APPELLANT: Laurie Wills / Friends of the Lewiston Grass Valley Creek

REQUEST: An appeal of Planning Director’s decision to approve a renewal of Commercial Cannabis License 2020-453.

PROPERTY OWNER/LICENSEE: Mark Do Santos (formerly Michael Syvertson)


APPROX. ACREAGE: Each parcel is 2.5 acres in size. (Totaling 5 acres total contiguous area as defined by the Trinity County Commercial Cannabis Ordinance (TCC 17.43.))

ZONING DISTRICT: Rural Residential 2.5 Acre Minimum (RR2.5)

ZONING DISTRICT OVERLAYS: None

GENERAL PLAN DESIGNATION: Rural Residential

STAFF RECOMMENDATION: Deny the appeal.

ADJACENT LAND USE AND ZONING INFORMATION:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
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<td>RR 2.5 / RR 2.5</td>
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SUMMARY:
The appellants request that the decision by the Planning Director to approve Commercial Cannabis License 2020-453 be reversed (Attachment 1).

DISCUSSION:
Commercial Cannabis License application renewal CCL-2020-453 was scheduled to be approved by the Planning Director on July 24, 2020. An appeal was filed on August 6, 2020 by Laurie Wills on behalf of Friends of the Lewiston Grass Valley Creek. Prior to the renewal date, a transfer of ownership of the site had been initiated. A transfer application was received on
June 5, 2020 from Mark Dos Santos. The transfer application processing to the new owner was completed on September 11, 2020.

The appellants cite numerous issues that contradict Resolution No. 2016-77 (A Resolution of The Board of Supervisors of The County of Trinity Adopting Four Principles on Local Regulation of Cannabis) as well as several sections of Trinity County Code, concerning the detrimental effects of cannabis cultivation operations on local non-cannabis businesses, quality of life, traffic and road maintenance, and degradation of the aesthetics of the area. Also, the appellants voice concerns over the cumulative environmental impacts of the cannabis cultivation operations in the area on water and air quality in the Lewiston Grass Valley Creek Watershed.

Other concerns for the appellants relate to harassment and indirect threats directed at opponents of the cultivation operations, fear of future retaliation for the submission of complaints and continued opposition to the cultivation operations. Information was submitted with the appeal to support the appellant’s claims that the former owner and licensee (Michael Syvertson) should not have been previously granted a Commercial Cannabis Cultivation License.

The appellants also have noted the removal of a school bus stop sign near the entrance to the cultivation site and that the site is located within close proximity to a school bus stop.

CCL #453 is an active license that has consistently been in good standing. Since the initial issuance of this CCL in May of 2018, four site inspections have been completed with only one deficiency noted during that time which was corrected within the allotted seven-day period. With the transfer of the property and license to a new owner, Mark Dos Santos, concerns regarding the past owner/licensee should be alleviated.

Comments Received:

- Comments on behalf of Mr. Dos Santos (current CCL applicant/property owner) from Abbott & Kindermann, Inc. on January 20, 2021 (Attachment 2) and on March 5, 2021 (Attachment 10).
- Public comments (Attachment 9).
- Comments on behalf of Mr. Dos Santos (current CCL applicant/property owner) from Abbott & Kindermann, Inc.

ATTACHMENTS:

1) Appeal application and supporting documentation
2) Board of Supervisors Resolution No. 2016-77
3) CCL #453 Inspection Reports 2018-2020
4) CCL #453 Legal notice dated July 13, 2020
5) CCL #453 Site plan 2020
6) CCL #453 2019 CEQA Notice of Exemption
7) Correspondence from Abbott and Kindermann dated January 20, 2021
8) Public Comments Received from January 22-
9) Correspondence from Abbott and Kindermann dated March 5, 2021
10) Satellite Vicinity View
L. Wills on behalf of the
Friends of the Lewiston Grass Valley Creek

Name: ___________________________ Phone: ___________________________

Email: ___________________________

Physical Address or APN: 250 Dirt Rd, Lewiston, CA

Mailing Address: PO Box 1984 Weaverville, CA 96093

Decision of Planning Director rendered on (date): July 24, 2020

Planning Director's Decision was to: □ Approve □ Deny □ Continue

Request for: On behalf of an interested group of local property owners organized as the
Friends of the Lewiston Grass Valley Creek, we hereby appeal the Planning Director's
decision to approve CCL 2020-453 located at 4790/4798 Lewiston Road and request the Planning
Commission to revoke the approval and deny the applicant's license.

