The project parcel for CCL-106 is located more than 0.5 miles from any County designated scenic roadways and is therefore not applicable to these requirements. However, the approved Appendix C Checklist for CCL-106 states that the cultivation areas are “obscured by topography and vegetation... [and] is partially fenced.” Staff has determined that the amount of fencing and the visual aesthetic of the fencing utilized for cultivation screening is appropriate and compliant with the FEIR and the Trinity County Code of Ordinances.

-Discharge of Firearms

Firearms are not under the jurisdictional authority of the Trinity County Commercial Cannabis Program. Complaints and reports related to the inappropriate use of firearms should be directed to the Trinity County Sheriff’s Office and the Department of Cannabis Control (DCC).

-Traffic

The approved Appendix C Checklist for CCL-106 states that the project will generate two (2) vehicle trips per week for long term operations, with an increase to four (4) vehicle trips during construction. The project will combine cultivation-related trips with domestic trips, thus reducing Vehicle-Miles Traveled (VMT). The project is located in a remote region with very little traffic. Due to the limited number of trips and the location of the project, it is not anticipated that vehicle trips generated by cultivation operations would result in congestion at any intersection that experiences high volumes of vehicles or long wait times.

-Setbacks

The FEIR and the Trinity County Code of Ordinances prohibit cannabis cultivation within 350 feet of a residential dwelling; 1,000 feet of any youth-oriented facility, school, church, or residential treatment facility; and within 500 feet of an authorized school bus stop (TCC §17.43.050(A)). Upon review of the application materials and the approved Appendix C Checklist for CCL-106, staff has determined that the project as approved meets all applicable setback requirements. It has been determined that there are no permitted dwellings within 1,000 feet of the project site; The nearest potential residential dwelling is located 706 feet northwest of the cultivation area, which meets the setback requirements.

-Dust

The approved Appendix C Checklist for CCL-106 states that the project will generate two (2) vehicle trips per week for long term operation, with an increase to four (4) vehicle trips during construction. Travel on unpaved roads is projected to be approximately 7.6 miles per trip. The North Coast Unified Air Quality Management District (NCUAQMD) and the FEIR have identified thresholds of significance for PM10 and PM2.5 generation as 80lb/day and 50lb/day respectively. The project is applicable to mitigation measure 3.3-1b: Implement Diesel Engine Exhaust Control Measures and Dust Control, which requires dust control measures to be in place during construction activities. Due to the limited number of trips and amount of travel on unpaved roads and implementation of mitigation measure 3.3-1b, it is unlikely that the project will produce significant levels of particulate matter from dust.

-Erosion, Hydrology, Grading and Related Vegetation Disturbance, and Unpermitted Grading and Construction

Mitigation Measure 3.10-1a: Demonstrate Compliance with Water Resource Standards requires cannabis projects tiered off of the FEIR to demonstrate compliance with all applicable requirements of the General Order. CCL-106 has been enrolled under General Order since 2019. Enrollment under the General Order requires the implementation of best practicable treatments or controls (BPTC). There are no signs of runoff or pollution on-site. All best management practices regarding water conservation, erosion control, and soil stabilization are followed. The greenhouses are located on graded flats, and water and nutrients are applied at agronomic rates to prevent runoff or erosion. Soil erosion does not result from the project as it currently operates.

A complaint of potential unpermitted grading was submitted to staff on July 10, 2023. Upon review of the information and accompanying photos submitted, staff determined that the

thresholds for a grading permit were not met and that the grading performed would constitute proper property maintenance. Staff directs the reader to Attachment 7: CCL-106 Code Compliance Timeline.

-Wildlife

A Biological Resource Assessment (BRA) prepared by Pinecrest Environmental Consulting was submitted as an attachment to the approved Appendix C Checklist for CCL-106. The BRA concludes that the Northern Spotted Owl and the Foothill yellow-legged frog are the only species of special concern with the potential to occur on the project parcel. The project is applicable to the following pre construction surveys for wildlife protection and exclusion: Mitigation Measures 3.4-2a-3.4-2f, 3.4-2h-3.4-2m, and 3.4-2o. Both special of special concern outlined in the BRA are protected by mitigation measures in the FEIR that will be implemented prior to any construction activities: Mitigation Measure 3.4-2d: Conduct Northern Spotted Owl Preconstruction Habitat Suitability Surveys and Determine Presence or Absence of the Species, and Mitigation Measure 3.4-2a: Conduct Preconstruction Surveys for Special-Status Amphibians.

PUBLIC COMMENT:

As of July 27, 2023 at 5pm staff received no comments on this item.

STAFF RECOMMENDATION:

All complaints referenced in the appellant's reason for appeal, within the jurisdictional authority of the Trinity County Cannabis Division and TCC 17.43, which are related to the site-specific review, have been determined to be adequately evaluated and analyzed within the associated resource categories of the Appendix C Environmental document for this project which was approved on June 23, 2023. Staff recommends that the Planning Commission make a motion to deny the appeal (P-23-22), upholding the Director's decision to approve CCL-106, with the findings referenced in this staff report.

