



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: Drew Plebani, Director-Cannabis Division

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

Comment received August 2, 2023

The Commercial Cannabis Licenses which were noticed for approval on July 23, 2023, with the original appeal period ending July 12, 2023. Due to the county's cyber-attack and lack of electronic communication between July 7- 12, 2023, the appeal period was extended to July 17, 2023.

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August 3, 2023

Trinity County Planning Commission
530 Main St.
Weaverville, CA 96093

Greetings Commissioners,

This office represents Emerald Choice, Inc. in response to the Appeal of the Director's decision to issue CCL-132, which was noticed in the Trinity Journal on February 22, 2023, then rescinded on June 8, 2023, then re-noticed on June 28, 2023. This Appeal is dated July 12, 2023 (the last day in the appeal period) but is stamped as Received on July 14, 2023.

The Staff Report thoroughly addresses the issues proffered in the Appeal and the Applicant urges the Commission to adopt Staff's recommendation and reject this Appeal. At the risk of redundancy, we only wish to address certain aspects of the Appeal that have arisen in this and the prior Appeal, as well as other Appeals of this nature.

The Appeal lists 5 points, each beginning with "Failure to...." While these might make appropriate subject headings for an Appeal, the single sentence bullet points provide no detail, let alone evidence to evaluate the Appeal on any merits. The Applicant, on the other hand, has submitted a comprehensive Compliance Document (Appendix C Checklist), well over a hundred pages long, that includes studies and evaluations by qualified professionals tying this project to the County's certified Programmatic EIR that is over two thousand data-driven pages long.

It is unacceptable that an Appeal making no specific allegation, with no supporting data, can delay a project like this for even a month, let alone since February.

The timelines and Appeal requirements are clearly set out in county code, the CEQA Guidelines and state law. The Applicant strongly opposes the Appellant's request to continue the hearing on this matter. There is no showing why this Appeal should not be considered and dismissed immediately.

Appellant's email compares this case to Appeal P-23-09, when in fact the circumstances are entirely different. In P-23-09, the Appellant is also the Applicant and is challenging the Director's Denial of their CCL. The Appellant/Applicant, who is the invested party and project proponent, is asking for the continuances. That project is on hold at the request of the project proponent.

In stark contrast is the present case where the Applicant and project proponent has the Director's Approval but must wait until this Appeal is resolved. Every continuance delays the Applicant from moving forward and is a de facto victory, albeit temporary, for the Appellant. These temporary victories have added up from March until August. The Applicant respectfully requests that the Commission decide this issue at this properly noticed meeting.

Sincerely,



Thomas J. Ballanco
Attorney for
Emerald Choice, Inc.
CCL-132