



TRINITY COUNTY

COMMUNITY DEVELOPMENT SERVICES

BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH
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Kim Hunter, Director

MEMORANDUM #5

DATE: July 8, 2020
TO: Chair Frasier and Members of the Planning Commission
FROM: Bella Hedtke, Associate Planner *BH*
SUBJECT: Agenda Item 3 – Annual Initial Variance (CCV-19-63)

Dear Chair Frasier and Members of the Planning Commission,

As of today, staff has received the following comments for CCV-19-63 (all attached):

- 1) A letter from the applicant's consultant, Flowra
- 2) A letter from the applicant's translator, Xong Vang
- 3) An email from the adjacent neighbor, Philip Hennis

July 6, 2020

Re: S Xiong, CVV-19-63

Chair Fraiser and Members of the Planning Commission,

This variance was originally continued to allow the applicant and her neighbors to open a line of communication about the objections that have been raised during this variance application process. On June 20, a neighborhood meeting was held and hosted by District 3 Supervisor Bobbie Chadwick at the gate of entryway to the applicant's neighborhood.

During this meeting, it was discussed that the issue of water availability is not solely one of Mr. Hennis's concern. The entire neighborhood also agrees they have lower water availability during this time of year. However, this issue was not tied directly to the applicant, as this is a neighborhood wide issue that would require full participation in environmental assessments to determine where the cause of the low water availability lies.

Additionally, the potential fencing around the illegal dump area was discussed. Neighbors are continuing this discussion about a gate in the fence that the nearby property owners would have access to continue to use that easement.

The main objector, Mr. Hennis, did not attend this meeting, nor has answered the applicant's calls and asks to meet and discuss his objections. Mr. Giassullo, the unaffected neighbor who previously commented, did attend the meeting and productive conversation pursued during that gathering. He stated to the applicant he would try to reach out to Mr. Hennis and help facilitate this discussion further.

The applicant has undoubtedly exhausted her abilities to work with Mr. Hennis on coming to a compromise for his worries around water usage and availability. A future neighborhood BBQ and meeting with Supervisor Chadwick and this community to continue this discussion is in the works.

We ask that the Planning Commission focus on the purpose of the variance hearing, approve this variance in conjunction with Staff's findings, and leave any pending civil issues up to its proper civil discourse.

Sincerely,



Lisa Wright, CEO of Flowra

Hello. My name is Xong Vang and I have been the translator working with Sor Xiong throughout her process of getting her Commercial Cannabis License from Trinity County and the State of California. I would like to apologize for not being able to attend the last couple meetings in regards to Sor Xiong's variance hearing, however, I would like to express that the Planning Commissioners do grant the variance for Sor Xiong. I know a concern for the Planning Department that was brought up last meeting was about a legalized dwelling. In the spring of 2019, Sor Xiong had contacted Ben Rapley from Strictly Manufactured Homes located in Red Bluff about a mobile home. Ben came onsite and after doing some measurements, Ben and Sor started the process in getting a mobile home for the property at 27 log cabin lane. However, by the Fall of 2019, the mobile home was not completed due to unforeseen circumstances. This was discussed with Ben Morillas, Sor's County Case Manager, during a fall site inspection in which Ben and Sor came up with a game plan on how to go about in ensuring the mobile home gets installed. As in **Figure 1**, Ben came onsite to do an inspection on the main power box on the power pole so PUD can supply power to the property. Ben signed off on the inspection on Dec 20, 2019 to allow power onto the property. **Figure 2** displays an email from Ben Rapley as of July 6, 2020 stating Sor has placed an order for a mobile home and Strictly Manufactured Homes are doing their best to deliver it. With this, I can say with assurance that a legalized dwelling will be installed for Sor Xiong. On a different notion, the concern of water came about a few times during Sor's variance hearing. I can say when it comes to water, Sor is very conservative. **Figure 3** shows a water meter that Sor has installed on her main water line that connects from her well pump to her holding tank that she will be using for her garden. In any given time, she can tell you how much water she has used for her garden. I would say that she maybe one of first couple of people in Trinity County to meter their well, or maybe the first to meter her well. Not having water in Trinity County is injurious to someone's way of life. However, in this case, there is nothing injurious present. In the opposing neighbor's letter by Mr. Hennis, he states he has excess water and charges for it basically selling water. I hope after taking these few things into consideration, the Commissioners grant Sor Xiong her variance.

