



TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
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Kim Hunter, Director

MEMORANDUM

DATE: September 9, 2020
TO: Planning Commissioners and members of the public
FROM: Kim Hunter, Director of Planning *KH*
SUBJECT: Agenda Item 5 – Appeal of Planning Director’s Decision (P-20-28)

Please see the attached correspondence received regarding P-20-28.

Attachments:

1. Appeal Response from Ana Wright dated September 2, 2020
2. Correspondence from Joan E. Carr dated September 1, 2020
3. Correspondence from Katie Quinn & Mell Deardorff dated September 8, 2020
4. Correspondence from Kris Brown dated September 8, 2020

September 2, 2020

Chair Frasier and Planning Commissioners,

We are responding to the appeal filed on Trinity County Commercial Cannabis Cultivation License CCL-2020-691, applicant Michael Konior.

First and foremost, this appeal was not filed in a timely manner according to Trinity County Planning Department's "Frequently Asked Questions Regarding the Appeal Process," found on their website. The timeline for filing an appeal is explained in Attachment A of this response, page two of the document. Facts of the case are straightforward. This license was noticed on July 1, 2020, which started the 10 business-day period for appeals to be filed (Attachment B). The 10 business-day period stopped on July 15, 2020. As shown on the appellants' filing, their appeal was not filed until July 23, 2020, six business days *after* the time to appeal the license had closed. Due to the nature of their late filing, this appeal did not follow the procedure laid out and should thus be thrown out.

The late timing of this appeal is not the only procedural mistake. This appeal also does not follow the county's FAQ sheet in determining correct grounds to file an appeal. Appellants must file based on one or more of two factors: a) the applicant is non-compliant with county ordinances, and b) CEQA determination of the license application is inappropriate. This license was noticed in the Trinity County Journal to be issued as a Provisional License, which fits the Applicant's project appropriately as this site does not fit a Categorical Exemption as defined by the CEQA Guidelines Section 15300. A CEQA Initial Study Project Description has also been drafted and submitted to the applicant's cannabis file (see Attachment C). This Initial Study Project Description satisfies the CEQA compliance component required by Trinity County Planning Department and addresses the concerns of Appellants' in regard to CEQA considerations. Additionally, this applicant has abided by, and continues to adhere to, the county's commercial cannabis cultivation ordinance. Proof lies within the Trinity County Planning Department's approval of this application and the application on-file.

Not only is this appeal procedurally incorrect and based on insufficient grounds, but appellants' claims and grievances are also meritless.

This applicant is proposing a mix-light cultivation with both mature and immature canopy to be contained in permitted greenhouses. Containment within those structures directly mitigates the potential odors. See Attachment C for additional CEQA considerations of this application.

Additionally, the premises area for this licensee includes more than the cultivation area itself and must be distinguished from the Applicant's *canopy* area. According to the Trinity County definition, "Premises means the designated structure(s) and land specified in the application that is owned leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted..." (Trinity County Zoning Ordinance Section 17.43.010). Additionally, the Applicant's canopy area is 10,000 square feet exactly, fitting the requirements for both local and state ordinances (Attachment C - maps). The size of the premises area is not applicable to the approval or denial of a license, only the size of the mature cannabis canopy is applicable.

It is no hidden fact that there are two existing licensees located on the applicant's private road. However, to label this factor a "cumulative impact" as the appellants do in their argument stretches the definition of the phrase. According to CEQA Guidelines section 15355, a cumulative impact is:

two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. (a) The individual effects may be changes resulting from a single project or a number of separate projects; (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.

Despite being the third licensee on a privately maintained and accessed road, this project will still have less than a significant impact on the environment. This is overviewed in the applicants' Initial Study Project Description. Additionally, the term "cumulative" does not by itself just mean more than two licenses in an area. Item (b) in the above definition states the impacts resulting from the project would impact "...present, and reasonably foreseeable probable future projects." (*id.*) As stated by the Appellants, their success has lasted 25 years, to which a couple of those years other licensees occupied the neighboring areas. Reasonably, this project would thus not affect present or future business of the Appellants'.

This applicant has accomplished and is in progress with all local and state agencies, qualifying them for a Trinity County provisional cultivation license. The applicant's California Department of Agriculture's cultivation license is pending issuance of the county license; California Department of Fish and Wildlife's Lake and Stream bed Alteration Agreement pending draft by the agency; and the State Water Resource Control Board has issued the Notice of Applicability

(WDID 1_53CC423704). Additionally, all current CEQA requirements have been satisfied, proof shown in the Initial Study Project Description.

The appeal in question should be denied. Faulty procedure, meritless grounds for appeal, and misled arguments towards CEQA considerations are proof of reason for denial of this appeal. Additionally, the Applicant's complete local and state applications, including required CEQA considerations, qualify for a provisional license to be issued.

We thank the Planning Commission's time in reviewing this response.

Sincerely,



Ana Wright
Executive Vice President, Flowra
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M: (530) 739-9908
O: (800) 811-4356

One Maple Winery P. 20-28
CCL-691

RECEIVED

September 1, 2020

Trinity County Planning Commission,

SEP 08 2020

TRINITY COUNTY
PLANNING DEPARTMENT

My name is Joan E. Carr. I am the owner of APN 025-290-15, at 300 Dirt Road, Lewiston. I am asking you to rule in favor of the appeal of a newly approved Commercial Cannabis Cultivation License CCL 2020-691 (APN # 025-180-37), 150 Coffin Road.

