

**TRINITY COUNTY PLANNING COMMISSION  
STAFF REPORT**

***Revisions/Additions are in italics/bold throughout the report***

**APPLICANT:** Jacob Mason-Davis

**REPORT BY:** Colleen O'Sullivan

**OWNER:** Jacob Mason-Davis

**APN:** 025-250-24

**PROJECT DESCRIPTION:**

Variance from required 350 foot cannabis cultivation setback from *three* neighboring residences (APNs 025-250-25 and 025-250-23 *and* 025-250-26) – Figure 4).

**LOCATION:** 1550 Lewiston Road, Lewiston, CA (Figures 1 & 2)

**PROJECT INFORMATION:**

- A) Planning Area: Lewiston
- B) Existing General Plan Designation: Rural Residential
- C) Existing Zoning: Rural Residential, 10 acre minimum (RR-10)
- D) Existing Land Use: residence, commercial cannabis cultivation
- E) Adjacent Land Use Information:

	<b><u>Land Use</u></b>	<b><u>Zoning</u></b>	<b><u>General Plan Des.</u></b>
North:	residential/vacant	AF-20	Resource
South:	residential	RR-10	RR/Resource
East:	residential	RR-20	Rural Residential
West:	residential	RR-5/RR-10	Rural Residential



## **BACKGROUND INFORMATION:**

The ordinance for "Commercial Marijuana Cultivation Regulation" includes a provision reading in part: "Cultivation will not be allowed within 350 feet of a residential structure on any adjoining parcels. Applications for a variance from this provision will be considered by the Trinity County Planning Commission." (Ord. 315-823)

The Cannabis Cultivation Ordinance defines the term "variance" as: "Variance" is defined as Trinity County Ordinance 315 section 31." During its November 17, 2016 meeting the Commission spent time discussing both the state and county requirements for issuing a variance.

Each zoning classification and land use has an associated set of development standards, which are specified in the Trinity County Zoning Ordinance. Both State law and the zoning ordinance provide criteria to use in evaluating a variance application. Section 65906 of the California Government Code reads as follows:

"Variances from the terms of the zoning ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

Any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located.

A variance shall not be granted for a parcel of property which authorizes a use or activity which is not otherwise expressly authorized by the zone regulation governing the parcel of property. The provisions of this section shall not apply to conditional use permits."

Section 31.A. of the zoning ordinance further elaborates on the State's Government Code standards by establishing the following criteria:

In considering a variance request, the following guidelines shall be observed:

1. No special privilege. A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.



2. Use variance prohibited. The consideration of "use variance" is specifically prohibited. These are variances, which request approval to locate a use in a zone from which it is prohibited by Ordinance.
3. Disservice not permitted. A variance must not be injurious to the public welfare, nor to adjacent properties.
4. Not adverse to a General or Specific Plan. A variance must be in harmony with the general purpose and intent of the Zoning Ordinance and cannot adversely affect the General Plan or Specific Plans of the County.

#### Annual Renewal:

As discussed during previous Commission meetings, variances from the cannabis cultivation setback (350 feet) are issued for a period of one year. (This should be tied to the license effective dates.) The renewal is predicted to be fairly simple and will be performed by the Planning Director or his/her designee. Some factors that would be included in the review would be any complaints received during the previous year, ensuring that the grower is in good standing with the County and State licensing requirements, and that there are no other changes to the property that could affect the continuation of the variance.

***At the 1/25/18 Planning Commission meeting opposition was expressed by the Lewiston School District Board of Directors and a nearby resident (Scott White). At least one or two emails, expressing opposition, were also provided. This project was continued to February 22<sup>nd</sup> at the Commission's request, and at the applicant's request to March 22<sup>nd</sup>.***

#### **PROJECT EVALUATION:**

The applicant is beginning the process of obtaining a Commercial Cannabis License under the county licensing program (CCL-17-415). The parcel is located on Lewiston Road, just east of the junction with Goose Ranch Road in the Lewiston area (Figure 1). The site plan prepared by the applicant (Figure 2) identifies on-site development.

***Figure 3 shows the relationship of the site to one affected residence (APN 025-250-25), which lies south west of the subject parcel.*** It appears that a second residence (APN 025-250-23, 1628 Lewiston Road) is also within the 350' polygon ***to the north. In addition, the residence on APN 025-250-26 (Gustine property) has also been determined to be within the 350 foot setback (Figures 3 & 4).***

The project is located in an area of Decomposed Granite (DG). The applicant has obtained a DG permit from the county Department of Transportation to improve access roads and create the pad for the cultivation site.

The applicant is working with the county Commercial Cannabis License program to become compliant with both State and county standards. ***He has been enrolled in the***



***Water Board's program since October 15, 2016, which meets the cut off date of January 15, 2017 for the Lewiston Community Services District.***

Jeff Dickey, Code Compliance Specialist, and Planning staff visited the site on January 2, 2018 and met with the applicant. The cultivation site is located on a bench above Lewiston Road and is well screened from nearby residences. Relocating the site further east will result in additional disturbance to DG soils, which could cause erosion and impact streams that directly feed into the Trinity River to the northwest.

Additionally, the present cultivation site exceeds the allowable square foot threshold. By meeting the 10,000 square foot limit, the applicant can shrink his site on the west side, thus increasing the distance between the affected residences and the cultivation site. ***As of this writing, cultivators can now have up to 10,000 square feet of mature Cannabis canopy within a 20,000 square foot "Designated area" (meaning the hoophouse, greenhouse, and/or outdoor area(s), identified for the planting, growing and harvesting of Cannabis cultivation).***

The affected residences are located to the west and northwest ***and south of*** the cultivation site (Figures 3 & 4). ***During the site visit by Dickey on January 2,*** the range finder could not determine accurate distances ***from the cultivation site to some of the neighboring dwellings*** due to vegetation. It's clear that APN 025-250-25 (1620 Lewiston Road) is within the 350' ***setback polygon*** but it's not clear if APN 025-250-23 is in the ***setback*** polygon. ***Recent mapping analysis revealed that the residence on APN 025-250-23 is within the 350 foot setback. The residence on APN 025-250-26 is also within the 350 foot setback.***

***During the January 2 site visit,*** the range finder determined that APNs 025-250-26 and 27 (1541 and 1537 Lewiston Road) are outside the 350 foot polygon, though they look well within it in Figure 4 (***which also depicts updated parcel configurations***).

***GIS mapping analysis has since determined that no residence is within the 350' range on APN 025-250-22 or 27. It has also been determined that APN 025-250-26, on which Mr. Gustine's residence is located, is most likely within the 350' residence (285 feet). The applicant could reconfigure his cultivation site to eliminate the need for a variance from Mr. Gustine's property.***

***Staff has provided all the comments received from neighbors and property owners in Lewiston since this first went to hearing in January.***

**ENVIRONMENTAL EVALUATION:**

The project is exempt from CEQA review under Section 15305(a) [minor alteration of land use limitations].



**STAFF RECOMMENDATION:**

Staff recommends the following:

Staff has no recommendation. However, if the Planning Commission approves the variance, the Findings of Fact #1 - #3 for the Variance are recommended to be made.

Approval of the variance to allow reduction of the Cannabis cultivation setback from 350 feet to 285 feet from the residences on APNs 025-250-23 and 025-250-25, **and from 350 feet to 285.3 feet from the residence on 025-250-26\***, based on the following findings of fact:

**Findings of Fact for the Variance**

1. There are special circumstances applicable to the property that, with strict application of the zoning ordinance, deprives it of privileges available to other properties with similar zoning in the vicinity that plan **to establish Type II, Cannabis cultivation (up to 10,000 square feet of canopy. cannabis cultivation.**
2. The variance is not a grant of special privilege to the applicant because relocation would result in unnecessary grading and environmental damage due to site topography. **\*Reconfiguration of the cultivation area (greenhouses) could eliminate the need for a variance from 025-250-26 (Mr. Gustine's property).**
3. The granting of the variance is in harmony with the general purpose and intent of the Zoning Ordinance provisions for commercial cannabis cultivation. The cultivation site is located above surrounding residences and is well screened. It is not visible from Lewiston Road. Relocating the cultivation area to the east would result in more ground disturbance in DG, which is a highly erosive soil.
4. ~~No opposition from surrounding property owners or review agencies was submitted that would adversely affect approval of the variance.~~

**CONDITIONS OF APPROVAL  
MASON-DAVIS CANNABIS SETBACK VARIANCE (P-17-54)**

1. The variance is approved for a period of one year from **April 1, 2018** through **March 31, 2019**; provided, however, that the variance may be renewed annually.
  - a. Application for renewal shall be made prior to expiration of the variance, preferably at least 30 days in advance;



- b. Shall not require a formal public hearing, unless specified by the Planning Director or referred to the Planning Commission; however, written notice shall be provided by the County to surrounding property owners at least ten (10) days prior to the Planning Director's decision to approve or deny the annual renewal; and
  - c. Shall be subject to a filing fee as specified by resolution of the Board of Supervisors.
  - d. The Planning Director, at his/her discretion, may approve, deny or refer the annual renewal request to the Planning Commission. The director shall not add or modify conditions of approval applied by the Planning Commission. If submitted to the Planning Commission by the Planning Director for action, no additional fees will be required.
  - e. Action to renew the variance by the Planning Director may be appealed to the Planning Commission in accordance with Section 34 of the Zoning Ordinance, including the required appeal fee.
2. The variance shall be subject to the securing of all necessary permits, licenses, and approvals for the proposed cannabis cultivation operation from all County and State agencies having jurisdiction over any aspect the operation.
  3. Structures on the property shall be in compliance with the California Building Code and the Trinity County Code.
  4. The variance shall become effective after all applicable appeal periods have been expired or appeal processes have been exhausted. The applicant has the sole responsibility for renewing this variance before the expiration date listed above. The County will not provide a notice prior to the expiration date.