ALTERNATIVES:

If the Planning Commission does not wish to deny the appeal, the following alternatives are available:

1. The Planning Commission could move to uphold the appellant's request to deny CCL-106, with findings stated by the Planning Commission.
2. In the event that more information or time is required prior to the Planning Commission making a final decision on P-23-22, the Planning Commission could move to continue this item to the August 10, 2023 scheduled meeting.

ATTACHMENTS:

- 1) Appeal of the Planning Director's Decision and Associated Letter
- 2) CCL 106 Appendix C Site Plan

- 3) Project Location Map
- 4) Surrounding Area Uses Map
- 5) Zoning Districts Map
- 6) General Plan Designations Map
- 7) CCL-106 Code Compliance Timeline
- 8) Water Boards Notice of Applicability
- 9) CDFW Refund Letter



TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
 PLANNING & CANNABIS, 530 MAIN ST., PO BOX 2819
 WEAVERVILLE, CALIFORNIA 96093
 PHONE (530) 623-1351, FAX (530) 623-1353

**APPLICATION TO APPEAL OF DIRECTOR'S DECISION
 TO PLANNING COMMISSION**

DATE: 7-12-23

APPEAL FEE: \$500- due upon filing

Project # or CCL # or CCV # of application decision being appealed: CCL - 106

Date of Director's decision or action: 6-23-23

Director's decision was: Approve Deny

A. APPLICANT/APPELLANT INFORMATION *The following information will be used to contact you regarding the status of your appeal (e.g. hearing dates) and is considered public record.*

NAME: Rowdy Bear Sanctuary Preservationists

PHONE: [REDACTED] EMAIL: [REDACTED]

MAILING ADDRESS: Rowdy Bear Sanctuary Preservationists c/o Rachel Doughty, Greenfire Law PC,
[REDACTED]

B. REASON FOR APPEAL *Clearly state the basis for the appeal and include/attach any supporting evidence if applicable.*

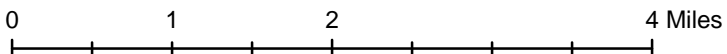
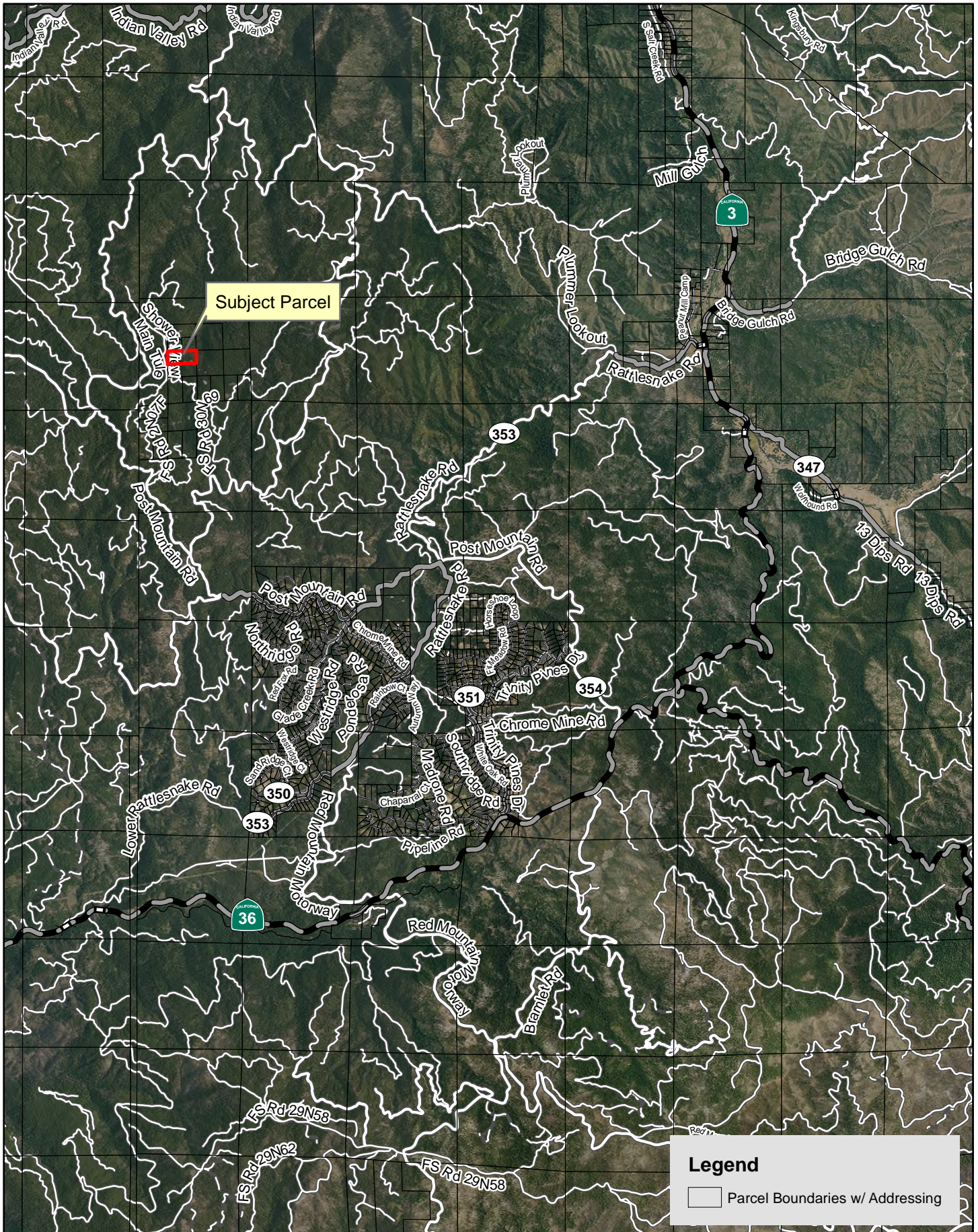
Inadequate environmental review; violation of CEQA; nuisance; violation of Trinity County Ordinance Section 17.43.070(A); violation of Trinity County General Plan; violation of Trinity County Cannabis Program -- stemming from issues related to light pollution, noise, odor, waste, fencing, discharge of firearms, road and traffic conditions, setbacks, dust, erosion, grading and related vegetation disturbance, unpermitted grading and construction, hydrology, and wildlife.