Reason for Appeal:

Please refer to the written Notice of Appeal and supporting documents attached hereto.

Signature: ___________________________ Date: 08/06/2020

Clerk's Use Only

Date Filed: ___________________________ Fee Collected: $500
Hearing Date: ___________________________ Recipt No.: ___________________________
Notice Published: ___________________________ Notice Mailed: ___________________________
Another concern the Friends of the Grass Valley Creek have with the above referenced CCL is the fact there was a long standing School Bus Stop sign in front of this property. Refer to the photos attached (source: Realtor.com) yet a CCL was approved by the Planning department anyways. This is a violation of Ordinance No. 315-842 Section 4(B) under Regulations and Ordinance No. 315-843 Section 5(a)(ii) under Limitations on Location to Cultivate Cannabis. The Vehicle Code specifically states that approval of bus stop locations falls with the purview of the California Highway Patrol (CHP) and not local agencies. The School Bus Stop sign is now missing and there are witness accounts that owners/employees of this site were tampering with the bus stop sign the day before it was removed. Please refer to CA Vehicle Code Section 21464 VC and Penal Code Section 594 PC which can result in misdemeanor and/or felony charges.

Aside from the egregious abuses stated above, the quality of life for non-cultivator property owners/renters of the group has been severely impacted by cannabis odor, noise, night light blight in the entire vicinity. Some families have sold their homes and moved out of the county as a direct result of the commercial cannabis operations at the above referenced location as well as the operations on Coffin Rd. Other families have tried to sell and still others are contemplating the need to sell because of the adverse impacts these grows are having on our quality of life. In addition to the ongoing conditions, the Friends of the Lewiston Grass Valley Creek have concerns about the cumulative environmental impact on water quality in the entire Grass Valley Creek watershed due to the proximity of pre-existing and proposed operations near the project site and more regionally.

Property owners/renters of the group are also concerned about air quality, both on a project specific and cumulative basis during any construction related activities and as it relates to the ongoing proposed and/or existing operations; construction and operating noises that adversely impact vicinity property owners and One Maple Winery; the potential impacts of the operation(s) on surface water quality and groundwater availability, to all area users; traffic and road maintenance issues; and significant visual degradation in the vicinity of existing and any proposed operations.

Each of these issues, and others as may be brought to the attention of the County, must be addressed in accordance with the California Environmental Quality Act (CEQA).

For these reasons, the interested group of local property owners/renters collectively organized as the Friends of the Lewiston Grass Valley Creek are appealing the Planning Director's decision to approve the application for Commercial Cannabis License 2020-453, and request that the decision is reversed by the Planning Commission and the CCL revoked based on the following:

a) Mr. Syvertson was arrested on Dec 12 for a butane (hash) oil lab explosion in Yuba County at an abandoned home located across the street from Foothill Intermediate School. It is further reported that Mr. Syvertson and Mr. Shokrikhanegah were hauling hundred of pounds of marijuana from Trinity County to be processed into oil. In Yuba County Superior Court, the pair waived proceedings for extradition to Larimer County, CO, to face felony charges of kidnapping, first degree assault, two counts of second-degree assault, burglary, and three accounts of aggravated robbery. (Ref: Marysville Appeal-Democrat dated 22 March 2019)

b) Syvertson and Shokrikhanegah are accused of kidnapping and assulting victims they believed stole marijuana from [Syvertson's] farm. Police say Syvertson and Shokrikhanegah traveled from CA to CO to confront the three people who previously worked for them in CA. Investigators say Syvertson believed the three men who were assaulted stole marijuana from his farming operation, according to the news release. With help from CA law enforcement, the men were arrested and extradited to CO. (Ref: The Coloradoan Updated April 22, 2019; 9News Article dated March 26, 2019)
HAND-DELIVERED

Thursday, August 6, 2020

Kim Hunter
Trinity County Planning Director
61 Airport Road
Weaverville, CA 96093

RE: Notice of Appeal – CCL 2020-453 (APN 025-290-13-00, 025-290-29-00)

On behalf of an interested group of local property owners organized as the Friends of the Lewiston Grass Valley Creek, this letter serves as a Notice of Appeal of the above referenced commercial cannabis cultivation license approval for activities located at 4790/4798 Lewiston Rd, in Lewiston. As you know, this cannabis operation is located in what is commonly referred to as the Ohio Hill subdivision of Lewiston Road. Lewiston Road connects to State Route 299 and Trinity Dam Blvd and is the major through-way in an around Lewiston. As a bedroom community to the county seat of Weaverville, the Lewiston valley is populated with many residences in the vicinity of the Grass Valley Creek. In addition to the many private property owners, there is a local long term business, One Maple Winery, located less than a half mile from the above referenced commercial cannabis operation. One Maple Winery has been host to many community events in the County and it has been severely affected by the licensed cannabis cultivation operations in the vicinity.