***If the Planning Commission denies the variance, Finding of Fact # 4 can be made.***

***Denial of the variance to allow reduction of the Cannabis cultivation setback from 350 feet to 285 feet from the residences on APNs 025-250-23 and 025-250-25, and from 350 feet to 285.3 feet from the residence on 025-250-06, based on the following finding of fact:***

**Finding of Fact for Denial of the Variance**

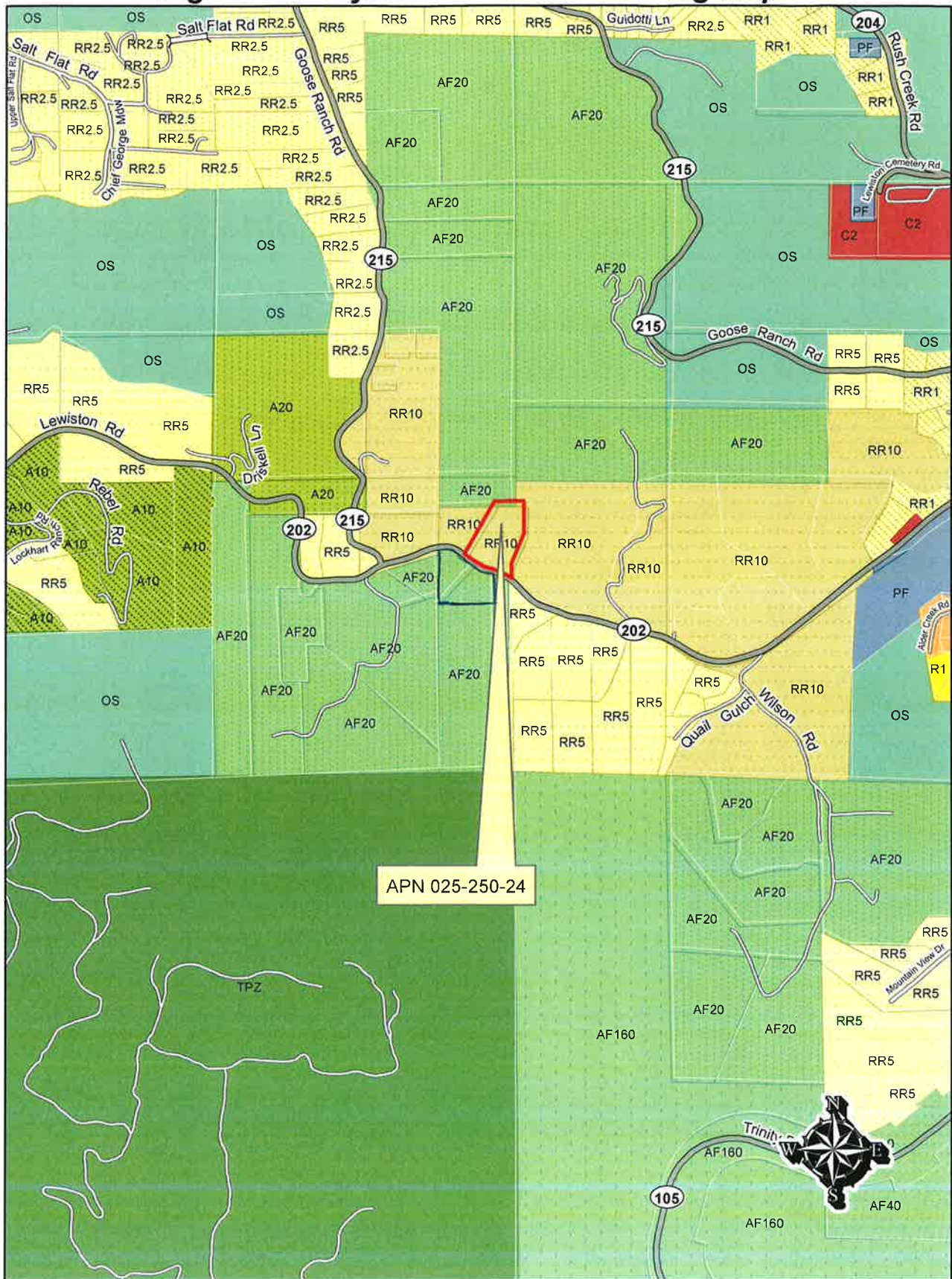
- ~~1. There are special circumstances applicable to the property that, with strict application of the zoning ordinance, deprives it of privileges available to other properties with similar zoning in the vicinity that plan cannabis cultivation.~~
- ~~2. The variance is not a grant of special privilege to the applicant because relocation would result in unnecessary grading and environmental damage due to site topography.~~



- ~~3. The granting of the variance is in harmony with the general purpose and intent of the Zoning Ordinance provisions for commercial cannabis cultivation. The cultivation site is located above surrounding residences and is well screened. It is not visible from Lewiston Road. Relocating the cultivation area to the east would result in more ground disturbance in DG, which is a highly erosive soil.~~
- 4. Opposition from surrounding property owners or review agencies was submitted that would adversely affect approval of the variance.**



***Figure 1 - Project Location and Zoning Map***





# 1550 Lewiston Rd.

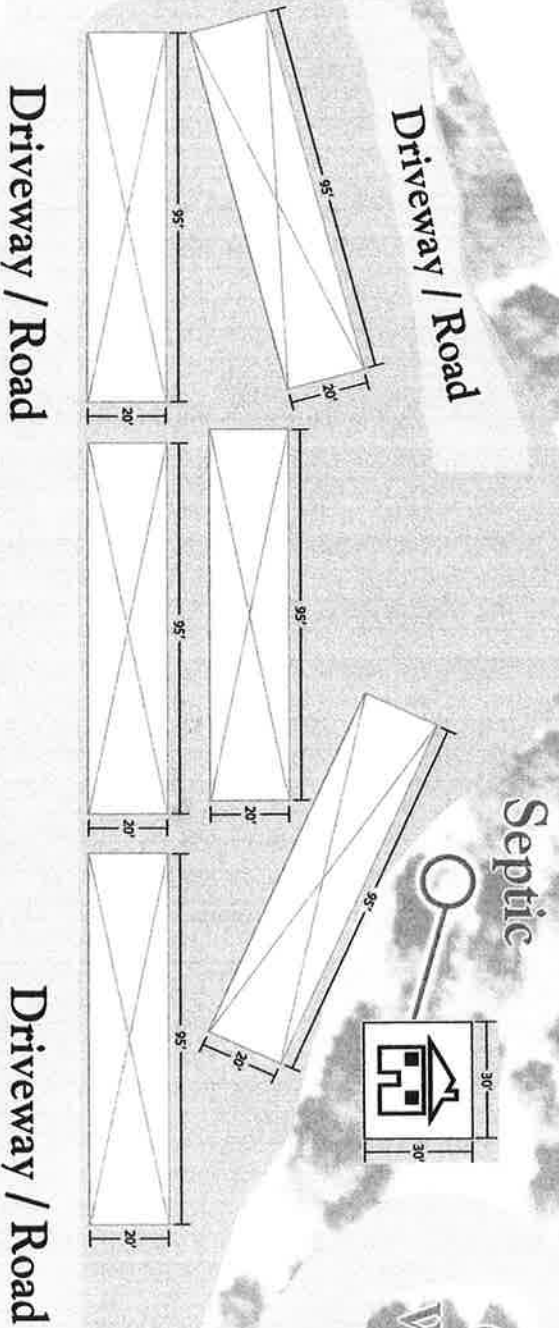
FIGURE 2 - PLOT PLAN & GREENHOUSE LAYOUT