Signature: *Rachel S. Doughty* Date: July 12, 2023

FOR OFFICE USE ONLY	
Date: _____	Project number: _____
Received by: _____	Receipt number: _____
Notice Published: _____	Hearing Date: _____



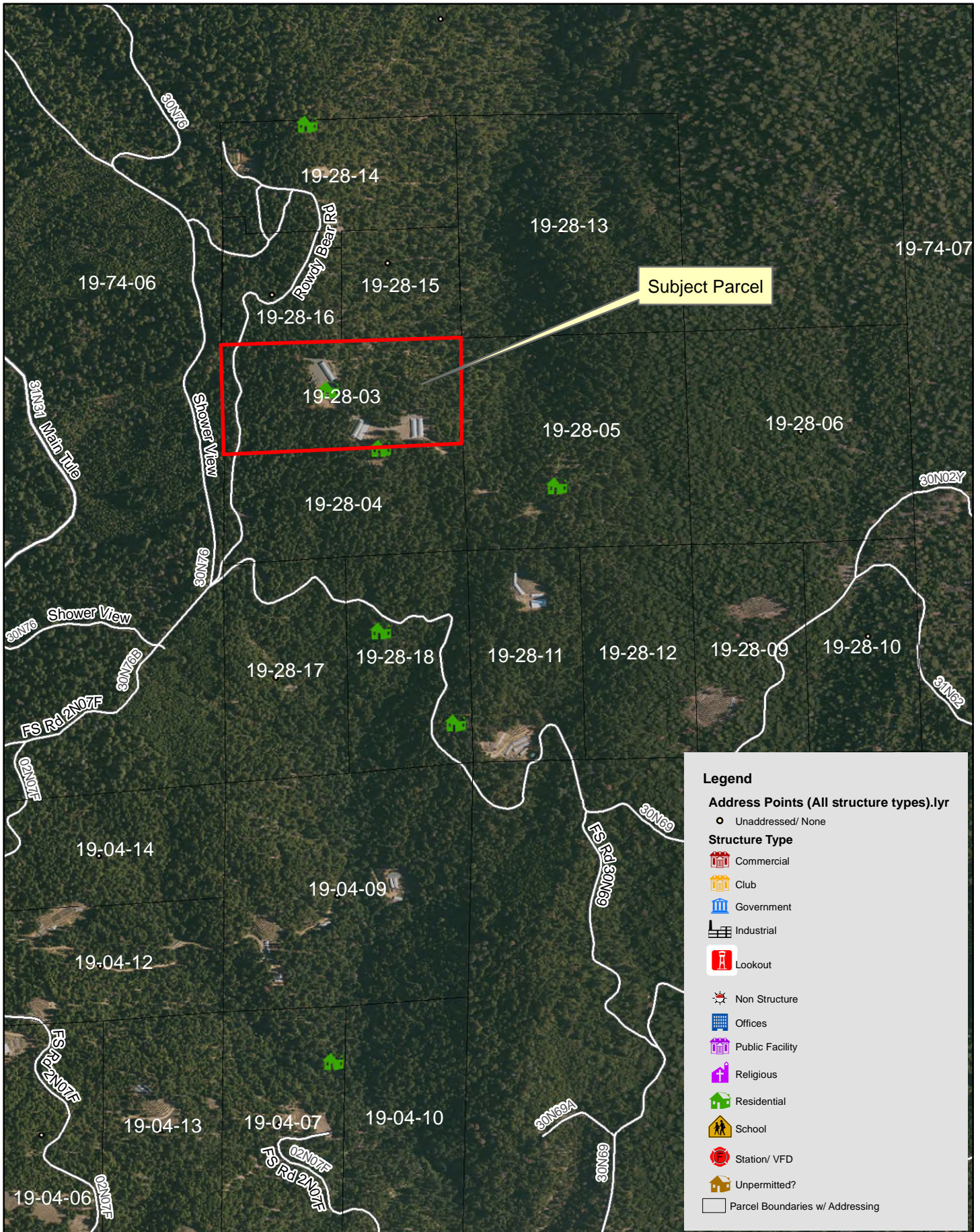
P-23-12 | CCL-106
 APN 019-280-003-000
 Project Location Map