The Friends of the Lewiston Grass Valley Creek have been adversely affected by licensed commercial cultivation operations at this location as well as the CCL operations located at 3 Coffin Road and 200 Coffin Road. Additionally, there is a new proposed CCL #2020-691 (APN 025-18-37) also located on Coffin Road that was recently approved by the Planning Director and is currently being appealed by Ernie and Kristel Bell, individually and on behalf of their One Maple Winery business, and the interested group of local property owners organized as the Friends of the Lewiston Grass Valley Creek.

These ongoing licensed operations have created increasingly problematic nuisance conditions for the non-cannabis property owners/renters and businesses in the area. Even more disturbing is the fact that non-cannabis property owners have been indirectly threatened, felt intimidated, and are fearful of the cannabis activities at the 4790/4798 Lewiston Rd. location. As a result, non-cannabis property owners of the group are reluctant to exercise their rights to file code violations and complaints with law enforcement for fear of their safety, retaliation, and/or damage to their property. This information has come to light during community meetings held by the group. These types of public safety concerns are in direct conflict with three out of the four principals adopted by the Board of Supervisors on September 20, 2016. Refer to Resolution No. 2016-077 A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY ADOPTING FOUR PRINCIPALS ON LOCAL REGULATION FOR CANNABIS. Furthermore, circumstances like these corroborate concerns identified in Ordinance No. 315-843 specifically, Section I Nos. (15), (23) and (24) in which threats of public peace, health, and safety are seriously in question here. Conditions like these are unacceptable and non-cannabis property owners should not have to live in fear and trepidation as a result of licensed commercial cultivation operations encroaching on residential neighborhoods and bringing with them elements of harassment, threats and an increase for potential crime; while undermining public peace and safety.
c) In 2013, Syvertson was arrested in an alleged shovel attack in Red Bluff, CA (Ref: KRCR dated August 12, 2013)
d) Syvertson has a criminal history of felony and drug charges which violates Trinity County Ordinance No. 315-843 Section 3 v. It is further suspected that Syvertson has made false statements under penalty of perjury on one or more application forms pursuant to this section of the Ordinance.
e) Owners and/or employees at this location have made indirect threats to non-cultivator property owners in Lewiston.
f) It is suspected that owner/employees at the above location removed an authorized bus stop sign from the roadway in front of said location. The act of removing the bus stop sign without legal authority to do so is a violation of the CA Vehicle Code and Penal Code. Furthermore, pursuant to Ordinance No. 815-843 Section 5 (a)(ii)), an applicant will not be approved for cultivation of Cannabis in any amount or quantity within five hundred (500) feet of an authorized school bus stop.

If these public safety concerns and the criminal history of applicant are not sufficient reasons to deny/revoke the application, then it is requested that license issuance be considered only at such time that proper CEQA review has been completed for the project.

Respectfully submitted by some of the property owners of the Friends of the Lewiston Grass Valley Creek (this is not an all inclusive list of the organized group).

Dave Wilcox  
Joan Carr  
Laurie Wills  
Gary and Valerie Griffith  
Terry and Marjorie Lee  
Roger and Donna Teuscher

Unavailable  
Dawn Kroick  
John Thompson

Paul and Linda Scribner  
Dave and Peggy Wellock  
Roy and Gayl Ward  
Ernie and Kristel Bell

Enclosures: Appeal of Planning Director's Decision to Planning Commission Form  
Appeal Filing Fee  
News Articles  
Photos of the School Bus Stop sign in front of above referenced location

cc: Friends of the Lewiston Grass Valley Creek
School Bus Stop Sign

Appeal CCL# 2020-453
4790 Lewiston Rd, Lewiston, CA 96052 - realtor.com®

Log In
Sign Up

Advertise
Buy

Sell
Rent
Mortgage
Find Realtors®
My Home
News & Insights

Advertise

🔍 Lewiston, CA

Google

4790 Lewiston Rd
Lewiston, California
View on Google Maps

Last Sold for $675,000

View up to 3 home estimates

Commute Time 4790 Lewiston Rd, Lewiston, CA 96052

GPS Map 0.25 sq ft acres lot

Share

Request a FREE Analysis

Appeal CCL # 2020-453

Att.
Page 2 of 20
141.07%
More expensive than nearby properties

$280,000
Neighborhood Median Price

85
Days since last sold

Property Details

Status: Sold
Price/Sq Ft: No Info
Type: Single Family Home
Built: 2015

Public Records
- House size: 0 sq ft
- Stories: 0
- Lot size: 108900
- Year built: 2015
- Property type: Single family
- Date updated: 06/06/2020