My home looks out over the large vineyard at One Maple Winery and over Grass Valley Creek to the Coffin Road area. I have owned this property for 20 years and currently work from home at that site. My husband, Dave Wilcox, and I value living here in the mainly residential Grass Valley Creek neighborhood where it has historically been peaceful and quiet. The Coffins were quiet and respectful people and good neighbors. One Maple Winery has occasional agricultural noise once or twice a year (for spraying or harvest) and the Bells are quiet and helpful neighbors. When I returned to work from home full time in the spring of 2014 I counted my blessings to be able to be here full time in the peace and quiet of the valley I love.

However after Risk and the Coffins sold their property along Coffin Road to a commercial cannabis developer the nature of our valley has changed. Since that time I have noticed the following from the 200 Coffin Road area:

- Continuing years long construction noise including, but not limited to chain saws, hammering, etc.
- Heavy equipment work, presumably from grading for dirt movement, with the attendant reverse warning noise (beep, beep, beep)
- Well drilling and tank construction
- Heavy vehicle traffic delivering construction equipment, supplies, concrete and/or dirt
- Increased traffic load along Coffin Road, especially noisy trailers, often in the evening
- Noise from the farm (loud music, offensive lyrics, cussing etc.) dog noise on occasion. The sound travels well across the valley.
- Greenhouse glow after dark on occasion (see photos from Nov 2019 and Feb 2020)
- My historical scenic view has been blighted by greenhouses with bright white coverings
- Noise from presumably large fans, sometimes overnight
- Pungent odor on occasion, more during the summer, sometimes overnight

I notice these changes from my own home, from my deck and my property and strongly object to them and their possible effect on my property value. I expect any new cultivation license would exhibit the same bad neighbor behaviors. There will be a cumulative effect of now three active commercial licenses along Coffin Road as relates to noise, increased traffic load, odor, and the continued destruction of our view.

Now there is an application for a new Commercial Cannabis Cultivation License CCL 2020-691 (APN # 025-180-37) that the Planning Director approved on July 10, 2020. My good neighbors, Ernie and Kristel Bell, appealed the approval within the stated timeframe. I would like to add my support to their appeal. I would like to state my objection to this Commercial Cannabis Cultivation License CCL 2020-691 (APN # 025-180-37) and request that the County overturn the Planning Director's decision to approve this CCL.

I fully respect every Trinity County residents' right to enjoy their own property however they see fit but that does not give others the right to impinge upon my full enjoyment of my property. Please help preserve the bucolic lifestyle of this Grass Valley Creek neighborhood.

Respectfully submitted,



Joan E. Carr PLS RCE

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Phone 530-778-0877

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CC: Kim Hunter
Mary Beth Brinkley
Ernie & Kristel Bell



330 River Rock Road, Lewiston CA 96052

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Trinity County Planning Commissioners

Trinity County Board of Supervisors

Weaverville, CA 96093

RE: Expansion of cannabis farm adjacent to One Maple Winery, Lewiston

Mel and I have lived in Trinity County full time since 1996, having bought our home in Lewiston in 1995. This is our 'forever' home. We love this county and especially our community of Lewiston. We have invested our hearts here.

We have hosted friends and family here for all those years. We have hosted events with camping groups for 24 years; women's groups here for 23 years and trailer gals for 10 years. We have run an Airbnb here for three years. Ever since the winery opened and every time guests have stayed, we have included a trip to One Maple Winery. The Lewiston Sparkies have held fundraisers there. The Lewiston Garden Club has held garden parties there. It became our place to take friends and guests to relax.

Once the property next door became a cannabis farm and the odors could be smelled at the start of Coffin Road, we stopped going. We stopped having events there, we stopped bringing friends or even suggesting they go. It broke our hearts that such a special place was virtually destroyed by the cannabis farm next door. Ernie and Kristel Bell have worked so hard over these years to bring a winery to Trinity County. They have done much to bring tourism here. It's now up to you Commissioners, you Supervisors to save their business.

Please, do not grant any extensions or additions to the existing farm. Do not allow for expansion. Do not totally destroy One Maple Winery. We implore you to not let cannabis take over Trinity County.

Katie Quinn & Mel Deardorff

From: Kris B krisb1212@yahoo.com ✉
Subject: Pot in Lewiston
Date: August 20, 2020 at 8:08 AM
To: mbrinkley@trinitycounty.org
Cc: contact@onemaplewinery.com



To whom it may concern,

Once again, I find myself having to speak up about keeping cannabis at a minimum in Lewiston. I live and work in Redding, California and I love the fact that Lewiston and the surrounding areas is just a hop skip and a jump from me. I can come up and enjoy all that Trinity county has to offer, but by allowing one more grower or an expansion of an existing pot farm, jeopardizes existing businesses, like One Maple Winery.

From what I understand, there is already a huge cannabis grow next to the winery and they want to expand. They can't be allowed to expand and push popular and successful businesses like the winery in a position to close its doors. Do you think I would entertain coming to Lewiston to see a POT FARM in action? No, I come for the beauty, the calm and peaceful environment of your area.

I appreciate the fact that Lewiston has been able to keep growing at a minimum and I hope that the community leaders will continue to do so.

Respectfully,

Kris Brown

Redding, California