



**TRINITY COUNTY**  
**COMMUNITY DEVELOPMENT SERVICES**  
**PLANNING DEPARTMENT**  
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093  
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**MEMORANDUM 2**

DATE: Thursday, February 24, 2022

TO: Members of the Trinity County Planning Commission

FROM: Lisa Lozier, Interim Director Building & Planning 

SUBJECT: Agenda Item 2—Planning Commission Zoning Workshop Cannabis “Opt-Out”

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Please find attached comments received after February 18, 2022 thru February 24, 2022 at 12 p.m.

To Whom it May Concern:

February 19, 2022

We live at \_\_\_\_\_ in Lewiston. We are aware that discussion is ongoing about whether or not our town will remain an OPT OUT area in terms of cannabis growth or manufacturing, etc.

We bought our property here, in part, because it is an OPT OUT area. Our property rights and values depend on this provision. We made a substantial investment in building on it. We relied on this provision when buying and building on this beautiful piece of land.

Trinity County is a large county, much of it unpopulated and yet people want to bring marijuana into county residential neighborhoods. It is not wanted here.

Shockingly, there are over 5,000 illegal grows in Trinity County. It is a blight on our county. We have illegal grows on our road. We know that we are a poor county and so there is a real lack of policing available to deal with such a large problem. We throw our hands up because there is no one to stop this. So illegal grows continue and expand. Basically, business as usual. So of course they would love it if their illegal activity could become legal. Then they would no longer have to hide, or have any accountability whatsoever, for the fact they've broken the law all this time. That would be fabulous for them! BUT WHAT ABOUT THE REST OF US? The law-abiding people who don't want the marijuana in our town. Thankfully, we can speak out to you, the powers that be, to do something to prevent our town from continuing this scourge.

It doesn't go unnoticed that in discussions about the issue of cannabis in residential areas, no one wants to address the increased criminal elements that comes with it not to mention the violent drug rip-offs that occur all too frequently as well as the damaging impacts it can have on our river.

We respectfully urge you to consider our plea to keep this an OPT OUT area. As mentioned, on our road alone we know of one person who has a license to grow. (There are more, we just don't know them.). There is a stench when you walk by the house. That doesn't include the illegal grows on the road, which nothing is done about. It is not fair to law-abiding citizens of this county. We don't want pot in our neighborhoods. We do not want our fish and our rivers harmed, and there isn't a person in these discussions who isn't aware of the damage that has already been done to the river by the pot growers.

There should be no type of commercial cannabis licenses given. Ones that have previously given, if any, should not be transferable. No one should be "grandfathered" in. As an alternative I would definitely support a tax benefit to those to re-locate outside the opt-out zone.

We are not anti-cannabis. Nor do we have a problem with people make a living legally, Some people don't play by the rules. Now, they want to "play by *new* rules" by further trampling on other people's rights. They want you to make their activities legal. To hell with the rest of us.

Please stop this farce. There is no need to draft a new ordinance. Keep the pot out of Lewiston.

Sincerely,

Kim and Russ Giuntini

**Archived:** Wednesday, February 23, 2022 12:15:52 PM

**From:** [info.cannabis](mailto:info.cannabis)

**Mail received time:** Tue, 22 Feb 2022 08:02:31

**Sent:** Tue, 22 Feb 2022 08:02:30

**To:** [Deborah Rogge](#)

**Subject:** FW: Public comment regarding new opt-outs

**Sensitivity:** Normal

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**From:** Danae Miller

**Sent:** Friday, February 18, 2022 1:16 PM

**To:** info.cannabis

**Subject:** Public comment regarding new opt-outs

*Here's my comment regarding the new Opt-outs sent to Bill Sharp on 2/16/2022:*

It's unfortunate that updating the General Plan and districts so that large-scale farming of any kind isn't plopped in the middle of residential areas is a long way off. However, without an executable transition plan and funding available to move the existing farms out of the new opt-out areas, the County is opening itself up to lots and lots of lawsuits. Sadly, only the lawyers win when that happens and we end up with more feuding neighbors. Perhaps, this deadline should be pushed until the General Plan has been updated?

*Also, please add:*

If a decision has to be made immediately, a plan and executable, administrative process for moving farms should be in place and fully staffed before any deadlines for compliance should be made. That's just logic. ❓❓

Thank you,

Danea Miller of Weaverville

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D.C.Miller

*Anything is possible with the right team in place.*



**Trinity County Agriculture  
Alliance**

PO Box 1251, Hayfork, Ca 96041  
(530) 628-0155 | Board@trinityagriculture.org

To: Trinity County Planning Commission  
c/o Richard Kuhns, Psy.D  
Clerk of the Commission  
11 Court St, Room 230  
P.O. Box 1613  
Weaverville, CA 96093

Re: Planning Commission Zoning Workshop on Cannabis "Opt Out" Regulations 24 February, 2022

Trinity County Agriculture Alliance (TCAA), in accordance with our mission statement, honors and respects all Trinity County landowner's desire for peaceful use of their properties. TCAA represents licensed cultivators throughout Trinity County and several cultivators within current and proposed "opt out" zones.

Trinity County's commercial cannabis ordinance allows for cultivation in all zones where agriculture is a permitted use, including in Agricultural (Ag) and Rural Residential (RR) zones. The ordinance development process took place over several years, with ample public input.

The allowance of cultivation in RR zoning was supported by the agricultural uses permitted in RR as well as its by-right agriculture designation in the County's general plan. Transitioning these existing family farms into licensure provides regulation and environmental benefits while supporting small, family owned businesses within the county and was the intent of the commercial cannabis cultivation ordinance.

The impacts of CEQA-compliant activities in RR neighborhoods, at the present time, is difficult to impossible to ascertain due to the magnitude of unregulated cultivation taking place in those same areas. This has left many Trinity County residents and landowners unable to decipher if a cultivation site is regulated or not, seeding doubt in the efficacy of the program overall.

Some cultivators who entered into licensure prior to an area being designated an opt-out have been unfairly stigmatized, and saddled with the social and environmental baggage of others. Furthermore, these very individuals are now in the process of CEQA compliance and need provisions put into place in these current opt outs that allow them to complete environmental review and receive an annual county permit.

Once an Appendix C document is approved, a site specific CEQA determination is made. To get to this point, a significant investment must be made which includes permanent infrastructure including buildings, power systems, water systems, and roads. These investments, along with the CEQA determination, represent the value of the business and any regulatory taking could trigger legal action.

The unintended consequence of permitting cultivation in RR without a zoning matrix, has caused greater impacts from licensed cultivation in some neighborhoods and zoning designations. Consequently, TCAA supports the creation of a zoning matrix for new commercial cannabis activity in RR, but strongly encourages the County to allow permitted, or previously permitted farms, that have environmental review underway to remain.

Furthermore, TCAA strongly opposes any regulatory taking in the form of denial of transferability, forced relocation of licenses, or expiration of licenses within opt outs. The legal consequences of the above action is unknown, but would likely generate a costly and prolonged court case.

Sincerely,

TCAA Board of Directors