Staff Author: BH
 Date: 7/7/2023



P-23-12 | CCL-106
 APN 019-280-003-000
 Surrounding Uses Map



Legend

Address Points (All structure types).lyr

- Unaddressed/ None

Structure Type

- Commercial
- Club
- Government
- Industrial
- Lookout
- Non Structure
- Offices
- Public Facility
- Religious
- Residential
- School
- Station/ VFD
- Unpermitted?

Parcel Boundaries w/ Addressing

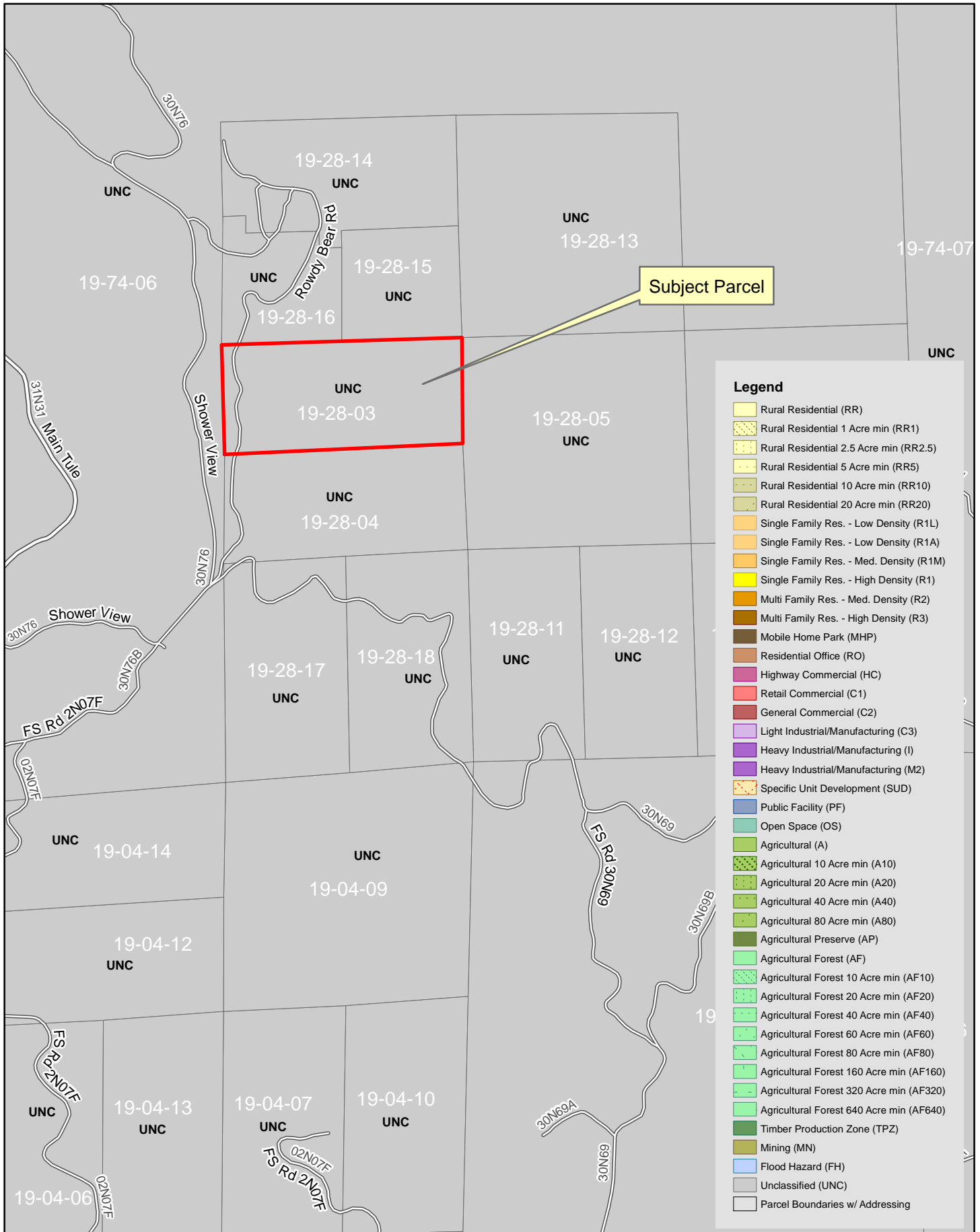
0 0.125 0.25 0.5 Miles

Staff Author: BH
 Date: 7/7/2023

This map is property of the County of Trinity, any manipulation or unauthorized use is prohibited by law and will not be accepted by the County.