Parcel: 025-250-24-00

Ownership: Private

Community: Lewiston

Zip Code: 96052



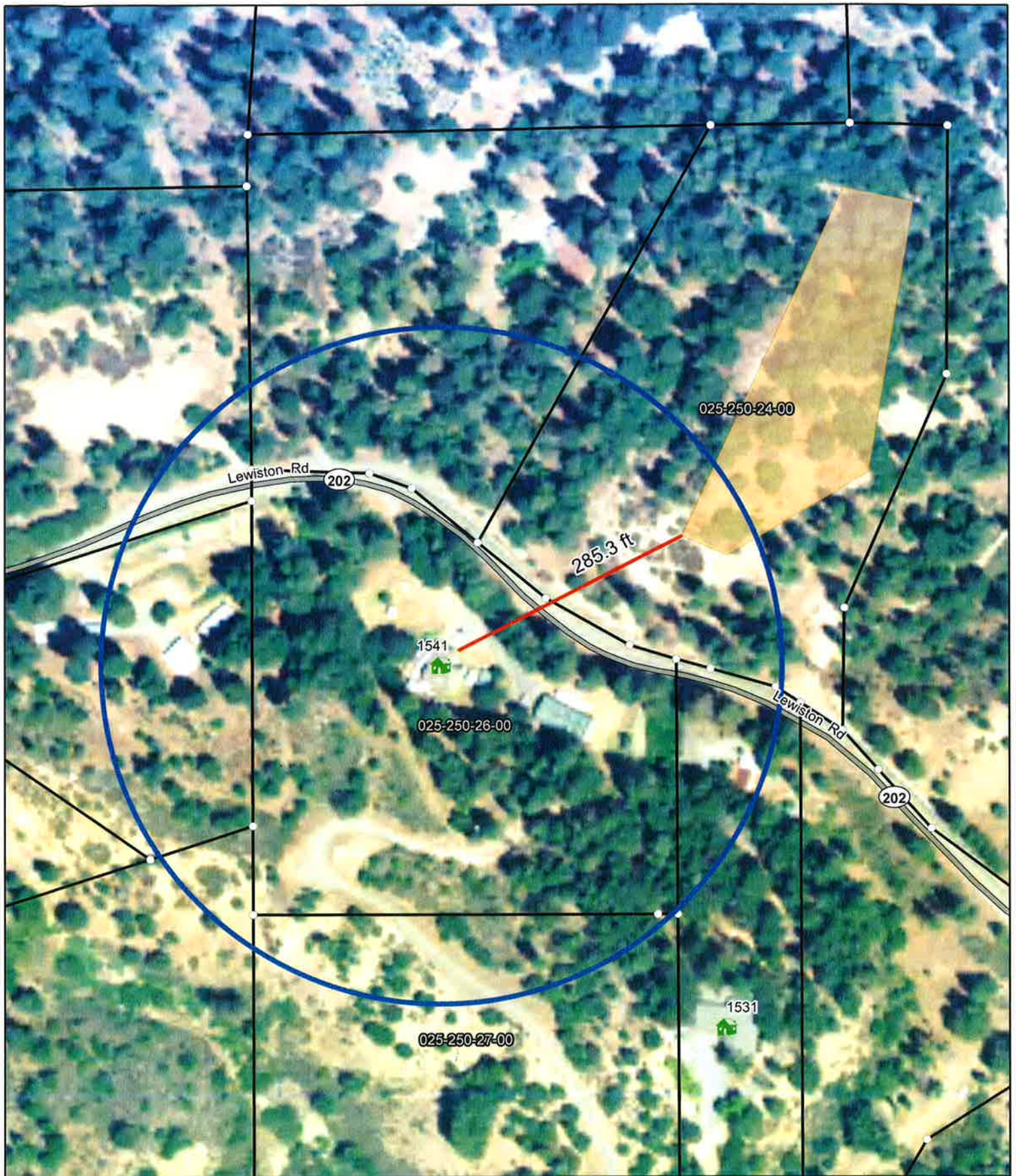
Lewiston Rd

Lewiston Rd





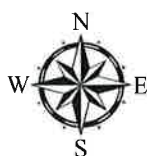




**APN: 025-250-24**

- Structure Buffer - 380'
- Cultivation Site

FIGURE 4 - GUSTINE AFFECTED RESIDENCE WITH CORRECT PARCEL CONFIGURATION





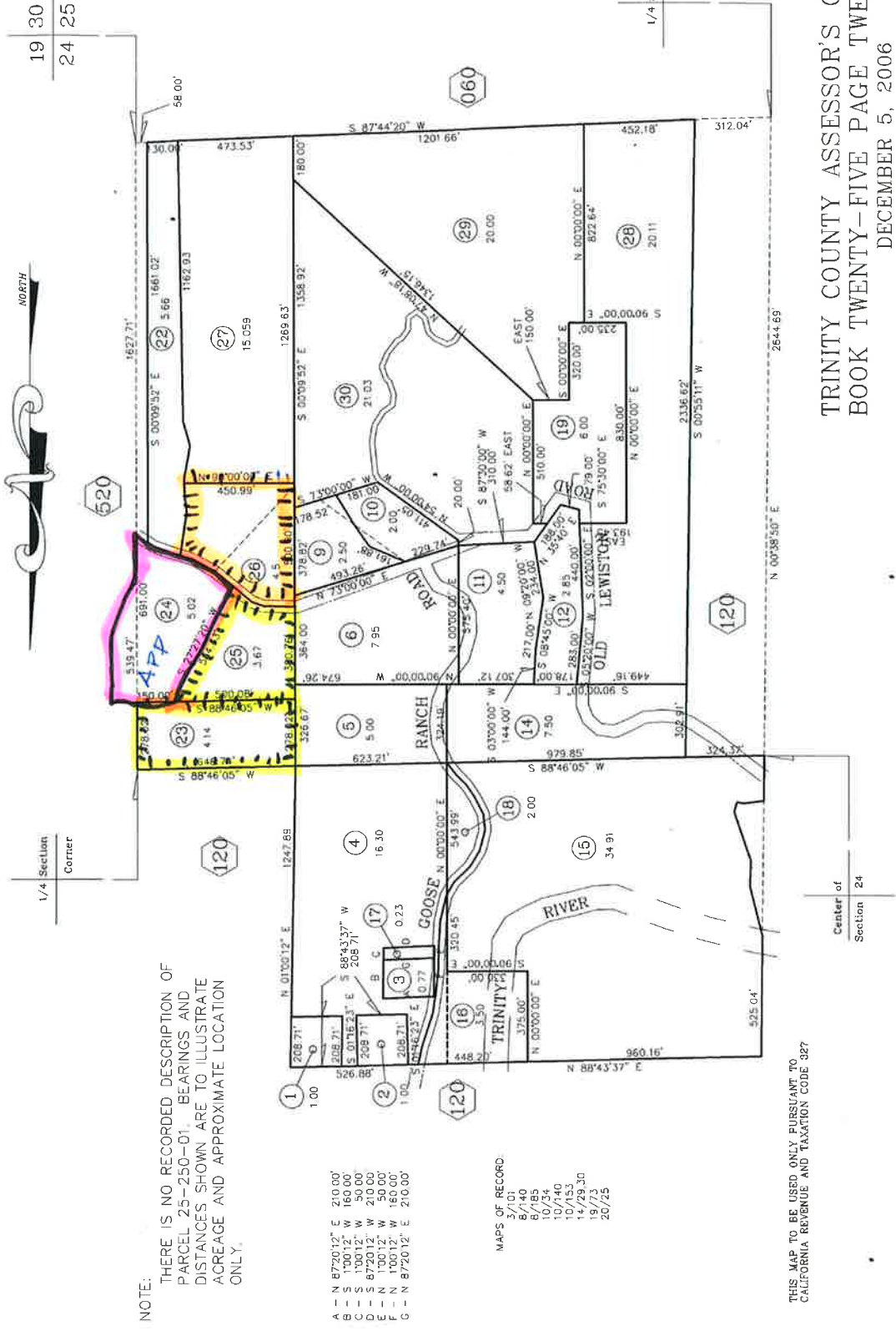
# FIGURE 5 - CORRECT PARCEL CONFIGURATIONS

## APPLICANT PARCEL AND AFFECTED RESIDENCES

25-250

T.A.C. 63-000

PORTION OF THE E 1/2 OF SECTION 24, T. 33 N., R. 9 W., M.D.B. & M.





TRINITY COUNTY ASSESSOR'S OFFICE  
BOOK TWENTY-FIVE PAGE TWENTY-FIVE  
DECEMBER 5, 2006



Reed @ PC 1/23/18

As the owner residing at 1628 Lewiston Rd. (APN 025-250-23) I give consent to Jake Davis (1550 Lewiston RD. APN 025-250-24) allowing for the cultivation of commercial cannabis within the 350 feet of my residence.

X  Joshua M. Rose 1/25/18

X  Mari King 1/25/18



Variance Permission Letter

We have given Jacob Elijah Mason-Davis at APN 025-250-24-00 to cultivate within 350ft. of our dwelling at APN 025-250-25-00 in order to apply for a 2017-18 Trinity County Commercial Cannabis Permit.

Thomas F & Winifred E Smith  
1620 Lewiston RD  
Lewiston CA 96052

x Th F Smith JUNE 13, 2017

x Winifred E Smith



Public Comments  
Received on  
Mason-Davis CC  
Variance from  
Setbacks P-17-54



## Colleen O'Sullivan

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**From:** terry gustine <tcornewt@gmail.com>  
**Sent:** Wednesday, March 14, 2018 11:00 AM  
**To:** tc dot; Mike McHugh; Diana Stewart; Ruth Hanover; Leslie Hubbard; Colleen O'Sullivan; Rachel Wood; Keith Groves  
**Subject:** Variance Request for Mason-Davis at 1550 Lewiston Rd., Lewiston

The planning staff report of 1/25/2018 states that my residence is outside the 350 foot setback for the 1550 Lewiston Rd. Mason-Davis commercial cannabis cultivation site. I posit that if measured using the two sides forming a right triangle to measure, the horizontal side extends beyond my house and the vertical, perpendicular, side would drop behind my house. Staff has chosen the long side, hypotenuse-down slope, for their measurement. This is the path that the stench of 10,000 sq. ft. of pot will flow into my home in Gustine GULCH. Even using the staff measurement I am only marginally outside the 350 foot line.