Thank You,

Xong Vang



Figure 1



Ben Morillas signs off on the main electrical panel next to the electrical pole on December 20, 2019 so PUD can supply power to the property.



Figure 2

Yahoo Mail - Homes on order

<https://mail.yahoo.com/d/olders/1/messages/AHtmaoJWbZ0t>

Homes on order

From: Ben Rapley (strictlyben@yahoo.com)

To: csmith@trinitycounty.org; xvang1@yahoo.com

Date: Monday, July 6, 2020, 1:13 PM PDT

I had this customer come in and place home orders and asked that I let you know.

1. Sor Xiong at 27 Log Cabin Lane had placed an order for home. Unfortunately it probably won't be able to be delivered until next year as I think we are booked for Trinity County for this year. Home will be paid for but because of weather and Covid 19 epidemic, we won't be able to deliver.

If there's any questions, please feel free to contact me at (530) 529 - 4085.

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email: strictlyben@yahoo.com

22770 Antelope Blvd * Red Bluff, CA 96080

Figure 3



Water meter installed on main water line from well house to holding tank.



Bella Hedtke

From: Philip Hennis <feliparo54@gmail.com>
Sent: Tuesday, July 7, 2020 5:29 PM
To: Bella Hedtke
Subject: CCV-19-63

I will not be able to attend the meeting July10 due to health concerns, severely exacerbated by the current situation in front of you. It was pointed out that harm caused by the project would be a major consideration in the commissions judgement. I have undeservedly endured bullying and intimidation from the applicants family and associates for years now, I tried my best to get along, helping them move soil up the hill, providing them my excess water always with mixed reciprocation. In recent years the situation devolved into what we have now and I am not psychologically or emotionally capable of dealing with them anymore, it harms my health. I have not bullied them in anyway, apparently others have, when the accusations and yelling start ... I be gone.

Our major concern is the water supply, our production is at a historic low we have never seen before. My parents bought here in the early 90's and have always had plentiful water until 7 wells were drilled within a quarter mile of ours, all for commercial marijuana production, but one domestic well that has not been put into use at this time. WE normally would produce 2 to 4 thousand gallons a day at this time of year in this type of water year, and we are only getting about 500 gallons/day from both the well and the spring running full time. I am very concerned that we will not have enough water to keep our fruit trees and organic garden in production through the year. We have experienced many dry years but nothing like this, and this is only a moderately dry year, I believe my water supply has been harmed by over pumping of a small available, very seasonal localized water table! There are places close by that have very good water.

When a commercial farmer considers a project one of the first considerations is ALWAYS the water supply. When they bought next door there was only a very small seasonal seep that the deer used, all their water came from us in the beginning. The facts are that this is a small parcel size residential tract with very spotty limited water supplies, and extremely steep terrain not suitable for commercial farming, in my opinion. We don't expect or want all the water we just want enough to support our domestic needs, as in the past. we do not feel it is proper for a commercial marijuana grow to harm the water supply of their neighbors, nor do we believe it to be legal according to STATE law, which is were this dispute over water is headed, because we are fighting for survival, not to get rich growing weed, therefore we have no choice. They would be a lot better off moving the commercial grow to a bigger parcel with better water, because when the water runs out they will go broke! We were here first, and that should count for something.

That would be our best case outcome, they move, second best would be that you find the wells to be illegal because of the proximity to the septic system, which should be the legal finding of the county if the law is followed. Another possibly acceptable outcome might be a restriction on the number of plants or on how much water they are allowed to pump, in which case I would demand a water table assessment, and monitoring, paid for by the commercial grows, as well as redoing the environmental impact reports to reflect the real situation.

I do not desire conflict, I appreciate the complexity of making the correct determination in cases like this. I do feel we are in the right and that the economic impact the applicant may potentially experience would be unfortunate, but the harm caused by a commercial marijuana grow displacing a long time resident should be a prevailing factor in your determinations, in my opinion.

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Thank You, Philip Hennis

Sent from [Mail](#) for Windows 10