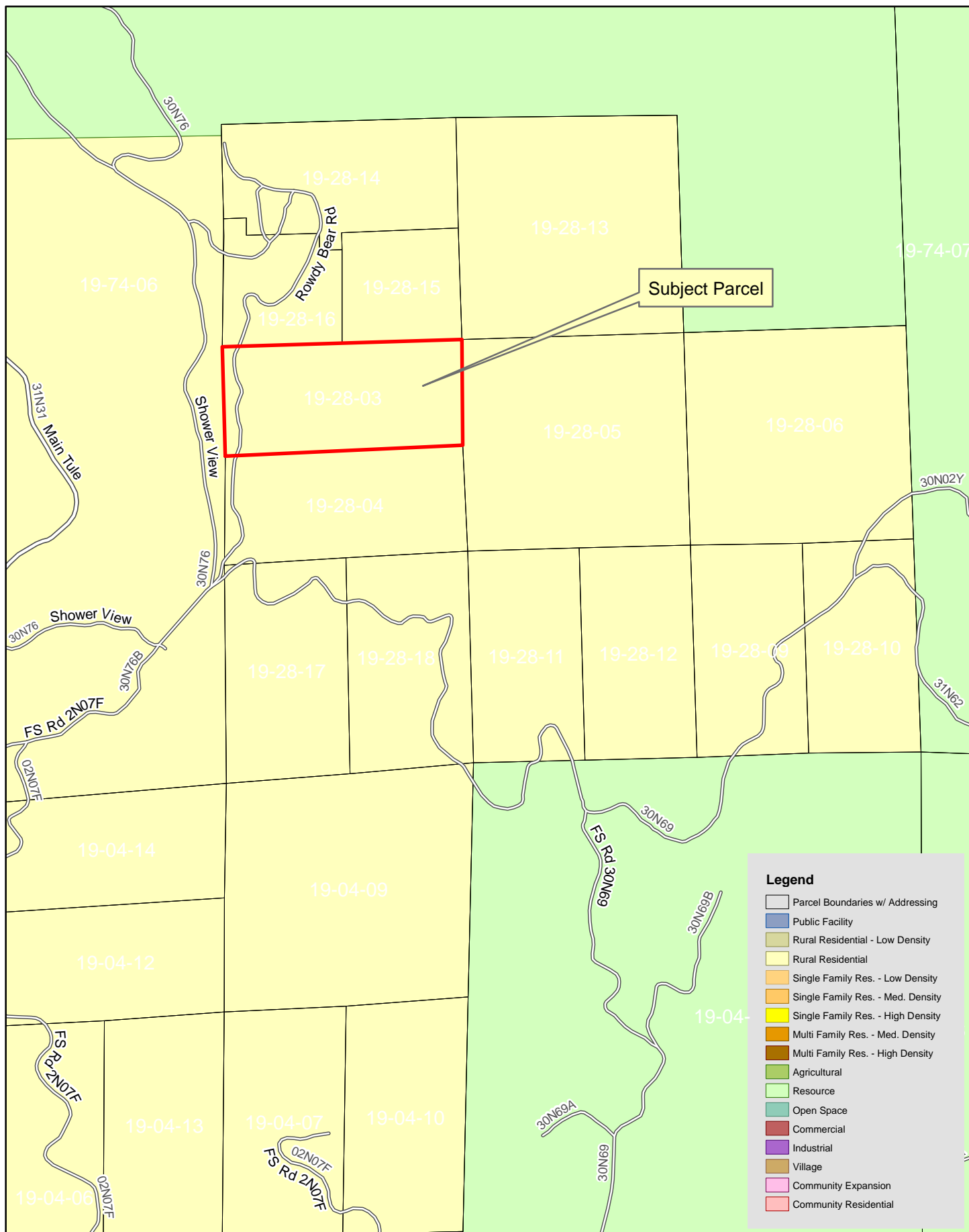


P-23-12 | CCL-106
 APN 019-280-003-000
 Zoning Map



0 0.125 0.25 0.5 Miles

Staff Author: BH
 Date: 7/7/2023



0 0.125 0.25 0.5 Miles

Staff Author: BH
Date: 7/7/2023

CCL 106 CODE COMPLIANCE TIMELINE (D. MARVEL)

6/27/2022 – Part 1

Received complaint via email from John Coogan (forwarded by admin staff). Complaint alleges excessing noise and dust caused by greenhouse construction as well as roaming dogs and no wildlife exclusionary fencing.

6/27/2022 – Part 2

Coogan complaint is forwarded via email to Cannabis Division Director Sean Connell, asking if Coogan's complaint warrants a verification inspection, no response received from Mr. Connell.

7/19/2022

Received complaint via email from John Coogan (forwarded by admin staff). Complaint alleges excessive noise, dust, and lights as well as no wildlife exclusionary fencing around greenhouses.

10/4/2022

Received email and photos from Joh Coogan (forwarded by Ed Prestley). Email and photos allege Mr. Petkov is improperly disposing of cannabis related waste.