Nearby Schools

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<tr>
<td>6</td>
<td>Trinity High School</td>
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</tbody>
</table>

See More

* School data provided by National Center for Education Statistics, Pitney Bowes, and GreatSchools. Intended for reference only. The GreatSchools Rating is based on a variety of school quality indicators, including test scores, college readiness, and equity data. To verify enrollment eligibility, contact the school or district directly.

Neighborhood

4790 Lewiston Rd is located in the city of Lewiston, CA.

$280,000
$165

## Property History

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Property Tax: Appeal CCL #2020-453
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See More 

About History & Taxes Data

The price and tax history data displayed is obtained from public records and/or MLS feeds from the local jurisdiction. Contact your REALTOR® directly in order to obtain the most up-to-date information available.

$§ Nearby Home Values

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See More 

What is Your Home Worth?

- Your Name
- Email
- Phone

Looking to sell in …

Request a FREE Analysis

By proceeding, you consent to receive calls and texts at the number you provided, including marketing by autodialer and prerecorded and artificial voice, and email, from realtor.com and others about your inquiry and other home-related matters, but not as a condition of any purchase. More...

Appeal #453


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Additional Information About 4790 Lewiston Rd, Lewiston, CA 96052

Looking for sold properties? Looking for realistic real estate values in your neighborhood? Look no further! realtor.com® has the most current and exhaustive list of sold properties that you can find on the internet. While other REALTORS® provide records of sales that are not current and in most cases, too old to be reliable, realtor.com® is the most dynamic place for any information you may require. Just enter the information about 4790 Lewiston Rd and you will find what you need at your fingertips.

See More ▼

Nearby Cities
Weaverville Real Estate
Redding Real Estate
Trinity Center Real Estate
Douglas City Real Estate
Hayfork Real Estate
See More ▼
Last Sold for **$675,000**

View up to 3 home estimates

**0** sq ft  
**2.5** acres lot

Commute Time: **4798 Lewiston Rd,**  
Lewiston, CA 96052

141.07%  
More expensive than nearby properties

$280,000  
Neighborhood Median Price

80  
Days since last sold

Property Details

Appeal CCL # 2020-453

Page 8 of 20
Public Records
- House size: 0 sq ft
- Stories: 0
- Lot size: 108900
- Property type: Land
- Date updated: 06/06/2020

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Neighborhood

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$280,000
Median Listing Price

$165
Price Per Sq Ft

Explore The Neighborhood

Property History

<table>
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Appeal CCL #453-2020

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**About History & Taxes Data**

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Arrested after butane honey oil lab explosion, pair is wanted for kidnapping, other serious charges

Two men held in Yuba County Jail for a butane (hash) oil lab explosion will be extradited to face more serious charges in Colorado.

Dimitri R. Shokrikhanegah, 30, of Loma Rica, and Michael A. Syvertson, 39, of Lewiston, were arrested Dec. 12 after a Loma Rica garage exploded and caused a sudden, intense flash burn originating with the butane honey oil lab, according to Appeal Democrat archives.

In Yuba County Superior Court on Thursday, the pair waived proceedings for extradition to Larimer County, Colo., to face felony charges of kidnapping, first-degree assault, two counts of second-degree assault, burglary, and three counts of aggravated robbery.

The Fort Collins, Colo., Police Department did not respond to requests for more information about the charges.

Yuba County sheriff’s deputies and drug task force NET-5 agents seized 300 pounds of marijuana at the site of the explosion Dec. 12, archives show. The home where the garage exploded — in the 5300 block of Fruitland Road and across the street from Foothill Intermediate School — had been abandoned for years but Shokrikhanegah, Prep Roundup .............. Scoreboard .............. Sports .............. Sudoku .............. Weather .............. who is the owner’s son, and Syvertson were hauling hundreds of pounds of marijuana from Trinity County to be processed into oil.

All the windows of the garage were broken and the garage doors were bowed out and charred. Deputies said the explosion caused a flash burn — a sudden and intense heat unable to burn longer because there were no fuels and no oxygen.