When the Lewiston Opt Out Zone (LOOZ) was established an exception was made for those who submitted a State Water Board Permit by 1/15/2017. It did not establish a right to receive a variance, which may be granted at the discretion of the Planning Commission. The stated reason, in the Commercial Cannabis Cultivation Ordinance, for establishing the LOOZ, and the other restricted zones, is because of the "proximity to high density areas, and therefore," (the grows) "create a substantial risk of public nuisance". A variance does not alter the "substantial risk of public nuisance" and in fact eliminates the minimum standard set for a license using this exception in the LOOZ. The Mason-Davis variance request is the first in the LOOZ. The grant of this variance will set a PRECEDENT FOR ALL OTHER REQUESTS IN THE LOOZ. In Assessors Parcel Book 25, Lewiston and environs, there are 10 cultivation permits issued or pending. Staff will not disclose addresses or distinguish commercial status. Therefore a PRECEDENT set with Mason-Davis could potentially establish Commercial Cannabis Cultivation sites THROUGH OUT THE LOOZ. That is a "substantial risk of public nuisance" in spades and will destroy the spirit and reality of the promise made to the people of Lewiston in Commercial Cannabis Cultivation Ordinance. The Mason-Davis site alone is 10,000 square feet of cannabis stench and with the nonresident individuals necessary to service this site, it is a "substantial risk of public nuisance" in it's self.

Another promise was made in October of 2017 when a determination was made that it would NEVER BE APPROPRIATE TO DEVIATE FROM THE STANDARDS OF THE LEWISTON OPT OUT ZONE TO ALLOW COMMERCIAL CANNABIS CULTIVATION. This is a BROKEN promise!

Terry & Carol Gustine  
1541 Lewiston Rd.



## Ruth Hanover

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**From:** Katie Quinn <mskatiequinn@gmail.com>  
**Sent:** Wednesday, March 14, 2018 7:58 AM  
**To:** Ruth Hanover  
**Cc:** meldeardorff@gmail.com  
**Subject:** Variance at 150 Lewiston Road

Please accept our comment as being against allowing a variance at the above pot grow. This grow is within the Lewiston Opt Out Zone (LOOZ) and yes, I guess they did get a water permit before the LOOZ was established, but, they still do not have power that we know of and they want to build a huge grow area...right in the midst of our community.

This is NOT what most of us, who have lived here for 5 years or more, moved here for! We did not move here to have commercial grows right around the corner, to have to walk or drive through the stench of "Dead Skunk" or to deal with the stoner workers who follow.

The Planning Commission would be setting a terrible example by allowing this variance and it would pave the way for the growers to seek more variances. It feels as though the growers are getting everything they want and once granted will be almost impossible to reverse.

Please, convey our position as being against granting a variance at 1550 Lewiston Road.

Thank you,

Katie Quinn & Mel Deardorff  
330 River Rock Road, Lewiston

Sent from my iPad



RECEIVED

February 9, 2018

FEB 12 2018

TRINITY COUNTY  
PLANNING DEPARTMENT

Trinity County Planning Commission  
Attention: Colleen O'Sullivan  
P.O. Box 2819  
Weaverville, CA 96093

RE: Variance Request at 1550 Lewiston Road (APN: 025-250-24)

Ms. O'Sullivan:

This letter is in follow-up to the above matter which was continued to the February 22, 2018 meeting of the Trinity County Planning Commission (TCPC). As you are aware, my position is that the TCPC cannot make the findings needed to support this variance request and it must therefore be denied. Information to support my position follows.

**Background Information and Property Setting**

- The subject property and all surrounding properties are within the commercial cannabis exclusion zone established in Ordinance No. 315-823 for the community of Lewiston.
- There is an existing water board application which allows the applicant to request consideration of the subject variance (and possible subsequent commercial cannabis activity) despite being located with the exclusion zone.
- The water board application does not grant any approvals, it merely allows consideration of the variance subject to all zoning requirements and other applicable regulations.
- The subject parcel and surrounding adjacent parcels are zoned and developed as follows:

<u>Parcel</u>	<u>Land Use</u>	<u>Zoning</u>
Subject Parcel	Vacant	RR-10
North	Residential	AF-20
South	Residential/Forest	AF-20
South	Residential/Forest	AF-20 (our parcel)
South	Vacant	RR-5
East	Vacant	RR-10
West	Residential	RR-10

- On February 8, 2018 a WOSPORTS W600S rangefinder was used to evaluate proximity of homes to the proposed commercial cannabis cultivation area. Measurements based on closest portion of home to pad on subject parcel:
  - 1541 Lewiston Road (025-250-26) – Clear line-of-sight to edge of pad.  
Portion of pad on subject property falls within 350 feet.
  - 1620 Lewiston Road (025-250-25)  
Substantial portion of pad on subject property falls within 350 feet.
  - 1628 Lewiston Road (025-250-23)  
Portion of pad on subject property falls within 350 feet.



- Standards for consideration of a variance are set forth in State law (California Government Code – CGC - Section 65906) and the Trinity County Zoning Ordinance (Section 31). The guidelines provided in both are mandatory, not discretionary.

### **Evaluation of Variance**

The following evaluation follows the four requirements applicable in the present case as set forth in Section 31 of the Trinity County Zoning Ordinance (requirement five applies only to the RD-1 overlay so it is ignored).

1. **“No special privilege.** A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.”

The subject property is located within the Lewiston Commercial Cannabis Exclusion Zone, which encompasses six Sections of land (approximately 3,840 acres). At five acres, the subject parcel is less than one-fifth of one percent of this area in which commercial cannabis activity is excluded. Granting the variance request would in fact create a special privilege to the one property, since 99.8 percent of other properties in the area are not eligible for the activity the variance would allow to occur (commercial cannabis).

The CGC, Section 65906 specifies that a variance can only be granted when special circumstances applicable to the subject property (including size, shape, topography, location or surroundings) deprive the property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. The Rural Residential zoned properties around the subject parcel all have similar physical characteristics and one property has a home. One property had a home that was destroyed in the Lowden Fire. None of these Rural Residential properties required a variance to successfully establish the residential use, nor would the subject property. Furthermore, none of the surrounding properties – Rural Residential or Agricultural Forest – are eligible to apply for commercial cannabis activity so approval of the variance would actually grant the subject property a special privilege available to no other.

2. **“Use variance prohibited.** The consideration of ‘use variances’ is specifically prohibited. These are variances which request approval to locate a use in a zone from which it is prohibited by Ordinance.”

Application of this provision in the subject case presents a conundrum. Absent the water board application, commercial cannabis isn’t even something that could be considered on the subject parcel since it is within the Lewiston Commercial Cannabis Exclusion Zone. The water board permit grants no approvals, it merely allows the applicant to request the county to consider taking discretionary actions – including approving (or not) a setback variance. Approval would require the county to find that the variance is appropriate and necessary for the subject property in order to allow commercial cannabis, an activity within an area where such activity not allowed! Let that sink in. To approve the variance in this case, the county will have to take an action it has the discretion not to take, in order to allow a use to occur in an area the county has determined within which such use is not appropriate.



3. **“Disservice not permitted.”** A variance must not be injurious to the public welfare, nor to adjacent properties.”

At the January 25 Planning Commission meeting there appeared to be some confusion regarding how to evaluate the variance request in the present case. It is therefore necessary to first determine how to apply the variance regulations in this case prior to addressing the issue of disservice.

The setback requirements for commercial cannabis are set forth in Ordinance 315-823, (5) Limitation on Location to Cultivate Cannabis. Part viii. indicates that “cultivation shall not be allowed within three hundred and fifty (350) feet of a residential structure on any adjoining parcels”. Part viii. also notes that “applications for a variance from this provision will be considered by the Trinity County Planning Commission”. There is no further elaboration regarding this setback variance in Ordinance 315-823, other than in (1) Definitions (x) “Variance’ is defined as Trinity County Ordinance 315 section 31.” Section 31, part 3 (as noted above) requires a variance request to consider “adjacent properties”. The CGC Section 65906 indicates the appropriate scope of evaluation of a variance is “other properties in the vicinity”.

The staff report for the January 25, 2018 meeting on this matter limited its evaluation of the variance request to the proximity of the proposed cultivation area to surrounding homes, concluding that only one or perhaps two fall within the 350 foot setback area. Other surrounding properties, including those with homes outside the 350 foot area, were excluded from further consideration. The staff report erred by evaluating the variance in light of the trigger causing the need for the variance (as defined in Ordinance 315-823) rather than the standards for evaluation as set forth in Section 31 and the CGC. There are no provisions in Section 31 nor the CGC which allow the standards for evaluation to be waived. In fact, Ordinance 315-823 (1)(x) expressly defines that the procedures in Section 31 are to be followed.