10/6/2022 – Part 1

Email sent to Mr. Coogan requesting property access to observe activities on Petkov Parcel. Visit requested for 10/11/2022.

10/6/2022 – Part 2

Email response received from Mr. Coogan confirming availability for 10/11/2022 visit to property.

10/11/2022 – Part 1

Visit Coogan property, photos taken. Evidence of grading present. Large pile of waste/debris staged on property. Cannabis related waste (plant stalks, grow bags w/ soil, plastic tarping, plastic trellising, treated lumber) mixed with a large amount of pine tree limbs.

Greenhouse runoff possibly escaping property as small amounts of water-based erosion near property line & greenhouses visible. Could be greenhouse runoff, could be weather/storm related erosion. Needed access to Petkov property to confirm runoff origin.

10/11/2022 – Part 2

Email received from Mr. Coogan, thanking for visiting property. Reiterates his concerns for non-compliant activities taking place on Petkov property:

- Excavation of USFS and access roads
- Burying of debris (amended soil, plastic, metal, cannabis plant waste, treated lumber)
- Request that the Cannabis Division creates a 175' setback from Petkov greenhouse to Coogan residence. (Important to note that Mr. Coogan's residence is confirmed to be located on Petkov's parcel)
- Grading/widening of USFS roads
- Commercial delivery trucks without USFS Commercial Hauling Permit(s)
- Cannabis related water runoff entering seasonal streams.

10/12/2022

7 emails received from Mr. Coogan with 18 photos/videos attached. Emails and photos/videos allege Mr. Petkov continues to improperly dispose of waste/debris associated with his cannabis operation.

10/13/2022

Emails and photos/videos received from Mr. Coogan on 10/11/2022 and 10/12/2022 forwarded to Drew Plebani and Ed Prestley

11/14/2022

Email received from Mr. Coogan asking for update from site visit on 10/11/2022. Further alleges the waste/debris pile on property has been buried.

5/18/2023 – Part 1

Online complaint received from Mr. Coogan (forwarded by admin staff). Once again alleging improper disposal of cannabis related waste & materials from

10/11/2022 property visit. Further alleging debris is being improperly burned on property & buried debris remains buried.

5/18/2023 – Part 2

Email w/ photos received from Mr. Coogan indicating unlicensed commercial cannabis cultivation is taking place on Mr. Petkov's property. Photo date & time verified with Metadata.

5/18/2023 – Part 3

Photos received via email from Ms. Cedar Brunette indicating unlicensed commercial cannabis cultivation taking place on Mr. Petkov's property. Photo date & time verified with Metadata.

5/18/2023 – Part 4

Notice of Non-Compliance with Abatement issued to Mr. Petkov for unlicensed commercial cannabis cultivation. Abatement deadline 5/31/2023.

5/30/2023

Abatement Verification Inspection scheduled for 11am on 5/31/2023.

5/31/2023

Cannabis Code Compliance Specialist Chad Fougeron performed Abatement Verification Inspection. Confirmed cannabis cultivation was abated.

6/28/2023

Email received from DCC Inspector Rob Hogan, informing DCC will inspect Petkov property on 6/29/2023. As of today 7/27/2023, no further communication of non-compliance stemming from DCC inspection on 6/29/2023 has been received.

7/12/2023

Email and photos received from Mr. Coogan alleging vegetation clearing & grading taking place on Petkov property. Also alleges that grading has encroached upon neighboring property.

Reasons for appeal:

Light pollution – As of 7/27/2023 The Cannabis Division can find no documented evidence (photos) of the alleged light pollution pertaining to CCL 106, nor has non-compliant light usage been witnessed during inspections of CCL 106.

Excessive noise – Excessive noise has not been witnessed/documentated during the compliance-based inspections of CCL 106. Additionally, excessive noise was not present during my visit to Mr. Coogan’s property on 10/11/2022.

Excessive odor – I have not witnessed nor documented excessive odor emanating from CCL 106. However, my visits to the property (and Mr. Coogan’s property on 10/11/2022) have occurred while Mr. Petkov was not actively cultivating cannabis. I would like to note that based off of current and historical aerial imagery, many of the parcels surrounding Mr. Petkov’s appear to be involved in the cultivation of cannabis (in excess of personal cannabis plant allowance). I believe these adjacent properties/ cultivation sites could contribute to the alleged excessive odor complaints against Mr. Petkov.

Waste – The Cannabis Division has received multiple photo submissions indicating cannabis waste and debris piles being staged on Mr. Petkov’s property. I can also confirm that during my visit to Mr. Coogan’s property on 10/11/2022, a large debris pile was witnessed and documented on Mr. Petkov’s property (staged near Mr. Coogan’s residence). As of 7/27/2023 the Cannabis Division has not confirmed that this debris pile was buried on Mr. Petkov’s property. We have received email communications from Mr. Coogan alleging the debris was buried.

Fencing – As of 2020 wildlife exclusionary fencing is no longer a requirement of CCL applicants.