Yuba County deputies conducted a felony traffic stop at Eighth and Olivehurst avenues and arrested the pair without incident. Alfaro was booked into Yuba County Jail with $1 million bail; the juvenile was booked into Juvenile Hall.

In a press conference Thursday, Pocatello police said they would not yet release Koehler’s cause of death, what they believe to be a motive and why the boys were in Idaho in the first place. They believe she was murdered between 4 p.m. Monday and 2 p.m. Tuesday. Koehler lived alone.

Pocatello police also said they will be traveling to California to recover evidence as well as extradite TODAY EVENTS

Yuba Community College will present a play at 8 p.m. at Yuba College Theatre, 2088 N. Beale Road, Marysville. “The Curious Incident of the Dog in the Nighttime,”: Fifteen-year-old Christopher has an extraordinary brain; he is exceptionally intelligent but ill-equipped to interpret everyday life. When he falls under suspicion for killing his neighbor’s dog, he sets out to identify the true culprit, which leads to an earth-shattering discovery and a journey that will change his life forever. This play is based on the Novel

https://www.pressreader.com/usa/marysville-appeal-democrat/20190322/281530817363330
Michael Syvertson arrest Lewiston CA

Yuba County Jail inmates to be... appeals-democrat.com

Police Arrest Fort Collins Kidnapping... newcountry991.com

Mike Syvertson Facebook, Twitter... peekyou.com

Explosion leads to drug seizure | News... appeals-democrat.com

2019-03-22 Loma Rica, CA Daily News... newsbreak.com

Mike Syvertson Facebo... peekyou.com

2019-03-22 Loma Rica, CA Daily News... newsbreak.com

2019-03-22 Arroyo, CA Daily News... newsbreak.com

2019-03-22 Loma Rica, CA Daily News... newsbreak.com

assault, kidnapping charges... coloradoan.com

Tuba County Sheriff... actionnewson.com

Hash oil explosion ou... appeals-democrat.com

Explosion leads to dn... appeals-democrat.com

Devon Colder|Klona.com | a... appeals-democrat.com

Montgomery County JM... montgomerycountypolicerpo...
### Party Search Results

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<th>Status</th>
<th>Party Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CRF19-00468</td>
<td>03/15/2019</td>
<td>Felony Petition (Fugitive Complaint)</td>
<td>Closed</td>
<td>Syvertson, Michael Aaron</td>
</tr>
<tr>
<td>CRF18-02240-02</td>
<td>12/14/2018</td>
<td>Felony</td>
<td>Opened</td>
<td>Syvertson, Michael Aaron</td>
</tr>
</tbody>
</table>

1 - 2 of 2 items

### Syvertson, Michael Aaron

<table>
<thead>
<tr>
<th>Case Number</th>
<th>File Date</th>
<th>Type</th>
<th>Status</th>
<th>Party Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>CVPT18-02161</td>
<td>12/31/2018</td>
<td>(05) Unlimited Asset Forfeiture (CVPT)</td>
<td>Active</td>
<td>U.S. Currency, $49,920.00</td>
</tr>
</tbody>
</table>

1 - 1 of 1 items
2 men accused of kidnapping, assaulting victims they believed stole marijuana from farm

Sady Swanson  The Coloradoan
Published 12:07 p.m. MT Mar. 26, 2019 | Updated 11:21 a.m. MT Apr. 22, 2019

Update: Dimitri Shokrikhanegah faces charges of assault, burglary, kidnapping and robbery. Michael Syvertson faces charges of assault, kidnapping, burglary and aggravated robbery, according to Monday's booking report.

Two men who police say traveled from California to kidnap and assault three former employees have been arrested and extradited to Larimer County.

On Nov. 23, Fort Collins police responded to an area hospital to investigate a report of several people receiving treatment consistent with assault.

Police identified 39-year-old Michael Syvertson and 30-year-old Dimitri Shokrikhanegah as the suspects, and detectives located them in Northern California. With help from California law enforcement, the men were arrested and extradited to Colorado, according to a Fort Collins police news release.

Police say Syvertson and Shokrikhanegah came from California to confront the three people who previously worked for them in California. Investigators say Syvertson believed the three men who were assaulted stole marijuana from his farming operation, according to the news release.

According to police, Syvertson and Shokrikhanegah traveled to Fort Collins, found the victims inside a residence, held them captive and assaulted them. After the suspects searched the home, they allegedly threatened the kill the three victims and their families if they called police or sought medical care for their injuries.