Having established that the appropriate scope of analysis includes all adjacent properties and others in the vicinity, we can now turn to the application of said analysis to the matter at hand, namely the issue of “not be injurious to the public welfare nor to adjacent properties”. As can be seen in assessor and other county records, our property (1531 Lewiston Road) as well as the Gustine’s (1541 Lewiston Road) are both adjacent to the subject parcel. Both the Gustine’s and ourselves have shown concern (including complaints to the county) about cannabis related activity on the subject parcel since the spring of 2017. Our concerns included odor, noise, erosion, crime and proximity to our homes and our community.

We are now very concerned that the county may take a discretionary action (issue a variance) to allow commercial cannabis to occur in an area, and in a way, that both the Trinity County Planning Commission and Board of Supervisors have determined (via Ordinance 315-823) it is not appropriate.

- Commercial cannabis may produce strong odors detectable far beyond property boundaries, a nuisance which creates a risk of burglary, robbery and armed robbery as well as acts of violence resulting in injury and death. [315-823, Section I, (13), (14), (15)]
- Commercial cannabis activities “in proximity to high density areas ... create a substantial risk of public nuisance”. The only exception to this limitation is for applicants with a water board application submitted prior to certain specified dates. [315-823, (5) vi]
- Even in areas or cases where commercial cannabis may be considered, a 350 foot distance is identified as the minimum necessary to address impacts to homes. [315-823, (5) viii]

The burden to support a variance is substantial and falls on the party seeking it and the governing body. The thresholds/standards which must be met for approval are set by State law and local ordinance. In the present case, the TCPC and Board of Supervisors have previously made findings of fact that cannabis can lead to significant problems, such that an outright exclusion has been set in some areas and a minimum



distance (setback) from homes has been set for all other areas. To determine that the subject variance is appropriate in the present case, the applicant/county must find:

- None of the negative impacts (which are certainly injurious to the public welfare and adjacent properties) identified in Ordinance 315-823 will occur or are reasonably foreseeable to occur in the present case, despite homes and a large portion of Lewiston Road falling within the 350 foot setback area.
- That impacts such as odor, noise, erosion and crime will not be injurious to adjacent properties or residents, despite testimony and evidence provided by the owners of those properties that such impact are in fact already occurring due to cannabis activity on the subject property.

4. **“Not adverse to General or Specific Plan.”** A variance must be in harmony with the general purpose and intent of the Zoning Ordinance and cannot adversely affect the General Plan or Specific Plans of the County.”

According to Webster’s Dictionary, harmony is:

- “Pleasing or congruent arrangement.”
- “Internal calm – tranquility.”
- **“To live in accord with neighbors.”**

The staff report for the January 25, 2018 meeting on this matter erred in its starting point regarding “general purpose and intent of the Zoning Ordinance” so the subsequent analysis and conclusion was not valid. The evaluation for the variance in the staff report was based on Ordinance 315-823 regarding commercial cannabis, with the conclusion being the variance was consistent with cannabis activity. Ordinance 315-823 merely establishes commercial cannabis as an overlay zone, which may be applicable in other zoning districts subject to specific evaluation, conditions and issuance of a use permit. The subject property is actually zoned Rural Residential. Hence, the proposed variance must first and foremost be considered in context of the purpose and intent of the Rural Residential classification before any consideration can be given to the content of Ordinance 315-823. CGC Section 65906 lends further support to this interpretation in its use of language such as “other properties in the vicinity and under identical zoning classification” and “zone in which such property is located”.

The purpose and intent of the Rural Residential designation is provided by Section 15 of the Trinity County Zoning Ordinance. According to Section 15, “Uses Permitted: One family dwelling” as well as low impact agricultural uses associated with the dwelling. All other uses are either prohibited, or allowed only subject to use permit. Section 15 clearly establishes that the primary purpose (intended use) of a property zoned Rural Residential is a single family residence.

To understand how the proposed variance (which is necessary to support commercial cannabis on a property for which the “general purpose and intent of zoning” is residential) relates to the primary use of residential, requires review of information provided by the applicant. According to the diagrams submitted by the applicant - and on file with the county - in support of his building permit application and variance request (for both a residence and greenhouses):



- The proposed home will be 30 by 30 feet (900 sq ft).
- The proposed greenhouses will be six at 95 by 20 (11,400 sq ft.)

So, as intended by the applicant, the commercial cannabis activity (which would only be allowed by permit) will cover more than ten times the area of the residential use, which is the primary use allowed outright by the zoning designation. Furthermore, the primary use (little house) is pushed against a vertical cut bank, in close proximity to the eastern property line, and partially (the septic at least) onto a hillside (per building permit diagram) or entirely onto the hillside (per variance diagram). It is not clear if the designated hillside area will even meet the applicable development standards for home or septic installation. A reasonable person can only conclude that - based on the applicants own information - the primary intended use of the subject property will be for commercial cannabis cultivation regardless of actual zoning. Even more appalling, to achieve his commercial cannabis purpose, the applicant is requesting a variance from the 350 foot setback established to protect the surrounding uses (homes) which have been established consistent with applicable zoning -- Rural Residential and Agricultural Forest.

To find in favor of the variance on this point, the county must find that the proposed variance, *which is needed to support a proposed use that may be allowed by permit only, and with that proposed use dwarfing the allowed-of-right use of residential*, is in harmony with the designated primary use (zoning) of the property itself (residential), as well as in harmony with primary uses (zoning) of the surrounding properties (residential and forestry/residential). We can unequivocally state that we do not find the proposed commercial cannabis use, along with the associated problems as identified by the Board of Supervisors, to be in harmony with us -- which Mr. Webster notes is "to live in accord with neighbors".

### **Conclusion**

To reach a determination in favor of the applicant, the county would have to ignore its own policy intent and twist and contort applicable regulations to beyond the breaking point. The intent and correct application of both the Trinity County Zoning Ordinance (No. 315-823 and Section 31) as well as California Government Code Section 65906 are clear in the present case - the county must deny the variance that has been requested because the required findings cannot be made.

Thank you for upholding the integrity of our county planning process and protecting our residential area from encroachment of an inappropriate use.

Sincerely,

Scott White

Sheri White

CC:

Prentice, Long & Epperson, PC

Margaret E. Long, County Counsel

David A. Prentice, Assistant County Counsel



## Colleen O'Sullivan

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**From:** Lynda Finley <fish\_n\_fins@yahoo.com>  
**Sent:** Thursday, February 15, 2018 11:43 AM  
**To:** Colleen O'Sullivan; Keith Groves; Ruth Hanover; damorris123@yahoo.com; thewilliamsaffair@gmail.com; mmchugh73@gmail.com; curose88@gmail.com  
**Subject:** Fw: 1550 Lewiston Rd. Lewiston, Ca.

On Thursday, February 15, 2018 11:36 AM, Lynda Finley <fish\_n\_fins@yahoo.com> wrote:

On Thursday, February 15, 2018 11:19 AM, Lynda Finley <fish\_n\_fins@yahoo.com> wrote:

To whom it may concern:

I think the people of Lewiston has expressed their feelings pertaining to Marijuana grows.

We moved to Lewiston, Ca. to have a retirement place that had low traffic, clean air and free of pollution of our rivers and streams.

We are living on Goose Ranch Rd. which is a fantastic area.

We pay plenty of taxes to help support this area and ask for nothing in return.

We are in an Opt

Out Area for Marijuana. I think our officials that were elected to serve should stay within the limits of the law.

OPT OUT AREA MEANS NOT ALLOWED.

This is not the time to turn a blind eye, All we want from you is to uphold the law.

You wouldn't work with a business to help them Expand, which was good for Lewiston. But you want to bend over backwards to please drug dealers and growers.

Just stand up for the people that have spoken.

Sincerely

Lynda Finley



## Ruth Hanover

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**From:** RUSSELL GIUNTINI <rukim1259@sbcglobal.net>  
**Sent:** Tuesday, February 13, 2018 4:21 PM  
**To:** Ruth Hanover  
**Subject:** 1550 Lewiston Road variance

Dear Commisioners,

As a property owner on Goose Ranch Road I am at a loss to understand what benefit a variance for Jacob Davis to commercially grow marijuana at 1550 Lewiston Road brings to the Lewiston community, an area that has been zoned as an opt out zone. The opt out zone was crafted to prevent the problems this grow presents. Its my understanding Mr. Davis, prior to submitting his application for a variance, was illegally growing marijuana as well as illegally using generators and storage containers to conduct his business all in violation of the law. In the law there is an equitable maxim that "he who seeks equity must come with clean hands". Sadly, Mr Davis hands are soiled to the extent he is hardly deserving of any extraordinary relief in the form of a variance. Are we too reward him for his past indiscretions with a variance? There are countless other areas within the county that are zoned for a commercial marijuana grow where he is free to conduct his business. Granting him a variance will undoubtedly cause his neighbors to suffer diminished property values as well as the the loss of the quiet enjoyment of their property. Moreover we as a community will be left to wonder whose next. Lastly, you as a Planning Commission should not abdicate your responsibility because the State chose to issue a water permit. Their concerns in issuing Mr. Davis a. water permit do not address the zoning questions of our community. Thank you.