Discharge of firearms – I have not witnessed any firearms being present during compliance related inspections of CCL 106. While firearms are prohibited on commercial cannabis properties, I believe this would fall under the jurisdiction of the TCSO.

Setbacks – CCL 106 is compliant with all commercial cannabis related setbacks per Trinity County Code, this includes structure-to-structure setbacks, watercourse setbacks, setbacks to sensitive receptors (school, church, bus stop, etc.) and residential setbacks to neighboring dwelling. I would once again note that Mr.

Petkov is not required to obtain a CCV for residential setback due to Mr. Coogan's residence being located upon Mr. Petkov's parcel.

Dust – The only evidence of dust I have witnessed as it pertains to CCL 106 is the dust created by a bobcat tractor being used on property as evidenced in the video(s) submitted by Mr. Coogan, received 10/12/2022.

Erosion – During my compliance related inspections of CCL 106 I have not witnessed evidence of erosion stemming from the operations related to CCL 106. I did note traces of water related erosion during my visit to Mr. Coogan's property on 10/11/2022, however, without access to Mr. Petkov's property on that day I was unable to determine if the erosion was created by operations associated with CCL 106 or weather/storm related erosion.

Grading/Construction – During my compliance related inspections of CCL 106 I have not witnessed unpermitted grading or unpermitted construction. I can confirm that I have received photos via email from Mr. Coogan indicating grading was taking place on the property. Additionally, during my visit to Mr. Coogan's property on 10/11/2022, evidence of grading/land disturbance was present. However, I did not observe evidence of unpermitted construction.

Attachments



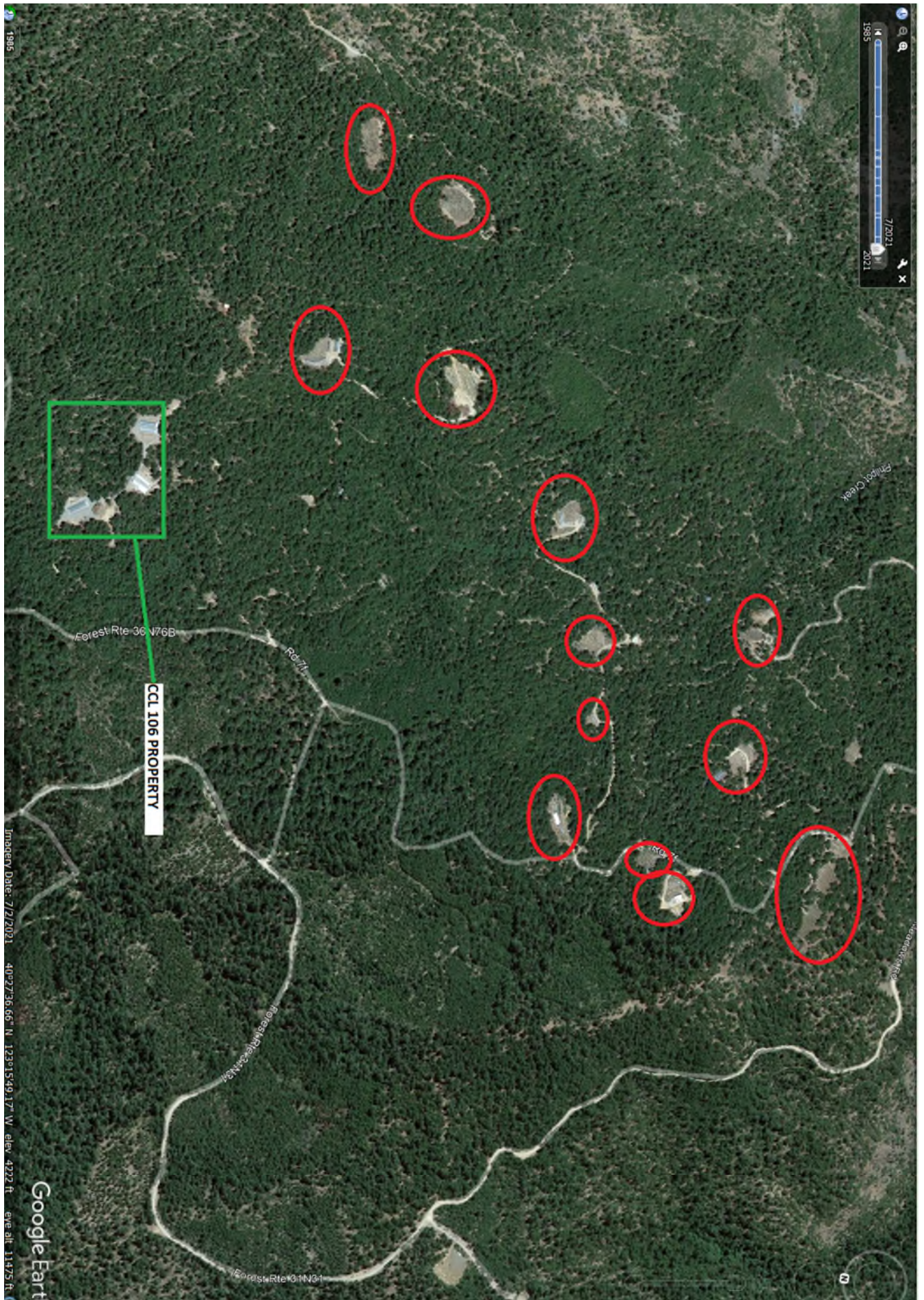
Cannabis waste/debris pile staged on Mr. Petkov property (photo taken 10/11/22)



Evidence of grading on Mr. Petkov property (photo taken 10/11/22)



Access road to CCL 106, Mr. Coogan claims these roads have been graded/widened without USFS approval. (photo taken 10/11/2022)



Aerial imagery taken from July 2021, CCL 106 and surrounding illicit cultivation properties/sites.