Warrants were issued for Syvertson's and Shokrikhanegah's arrests on suspicion of three counts of first-degree kidnapping, first-degree assault, two counts of second-degree assault, first-degree burglary and attempted aggravated robbery.

Syvertson and Shokrikhanegah do not have any criminal history in Colorado, according to court records.

Booking photos of the suspects were not available as of Tuesday morning, according to police. Neither had been booked into Larimer County Jail as of Tuesday afternoon, according to jail records.

Appeal CCL # 2020-453

Anyone with additional information about this incident or these suspects is asked to contact detective Jason Curtis at 970-416-2776 or Crime Stoppers of Larimer County at 970-221-6868 or stopcriminals.org.

Court appearances have not been set for either suspect.

*All suspects are innocent until proven guilty in court. Arrests and charges are merely accusations by law enforcement until, and unless, a suspect is convicted of a crime.*

*Sady Swanson covers crime, courts, public safety and more throughout Northern Colorado. You can send your story ideas to her at sswanson@coloradoan.com or on Twitter at @sadyswan. Support our work and local journalism with a digital subscription at Coloradoan.com/subscribe.*
CRIME

Men assaulted 3 people they believed stole their marijuana, police say

Two men from California traveled to Fort Collins, where they tracked down and assaulted three people who used to work for them, according to police.

FORT COLLINS, Colo. — Two men from California traveled to Fort Collins and then assaulted three people who used to work for a marijuana farming operation owned by one of the suspects, Fort Collins police said in a release.

Officers responded to a hospital on Nov. 23, 2018 to investigate a report that several patients were being treated for serious injuries consistent with an assault.

Men's Wearhouse And Jos. A Bank Stores To Close

Through their investigation, detectives determined that Michael Syvertson, 39, and Dimitri Shokrikhanegah, 30, came to Colorado to confront the victims, who once worked for Syvertson in California. He believed the three men had stolen marijuana from his farming operation, according to police.

Syvertson and Shokrikhanegah traveled to Fort Collins, found the victims at a residence, held them captive, and assaulted them, police said. After searching the home, the suspects left and threatened to kill the victims and their families if they sought medical care or contacted police, the news release said.

Syvertson and Shokrikhanegah were arrested in northern California with the help of local law enforcement. They've been extradited to Colorado and are being held at the Larimer County Jail on the following charges:

- First Degree Kidnapping (class 1 felony)
- First Degree Assault (class 3 felony)
- Second Degree Assault (class 4 felony)
- Burglary (class 3 felony)
- Aggravated Robbery (class 3 felony)

Anyone with additional information about this incident or these suspects should contact Detective Jason Curtis at 970-416-2776. People may also contact Crime Stoppers of Larimer County at 970-221-6868 or stopcriminals.org.

SUGGESTED VIDEOS | Local stories from 9NEWS

Nuggets star Michael Porter Jr. says coronavirus is 'being...
Man arrested in alleged shovel attack

by KCR Staff
Monday, August 12th 2013

RED BLUFF, Calif.- A man is being charged with assault with a deadly weapon after deputies say he hit a Red Bluff man in the head with a shovel.

Michael Syvertson, 34, of Greenwood in El Dorado County, was on Happy Valley Trail in Red Bluff on Saturday when his brother got into an argument with a man who was working on a construction crew, according to investigators.

Tehama County deputies said the fight got heated and Syvertson picked up a square-point shovel and swung it like a bat hitting the worker, then jabbed the shovel at his face, hitting him in the nose and upper lip with the blade.

The construction worker was treated at a nearby hospital for a split lip and a cut on his nose. He got several stitches.

Shortly after this story aired for the first time, Syvertson called KCR News Channel 7 and said the version of the events provided by deputies is incorrect. He said he was with his wife and young child at the time, and used the shovel in self-defense after the construction crew attempted to collect a payment to which they were not entitled.
State v. Syvertson

FILED: April 14, 2010

IN THE COURT OF APPEALS OF THE STATE OF OREGON

STATE OF OREGON,

Plaintiff-Respondent,

v.

MICHAEL A. SYVERTSON,

Defendant-Appellant.

Washington County Circuit Court
Co75995CVA
A139128

Nancy E. Hochman, Judge pro tempore.

Argued and submitted on December 01, 2009.

Ryan R. Corbridge argued the cause for appellant. With him on the briefs was Corbridge and Short Law Group, LLP.

Robert Atkinson, Senior Assistant Attorney General, argued the cause for respondent. On the brief were John R. Kroger, Attorney General, Erika L. Hadlock, Acting Solicitor General, and Amanda J. Austin, Assistant Attorney General.