Russ Giuntini

Sent from my iPad



## Ruth Hanover

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**From:** Colleen Thompson <cthompson.counselor@gmail.com>  
**Sent:** Tuesday, February 13, 2018 10:12 PM  
**To:** Ruth Hanover  
**Cc:** Bob Thompson  
**Subject:** Please deny the variance for commercial grow of cannabis at 1550 Lewiston Road

My name is Colleen Thompson. My husband Bob Thompson are residents of Lewiston and live off Lewiston Road on Goose Ranch Rd and River Rock Rd in Lewiston. We were informed that there was a property at 1550 Lewiston Rd. in Lewiston that a variance to commercially grow cannabis is going to being decided on this week. We along with others in our community, would like to send E-mails to the planning commissioners before the next meeting to voice our opinion on this decision as there is no reason that the planning department should allow such a variance in our area. If approved this would set for a precedence for similar requests. We are asking that the planning commission enforce the zoning laws for the greater good of the Lewiston community where we live and not allow this property owner to make Lewiston a cannabis haven in the Trinity County area. We are two of many concerned homeowners in the Lewiston area that do not want this variance allowed.

Thank you for your time,

Colleen Thompson



**Rachel Wood**

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**From:** James Bonk <jamesbonk34@gmail.com>  
**Sent:** Sunday, February 4, 2018 7:01 AM  
**To:** Planning.cannabis  
**Subject:** Cannabis Variance at 1550 Lewiston Rd

Hello,

I'm writing regarding a possible decision to approve a variance to grow cannabis commercially in Lewiston at 1550 Lewiston Road. Many of my neighbors have written outlining the reasons to reject this variance. I will not repeat all of those here. My wife and myself vote NO!

James and Billie Jo Bonk,  
2513 Goose Ranch Road  
Lewiston



## Ruth Hanover

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**From:** James Bonk <jamesbonk34@gmail.com>  
**Sent:** Wednesday, February 14, 2018 7:03 AM  
**To:** Ruth Hanover  
**Subject:** Variance to Commercially Grow Cannabis at 1550 Lewiston Road

Trinity County Planning Commission,

Do not grant this variance!

My wife and myself live a few steps away on Goose Ranch Road. We, along with a group of our neighbors have been fighting hard for the past few years to keep commercial grows out of our area. So far with the help of the County Code Enforcement Officer we have been successful. Just because an individual was able to obtain a permit from the Water Board should not allow him to violate the County rules established to govern this type of operation.

Do the right thing for our neighborhood. We are in a 'no grow' area. Act in accordance with established County Ordinances.

James and Billie Jo Bonk  
2513 Goose Ranch Road



## **Colleen O'Sullivan**

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**To:** Colleen O'Sullivan  
**Subject:** Terry Gustine's comments

To Planning Commission and Concerned Citizens

Aside from the fact that Mr. Davis has been in operation for almost a year using a generator as a power source, this is expressly prohibited for commercial cannabis grows, is an encroachment easement the real issue here. Does it really matter if Mr Jeff Dicky, Code Compliance Specialist and planning staff member, apparently neglected to notice this flagrant violation on his visit to the cultivation site on 1/2/2018. Trinity PUD has no record of power to that site.

The real issue is that this is a Rural Residential Zone in an area specifically set aside by Trinity County Government as a no grow zone. The Planning staff seems to have approached this with the requirements of a commercial grow rather than the zoning limitations, set aside by them, on the Lewiston community. Research conducted by Scott White, my neighbor, indicates the State Water Board Permit does not grant any approvals, it merely ALLOWS consideration of a variance subject to ALL zoning requirements and other regulations. What part of NO GROW ZONE and NEVER BE APPROPRIATE to deviate from the standards of the Lewiston Opt Out Zone to allow commercial cannabis grows, as adopted by this very body, has changed. If this is approved it is a special privilege granted to one individual that is forever unavailable to any other individual in this zone. Is that legal? This is Rural Residential Zone, there is no residence, only 6 greenhouses.

The staff report state that this site is located on a bench above Lewiston Rd as if that is a good thing. It's also just above my house. It is well known that the stench of pot, along with other unsavory substances, flows downhill. You don't have to see it for it to be offensive.

The staff report states that no opposition from surrounding property owners was submitted that would adversely affect approval. Be that as it may, there is a huge amount of oppositions that we wish would affect approval.

We wish for the County to keep the promise made to this community.

Terry and Carol Gustine  
1541 Lewiston Road  
February 13, 2018

**Colleen O'Sullivan**

**Associate Planner**

Trinity County Planning Department  
Box 2819, Weaverville, CA 96093  
530-623-1351, Extension 5



## Ruth Hanover

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**From:** Mike McHugh <tcpc.mchugh@gmail.com>  
**Sent:** Monday, February 12, 2018 10:20 AM  
**To:** terry gustine  
**Cc:** Diana Stewart; Colleen O'Sullivan; Ruth Hanover; Keith Groves; Leslie Hubbard  
**Subject:** Re: Variance for 1550 Lewiston Rd, Lewiston

Dear Mr. Gustine,

Thank you for your thoughtful letter, and thank you for copying the Planning Department so that this letter can be included in the commission meeting materials. I hope you will be able to join us at the meeting on Thursday, February 22 to further discuss this item. Since you are essentially a "next-door neighbor", it will be very helpful to have your perspective.

Best regards,

Mike McHugh

On Mon, Feb 12, 2018 at 5:27 AM, terry gustine <[tcornewt@gmail.com](mailto:tcornewt@gmail.com)> wrote:

A few years ago a company called Converter Equipment International (CEI) of Lewiston, CA. had 25 employees. Today a company called Converter Equipment International of Columbia Falls, Montana has approximately 50 employees and headed for 80.

CEI of Lewiston was a clean non-polluting asset to our community. It provided Trinity County with tax revenue and prestige in the international market place. The skilled and well paid employees were proud of their products and active in their town and church. Many of them were so proud, they moved to Montana with this outstanding company.

This desirable enterprise was left with no option but to move from Trinity County when the Trinity County Government entities could find no suitable options or concessions in the Trinity County codes and ordinances to enable CEI's continued presence in Trinity County.

Yet, the Trinity County Government entities seem to be bending over backwards to accommodate a commercial grower across Lewiston Rd and within 350 feet of my house. At 1550 Lewiston Rd, Mr. Jake Davis has established a commercial grow operation in the Lewiston Opt Out Zone because he was able to beat the clock with a State Water Board Permit.

This property is zoned **Rural Residential** and is in the **Lewiston Opt Out Zone**. The water permit should have no influence on the zoning. In the Rural Residential Zone, a commercial grow requires a special use permit. The granting of such a permit will destroy the good faith and protection afforded by the Lewiston Opt Out Zone to the residents of the zone. This is especially true considering the October 2017 determination that it would NEVER BE APPROPRIATE to deviate from the standards of the Lewiston Opt Out Zone to allow commercial grows. With many people, The Lewiston Opt Out Zone is a major factor in determining property value. I consider the negating of the Lewiston Opt Out Zone a "taking" of my property value to benefit an activity that is illegal in this Rural Residential Zone. We are all aware of the intense pressure coming from the growers' side of this issue and they seem to have their way in most situations. Lewiston was chosen as a legal refuge from all the adverse effect of the grows. If a stand is not made in the specifically set aside Lewiston Opt Out Zone, considering all of the above factors, time will see a further erosion of a promise made to the residents of Lewiston.

In the specific case of Mr. Davis at 1550 Lewiston Rd, generators were used all summer and generators are not permitted for this activity. Another violation would be the presence of 4 shipping containers with no permits. What else



has this grower done in violation of the codes? These deliberate violations by Mr. Davis illustrate a lack of will to comply with current regulations. Why would there be an expectation of voluntary compliance with any restriction in the future? With limited County resources who is going to ensure compliance?

We respectfully ask that you do not grant ANY kind of variance to the code in this case and uphold the Lewiston Opt Out Zone.

Terry and Carol Gustine  
1541 Lewiston Rd, Lewiston  
February 12, 2018

--  
Mike McHugh, Commissioner, District 1  
Trinity County Planning Commission



## Ruth Hanover

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**From:** John Davies <johnt.davies@yahoo.com>  
**Sent:** Tuesday, February 13, 2018 11:00 AM  
**To:** tcpc.mchugh@gmail.com; tcpc.stewart@gmail.com;  
planning.cannibis@trinitycounty.org; Ruth Hanover; Rachel Wood  
**Subject:** Lewiston Opt Out Zone variance

To Whom It May Conern,

My wife and I are full time residence living in Lewiston. We live within the Opt Out Zone of Lewiston and cannot understand why any variance would be considered within this designed area. Trinity County does not have the resources to monitor and enforce the licensing, noise disruption, pesticide use, water pollution and air quality concerns that commercial grows of any size may produce.

We request that you do not grant any variances within Opt Out Zones.