North Coast Regional Water Quality Control Board

July 31, 2019

WDID:1_53CC416604

PETKO PETKOV

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality Order WQ 2019-0001-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation (Policy)*, and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov.

Sincerely,

 2019.07.31 15:53:51 PDT
On Behalf Of

Water Boards

Matthias St. John
Executive Officer
North Coast Regional Water Quality Control Board

190731_2L_1_53CC416604_1A161723CTRI_Nature Farm_NOA_TW

NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, PETKO PETKOV, TRINITY COUNTY APN(s) 019-280-03-00

Petko Petkov (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) online portal on May 30, 2019, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and General Order. This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1_53CC416604**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1A161723CTRI.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person or entity with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

1. FACILITY AND DISCHARGE DESCRIPTION

All dischargers enrolled under the North Coast Regional Water Board's Order (R1-2015-0023) or the Central Valley Regional Water Board's Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 2 Low Risk.

2. SITE-SPECIFIC REQUIREMENTS

The Policy and General Order are available on the Internet at:

https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html

The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Currently, the direct link to that application is as follows:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/190403/180731_031616_401_WQ2017-0023-Application.pdf

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

3. TECHNICAL REPORT REQUIREMENTS

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by August 27, 2019, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

4. MONITORING AND REPORTING PROGRAM

The Discharger shall comply with all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below. https://www.waterboards.ca.gov/board/decisions/adopted_orders/water_quality/2019/wqo2019_0001_dwq.pdf#page=32.

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.

https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf.

5. ANNUAL FEE

According to the information submitted, the discharge is classified as Tier 2 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$1,000, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at FeeBranch@waterboards.ca.gov or (916) 341-5247. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), including a Site Closure Report at least 90 days prior to termination of activities and include a final MRP report.

6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov so that a site-specific compliance schedule can be developed.

Cc: Kevin Porzio, State Water Resources Control Board,
dwq.cannabis@waterboards.ca.gov
Adam McKannay, California Department of Fish and Wildlife,
adam.mckannay@wildlife.ca.gov
Cheri Sanville, California Department of Fish and Wildlife,
cheri.sanville@wildlife.ca.gov

Notice of Applicability
WQ 2019-0001-DWQ-R1
WDID #1_53CC416604

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July 31, 2019

Leslie Hubbard, Trinity County Planning Department,
lhubbard@trinitycounty.org
Kristy Anderson, Trinity County Environmental Health,
kanderson@trinitycounty.org



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Region 1 – Northern
601 Locust Street
Redding, CA 96001
(530) 225-2300
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 20, 2019

Petko Petkov
NatureFarm, Inc



Subject: Notification of Lake or Streambed Alteration, Notification No. 1600-2019-0103-R1, Trinity County APN #019-280-03-00

Dear Mr. Petkov:

The California Department of Fish and Wildlife (Department) has reviewed your Lake or Streambed Alteration Notification (Notification), dated January 28, 2019. Your Notification includes, but is not limited to, the following information:

Outdoor cultivation of up to 10,000 square feet of cannabis, irrigated by permitted groundwater well.

The Department determined that your cannabis cultivation project is not subject to the notification requirement in Fish and Game Code section 1602.

Please note that if you change your project you will need to submit a new Notification and corresponding fee to the Department if your modified project will do any of the following:

- Divert or obstruct the natural flow of any river, stream, or lake
- Change the bed, channel, or bank of any river, stream, or lake
- Use material from any river, stream, or lake
- Deposit or dispose of material into any river, stream, or lake

In addition, while your project as proposed in your Notification is not subject to the notification requirements of Fish and Game Code sections 1602, you are still responsible for complying with other applicable local, state, and federal laws. These include Fish and Game Code sections 5650 and 5652 which make it unlawful to pollute waters of the state. Fish and Game Code section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. Fish and Game Code section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other materials. A

Conserving California's Wildlife Since 1870

person who violates Fish and Game Code sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, CDFW may impose civil penalties administratively against any person found by CDFW to have violated these Fish and Game Code sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the Fish and Game Code that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

If you have any questions, please contact Matt Mitchell, Environmental Scientist, at (530) 225-2103 or by email at matthew.mitchell@wildlife.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam', with a long, sweeping horizontal stroke extending to the right.

Adam McKannay
Cannabis and LSA Permitting Supervisor