Before Landau, Presiding Judge, and Schuman, Judge, and Ortega, Judge.

PER CURIAM

Affirmed.

PER CURIAM

Defendant was convicted of possession of less than an ounce of marijuana. ORS 475.864. He is a resident of California and is authorized under the laws of that state to possess and use marijuana for the treatment of "a debilitating conglomeration of symptoms." At a pretrial hearing, he argued that the officer who arrested him lacked probable cause once defendant established his status as a lawful marijuana user under California law, because Oregon is required by the Full Faith and Credit Clause of the United States Constitution, US Const, Art IV, § 1, to honor California's law and permit defendant to possess marijuana in accordance with that state's laws, and that, by enforcing Oregon law against him, the state violated his right to
travel from state to state, guaranteed by the Privileges and Immunities Clause, US Const, Art IV, § 2. The trial court denied defendant's pretrial motions, and defendant renews his arguments on appeal.

We rejected identical arguments in State v. Berringer, ___ Or App. ___, ___ P3d ___ (Apr 14, 2010).

Affirmed.
RESOLUTION NO. 2016-077

A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ADOPTING FOUR PRINCIPLES ON LOCAL REGULATION OF CANNABIS

WHEREAS, Trinity County will be a safe place for all residents to live, to work or enjoy retirement and to raise their families; and

WHEREAS; the historical quality of life and natural environment in Trinity County will be protected and restored; and

WHEREAS; cannabis cultivation in Trinity County will take place without environmental damage and without detriment to neighbors or communities; and

WHEREAS; Trinity County will regain its reputation as a popular tourist destination;

NOW, THEREFORE, BE IT RESOLVED that the Board of supervisors of the County of Trinity hereby adopts the aforementioned four principles on local regulation of cannabis.

DULY PASSED AND ADOPTED this 20th day of September 2016 by the Board of Supervisors of the County of Trinity by motion, second (Fenley/Groves) and the following vote:

AYES: Supervisors Groves, Fenley, Morris, Burton and Fisher
NOES: None
ABSENT: None
ABSTAIN: None
RECIPE: None

L. KARL FISHER, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

MARGARET E. LONG
Clerk of the Board of Supervisors

By: [Signature] 
Deputy
## 2020 Inspection + Followup Email

**Cannabis Division**

**On Site Inspection**

**Inspector:** Jeff Dickey

**Date:** 9/17/20

**License Number:** 453

**APN:** 025-290-13,025-290-3

**Applicant Name:** Mark Dos Santos

**Applicant Phone:** 530-515-0804

**Job Address:** 4790 Lewistia Rd, Lewiston

### Setbacks
- 30' from Property Line
- Neighbors
- Bus Stop
- Schools
- Churches
- Daycare

### Variance Required?
- NO
- YES

### Cultivation Area Defined
- NO
- YES

### Cultivation Fenced
- 100% Complete
- North %
- South %
- East %
- West %

- Fence is 6' in height
- Fence is less than 6' in height
- Fence is more than 6' in height

### Total Cultivation Area (sq. ft)

<table>
<thead>
<tr>
<th>Cultivation Area</th>
<th>(sq. ft)</th>
</tr>
</thead>
<tbody>
<tr>
<td>16,000</td>
<td>13,000</td>
</tr>
</tbody>
</table>

### Lockable Gate
- NO
- YES

### Hoop Houses
- Existing and Permitted
- Existing and Unpermitted
- Proposed

### Greenhouses
- Permitted
- Unpermitted
- Proposed

### Permitted Structures
- All

### Unpermitted Structures
- None

### Proposed Structures
- Metal bldg 40 x 100

### Septic Installed
- NO
- IN PROGRESS
- YES

### Dwelling
- NO
- IN PROGRESS
- YES

### Director's Use Permit
- Complete
- Required
- Not Required

### Distance from Waterways
- Class I (150 ft)
- Class II (100 ft)
- Class III (50 ft)

### In a flood zone?
- NO
- YES

### Water Storage
- NO
- YES
- How much: 1 - 2,500 - 1,100

### Update Plot Plan Required
- NO
- YES

### Currently Cultivating?
- NO
- YES

### State License
- NO
- YES

**Other Comments:** 7 days to achieve 10,000 sq. ft. of canopy
From: Jeff Dickey
Sent: Friday, September 25, 2020 10:59 AM
To: Mary Lancaster
Subject: FW: Compliance

From: Jeff Dickey
Sent: Friday, September 25, 2020 10:51 AM
To: '
Cc: 'Deidre Brower' <db@trinityriverconsulting.com>
Subject: Compliance

Mark,

This is to inform you that after your site visit on 9/24/20 you are in compliance with a canopy measurement of 9750 sq ft.