Regards,

John Davies  
472 Goose Ranch Road  
Lewiston, CA



## Colleen O'Sullivan

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**From:** terry gustine <[tcornewt@gmail.com](mailto:tcornewt@gmail.com)>  
**Sent:** Tuesday, January 23, 2018 4:29 PM  
**To:** Colleen O'Sullivan  
**Subject:** Re: Hearing for annual variance at 1550 Lewiston Rd APN: 025-250-24

Please use this, he is aware of my position on this.

On Tue, Jan 23, 2018 at 4:27 PM, Colleen O'Sullivan <[cosullivan@trinitycounty.org](mailto:cosullivan@trinitycounty.org)> wrote:

Hello Mr. Gustine,

Thank you for your detailed comments. I was told by Scott White that you had registered complaints, and I passed that information onto Mr. Mason-Davis. I encouraged him to talk to you about your concerns.

I would like to make this email available to the Commissioners as part of their project evaluation. Let me know if this is okay with you or if you would rather remain anonymous.

**Colleen O'Sullivan**

**Associate Planner**

Trinity County Planning Department

Box 2819, Weaverville, CA 96093

[530-623-1351](tel:530-623-1351), Extension 5

**From:** terry gustine [mailto:[tcornewt@gmail.com](mailto:tcornewt@gmail.com)]  
**Sent:** Tuesday, January 23, 2018 4:23 PM  
**To:** Info.Planning <[Info.Planning@trinitycounty.org](mailto:Info.Planning@trinitycounty.org)>; Keith Groves <[kgroves@trinitycounty.org](mailto:kgroves@trinitycounty.org)>; Scott & Sheri White <[doublesw1998@gmail.com](mailto:doublesw1998@gmail.com)>  
**Subject:** Hearing for annual variance at 1550 Lewiston Rd APN: 025-250-24

Today, 1/23/18, I was approached by Jake Davis regarding complaints I had made regarding his grow site above. That form states that the contents are confidential, how did he know?

It is my understanding that the use of generators is prohibited. As I stated in a complaint, there was a generator running on this site most of the summer.



I also informed the planning dept. of 2 shipping containers delivered to this site. Today Mr. Davis told me he had had 4 of them and no permits.

There must have been a considerable erosion problem based on the amount of road base and grading taking place recently.

With the limited resources the county has available for enforcement, it seems that voluntary compliance with the regulations regarding this grow is a must. Yet the two items above show a willingness to disregard those regulations. What else is in noncompliance that we don't know about. It would seem the letter of the law is not a priority for Mr. Davis.

We have been here for 13 years. The quality of life that we experienced upon moving here as greatly eroded. We no longer feel safe in the forest or some of the fishing spots. We have experienced theft from our boat and from our 5th wheel. The smell in the fall has us evacuating to more pleasant climes any time we can. The Lewiston exclusion gave us hope that has been dashed. IS THERE ANYPLACE IN TRINITY COUNTY WITH GOOD CLEAN COUNTRY AIR?

Terry Gustine ,1541 Lewiston Rd ( with in 350 ft)





# LEWISTON ELEMENTARY SCHOOL

685 Lewiston Rd  
Lewiston, CA 96052

Tel (530) 778-3984  
Fax (530) 778-3103  
www.lewistonesd.com

January 22, 2017

Trinity County Planning Commission  
Attention: Colleen O'Sullivan  
P.O. Box 2819  
Weaverville, CA 96093

RECEIVED

JAN 25 2018

TRINITY COUNTY  
PLANNING DEPARTMENT

RE: Variance Request at 1550 Lewiston Road (APN: 025-250-24)

Honorable Commissioners:

In the interest of the school children of the community of Lewiston, we respectfully ask the Planning Commission to deny the variance request to allow cannabis cultivation on the above property, situated approximately ½ mile to the west of Lewiston Elementary School. The subject of cannabis and its impacts to the children of our community has been a frequent topic of discussion at our meetings. We were encouraged when the Trinity County Board of Supervisors (Board) adopted Resolution 2016-77, establishing principles on local cannabis regulation, which included the concept that cannabis cultivation in our county "will take place without environmental damage and without detriment to neighbors or communities". We also agreed with the Board when it established "no cultivation" zones within the five primary population centers in the County, which includes Lewiston. We do wish, however, that the "no cultivation" area within Lewiston had been larger than the area identified.

While commercial cannabis advocates may argue that there are no negative impacts associated with the growth, sale or use of cannabis, we politely disagree. We see the effect of cannabis and other drugs on the lives and educational achievements of our students daily. The "no cultivation" zone established for our community at least provides a buffer around our school and community core wherein commercial cannabis activity is specifically excluded. The subject parcel, however, is well within the buffer area. What is worse, the parcel fronts directly onto Lewiston Road, which many of our children traverse daily on the way to and from school. Whether on foot or by bicycle, school bus or private vehicle, our children regularly pass this site. A substantial portion of the roadway is within 350 feet of the proposed cultivation area. We recognize that the zoning ordinance specifies that the variance in question is associated with proximity to homes. In reality, the same issues that give rise to the consideration of the need to obtain a variance for proximity to homes (including odor and risk of crime) may reasonably be assumed to potentially impact our children who will be passing within 350 feet of the proposed operation.

The applicant requesting the variance does not have an automatic right to receive it. The Planning Commission must make specific findings, including that the proposed cultivation activity will not adversely impact surrounding homes. We encourage you to consider the entire context of the proposed activity which, given the location, may not only impact homes but literally every child in our community. Please act in the best interest of our community and its children and deny the variance request.

Respectfully,

Mike McMaster, President

Lewiston Elementary School District Board of Trustees

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#### Board of Trustees

Mike McMaster  
President

Scott White  
Vice President

Paul Petty  
Clerk

Serra French  
Member

Chad Cook  
Member

LEWISTON ELEMENTARY SCHOOL IS AN EQUAL OPPORTUNITY EMPLOYER

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**Rachel Wood**

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**From:** Paul Paspas <ppaspa@gmail.com>  
**Sent:** Thursday, February 1, 2018 1:18 PM  
**To:** Planning.cannabis  
**Subject:** cannabis variance for 1550 Lewiston Road

Hello,

I'm writing as a concerned resident of Lewiston regarding a possible decision to approve a variance to grow cannabis commercially in Lewiston at 1550 Lewiston Road, or in any residential zoned area. There is no basis on why the planning department should allow such a variance, which approved would open the floodgate of similar requests. The planning commission needs to be enforcing the zoning laws for the greater good of the neighborhood, and not pander to a group that wants to make trinity county the cannabis hub for the state. I can tell you there are a lot of concerned homeowners like myself that have pride in their homes and neighborhood who will be looking over the next few years to see if there will be a proliferation of this drug in our neighborhood, and decide if they want to continue living in Trinity county or move out. If granted, your decision to allow variances like the one at 1550 will have long term negative impacts on property values, crime, and the kind of people that want to make Lewiston and trinity county their home. So please do not bend the rules and allow the lure of easy money for a handful who support commercial grows in residential zones areas to undermine our communities. Reject this variance, and any like it, by enforcing the ordinances we have in place for setback and commercial and non-commercial zoning.

Best regards,

Paul Paspas

2490 Goose Ranch Road, Lewiston



## Rachel Wood

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**From:** Gale & Theresa <teric299@gmail.com>  
**Sent:** Thursday, February 1, 2018 2:12 PM  
**To:** Planning.cannabis  
**Subject:** Variance at 1550 Lewiston Rd, Lewiston CA

To all concerned at the planning Dept and planning commission:

Please do not consider variance for this property , Lewiston has wide spread illegal grows as does most Trinity County. Many of us feel the wide spread illegal grow must be handled before even considering to give any variance to existing no grow areas for any reason.

Please stop the rampant give away of Trinity County, take a walk down hwy299 in Weaverville with your eyes open and you nose uncovered then tell me how well all of Trinity County is prospering from this uncontrolled situation.

- The proposed grow is within the “no grow” zone.
- The only reason it can be considered is the water board application was obtained before the deadline.
- The water board application only allows it to be considered in the area it is otherwise excluded from.
- The applicant still has to meet all other zoning and land use regulations.
- The parcel is 5 acres in size and zoned **Rural Residential**.
- Properties to the north, west and east are zoned **Rural Residential**.
- Properties to the south (including Scott Whites and his wife) are zoned **Agricultural Forest**.
- Properties to the north, west and south have homes, with 1, 2 or 3 within 350’ of the grow, depending on who’s data you believe. (It was difficult for the county to measure the distance accurately)
- It does not appear that there is anywhere on the parcel the proposed grow could be moved and fall outside of 350’ from at least one home.
- The county analysis was flawed because it evaluated the variance request in light of the Commercial Cannabis Ordinance (finding it to be OK), when the proper evaluation is based on the Rural Residential zoning. Commercial Cannabis is only possible with a use permit on a parcel of land zoned for something else (residential in this case).
- The county is also not correctly interpreting the variance section of the zoning ordinance. This and the point right above together create a major issue for this proposal.

Thank you for your time

Gale and Theresa Ickes ( long time residents of Lewiston) 778 0807



## Rachel Wood

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**From:** Susanne Risso <srisso53@gmail.com>  
**Sent:** Thursday, February 1, 2018 12:53 PM  
**To:** Planning.cannabis  
**Subject:** Fwd: Variance at 1550 Lewiston Rd, Lewiston CA

Please include this email in the packet for the Commission when the variance issue is heard again.

Thank you,  
Susanne Risso  
Paul Baldwin

----- Forwarded message -----

From: **Susanne Risso** <srisso53@gmail.com>  
Date: Thu, Feb 1, 2018 at 11:09 AM  
Subject: Variance at 1550 Lewiston Rd, Lewiston CA  
To: [tcpc.stewart@gmail.com](mailto:tcpc.stewart@gmail.com), [tcpc.mcHugh@gmail.com](mailto:tcpc.mcHugh@gmail.com)

Dear Commissioners,

I'm a resident of Lewiston and am writing you regarding a possible decision to approve a variance to commercially grow cannabis at 1550 Lewiston Road. There is no basis on why the planning department should allow such a variance. If approved this would set a precedence for similar requests. The planning commission needs to enforce the zoning laws for the greater good of the neighborhood, and not submit to a group that wants to make trinity county the cannabis hub for the state. There are many concerned homeowners like myself in the vicinity. If granted, this will have long term negative impacts on property values, crime, and the kind of people that want to make Lewiston and trinity county their home. Please do not let the lure of easy money ruin our wonderful community. Please enforce the ordinances we have in place for setback and commercial and non-commercial zoning.

I regularly walk along Lewiston road and can vouch for the smell and noise associated with that grow. I am also a substitute teacher at Lewiston Elementary School and am very concerned about our children that are exposed to this activity.

Thank you,  
Susanne Risso  
Paul Baldwin



## Colleen O'Sullivan

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**From:** Kathy Anthonijsz <kanthonz52@gmail.com>  
**Sent:** Thursday, January 25, 2018 1:02 PM  
**To:** Info.Planning  
**Subject:** regarding variance for Cannabis cultivation at 1550 Lewiston CA

Trinity County Planning Department

1/25/2018

61 Airport Road

Weaverville CA 96093

To whom it may Concern:

After conversations with your staff I am concerned about the proposed variance at 1550 Lewiston Road in Lewiston CA. I live at the corner of Lewiston and goose ranch rd. I have a second building site on my property and it is next to the proposed cannabis grow which is within 350 feet of the grow.

I have several concerns regarding this grow. In the past two years the water table in this area has been hit hard with new wells in the area. The water quality was the worst I have seen this past summer in the 25 years I have lived here. In addition I am concerned about whether they would be allowed to process and extract at this location. Some of the processes will create a real fire danger and potential contamination issues. My fire insurance is now higher than my house payment and any further increase in the fire danger is unacceptable.

The traffic in this area due to cultivation has increased in the past 2 years and the maintenance of the roads is not keeping up with the increase of damage.

If we continue to allow grows in residential areas the property values will continue to be a problem.

Please do the right thing for the long term residence of this community and decline this variance.

My other concern is that the public voted to allow commercial grows with the understanding that it would bring in revenue in the form of taxes which this county does not appear to be collecting.

Sincerely

Kathy Anthonijsz



## Ruth Hanover

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**From:** Ronnonie <ronnonie@aol.com>  
**Sent:** Monday, February 05, 2018 9:13 PM  
**To:** Ruth Hanover  
**Subject:** Fwd: 1550 Lewiston Road

Dear Commissioners:

I am not a cannabis grower and do not condone the practice of cannabis intake. I am an individual who expects the law of the land to be followed. I understand the laws have changed about cannabis and the right to grow and make a living but I expect the right to live in an area where laws do not allow the growing of cannabis.

In Lewiston, we have a "no grow zone area" which was voted on by the Board of Supervisors. Growers have the right to grow and citizens have the right to live in an area where growers are not allowed to grow.

In Lewiston, we have a potential grower at 1550 Lewiston Road who says "I have every right to grow because I bought this property, invested in permits, have tons of money paid out and need to support my family." This is an entitlement attitude with a disregard of the "no grow zone" law in Lewiston.

I am sorry the property owner did not fully investigate his options pertaining to the law in Lewiston. This property development was presented to the county and neighboring property owners as a single family residence designated as a Rural Residential property. The truth came out later that his intentions were to have a commercial grow operation of cannabis. The property owner cannot access electricity to the property and will have to use generators to supply electricity to 5 possible greenhouses. Again a commercial grow is unlawful in a "no grow area" of Lewiston.

Officials were elected to uphold the laws and allow individuals to make a living, raise a family in a low crime area, have prosperity and happiness without the threat of individuals snubbing the law and doing what they think is right. Lewiston has a "no grow zone area" and allowing a property owner to grow commercially with the blessings from the planning department is criminal.

I was once told "As I Associate So I Become". It takes a strong person to see through that and not follow the crowd and become his or her own individual. I ask that you do not set a precedent in allowing this property owner to get this variance on this Rural Residential property and grow in an area that was designated as a "no grow zone" in Lewiston.

Thank You for your time

Ron Stancyk  
Lewiston, CA



## Ruth Hanover

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**From:** Julia Mitchell <julesmitchell@mac.com>  
**Sent:** Monday, February 05, 2018 10:18 PM  
**To:** Ruth Hanover  
**Subject:** Fwd: Variance at 1550 Lewiston Rd, Lewiston CA

Begin forwarded message:

**From:** Julia Mitchell <julesmitchell@mac.com>  
**Date:** February 2, 2018 at 9:15:41 AM MST  
**To:** [planning.cannabis@trinitycounty.org](mailto:planning.cannabis@trinitycounty.org), [tcpc.mchugh@gmail.com](mailto:tcpc.mchugh@gmail.com), [tcpc.stewart@gmail.com](mailto:tcpc.stewart@gmail.com)  
**Subject:** Variance at 1550 Lewiston Rd, Lewiston CA

Dear Commissioners and Planning Commission-

I'm a resident of Lewiston and am writing you regarding a possible decision to approve a variance to commercially grow cannabis at 1550 Lewiston Road. There is no basis on why the planning department should allow such a variance. The land in question is in a no grow area and is zoned for residential. The planning commission needs to enforce the zoning laws for the greater good of the neighborhood, and not submit to a group that wants to make Trinity County the cannabis hub for the state. My concern is that approving this will set a precedence for similar requests. I know I'm one of many concerned homeowners like myself in the vicinity. If granted, this will have long term negative impacts on property values, crime, and the quality of people that want to make Lewiston and Trinity County their home. Please enforce the ordinances we have in place for setback and commercial and non-commercial zoning. I see more fences going up and the stink from the grows in our beautiful community. Not to mention the very real danger to our precious water supply as well as healthy rivers and lakes. Please do not let the lure of easy money ruin our wonderful community!

Best-

Julia Mitchell



## Ruth Hanover

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**From:** Katie Quinn <mskatiequinn@gmail.com>  
**Sent:** Wednesday, February 07, 2018 9:21 AM  
**To:** Ruth Hanover  
**Subject:** 1550 Lewiston Road

My husband and I oppose any type of variance that lets more marijuana to be grown at this property. This property is within the opt out area in Lewiston. Last year there was a stench every time I walked by this property and this is just not acceptable.

We moved here 22 years ago and have watched crime rates soar on Lewiston with most of it related to drugs. This is not what we want for Trinity County...a haven for drug growers and users and people who only want to ruin this county.

Please do not allow any variances.

Thank you,

Katie Quinn and Mel Deardorff  
330 River Rock Road, Lewiston

Sent from my iPhone



## Ruth Hanover

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**From:** Marguerite Delmage <maggie1964tr4@gmail.com>  
**Sent:** Tuesday, February 06, 2018 8:34 AM  
**To:** Ruth Hanover  
**Subject:** RE: Variance for 1550 Lewiston Road.

Trinity County Commissioners.

We do not agree with any variance for this property. Not only is this in the "opt out" area, but also adjacent parcels are zoned residential. Last year the smell from the grow on the property was over whelming, and when walking by you could hear generator's constantly running. To allow this variance would be a disservice to the community of Lewiston.

Sincerely,

Matt and Maggie Delmage.



## Ruth Hanover

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**From:** Tina Teuscher <tinateuscher@yahoo.com>  
**Sent:** Wednesday, March 14, 2018 9:35 PM  
**To:** Ruth Hanover  
**Subject:** Variance in Lewiston

Dear Mrs. Hanover,

I live on Goose Ranch Rd in Lewiston and I am opposed to the Planning Commission granting a variance for a marijuana grow.

I did not move to Trinity to smell marijuana and see trash all over the roads. If they don't do something soon all of the tax payers will move out, then what? Trinity is struggling because the BOS and The Planning Commission have made too many bad decisions. We have a severe drug problem and now theft, and vandalism.

My friends the Gross's wanted to enlarge their business in Lewiston, which created more jobs, and they were turned down by the Planning Commission! If this thing is approved, there is no hope for Trinity County. It will soon be a gang infested drug capital!

Please do not grant this variance! We need to start making a change in the right direction.

Sincerely,  
Tina Teuscher

Sent from my iPad