 Jeff Dickey
Lead Compliance Specialist
Trinity County Planning Dept.
530-623-1354 Ext.5
## Cannabis Division
### On Site Inspection

**Inspector:** Cody Smith  
**Date:** Jul 25, 2019  
**License Number:** ccl-2019-453  
**APN:** 025-290-13-00  
**Job Address:** 4790 Lewiston Rd, Lewiston

**Applicant Name:** Mike Synder  
**Applicant Phone:** 530-739-2381  
**Number Project Type:**

### Setbacks
- [ ] 30' from Property Line  
- [x] Neighbors  
- [ ] Bus Stop  
- [ ] Schools  
- [ ] Churches  
- [x] Daycare

**Variance Required?** [ ] NO [x] YES  
How many dwellings for the variance:

**Cultivation Area Defined** [ ] NO [x] YES

**Cultivation Fenced**
- [ ] % Complete  
- [ ] North  
- [ ] % South  
- [ ] % East  
- [ ] % West

- [ ] Fence is 6’ in height  
- [ ] Fence is less than 6’ in height  
- [ ] Fence is more than 6’ in height

**Total Cultivation Area (sq. ft):** 11,884

**Lockable Gate** [ ] NO [x] YES

**Hoop Houses**
- [ ] Existing and Permitted  
- [ ] Existing and Unpermitted  
- [ ] Proposed

**Greenhouses** [ ] Permitted  
[ ] Unpermitted  
[ ] Proposed

### Permitted Structures

- [ ] Shop
- [ ] Dwellings

### Unpermitted Structures

- [ ] Additions to Shop
- [ ] Buildings

### Proposed Structures

### Septic Installed
- [ ] NO  
- [ ] IN PROGRESS  
- [x] YES

### Dwelling
- [ ] NO  
- [ ] IN PROGRESS  
- [x] YES

### Director’s Use Permit
- [ ] Complete  
- [ ] Required  
- [x] Not Required

### Distance from Waterways
- [ ] Class I (150ft)  
- [ ] Class II (100 ft)  
- [ ] Class III (50 ft)

### In a flood zone?  [x] NO [ ] YES

### Water Storage
- [ ] NO [x] YES  
How much: 6,320

### Update Plot Plan Required
- [ ] NO [x] YES  
Deidre says updated plan

### Currently Cultivating?
- [ ] NO [x] YES

**Other Comments:**

---

Form Updated March 15, 2018
Cannabis Division
On Site Inspection

Inspector: Cody Smith
Date: Aug 24, 2018
License Number: CCL-2018-453
APN: 025-290-13-00
Job Address: 4790 Lewiston Rd, Lewiston

Applicant Name: Michael Syvertson
Applicant Phone: 530-739-2381
Number Project Type: Type 2

<table>
<thead>
<tr>
<th>Setbacks</th>
<th>30' from Property Line</th>
<th>Neighbors</th>
<th>Bus Stop</th>
<th>Schools</th>
<th>Churches</th>
<th>Daycare</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Variance Required?</th>
<th>NO X YES – How many dwellings for the variance:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Cultivation Area Defined</th>
<th>NO X YES</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Cultivation Fenced</th>
<th>100% Complete</th>
<th>North</th>
<th>% South</th>
<th>% East</th>
<th>% West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fence is 6' in height</td>
<td>Fence is less than 6' in height</td>
<td>Fence is more than 6' in height</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Cultivation Area (sq. ft)</th>
<th>11,340</th>
<th>9,506 canopy</th>
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</table>

<table>
<thead>
<tr>
<th>Lockable Gate</th>
<th>NO X YES</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Hoop Houses</th>
<th>Existing and Permitted</th>
<th>Existing and Unpermitted</th>
<th>Proposed</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Greenhouses</th>
<th>Permitted</th>
<th>Unpermitted</th>
<th>Proposed</th>
</tr>
</thead>
</table>

Permitted Structures

Dwelling, Storage building

Unpermitted Structures

Proposed Structures

Greenhouses for the following season

<table>
<thead>
<tr>
<th>Septic Installed</th>
<th>NO</th>
<th>IN PROGRESS</th>
<th>YES</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Dwelling</th>
<th>NO</th>
<th>IN PROGRESS</th>
<th>YES</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Director's Use Permit</th>
<th>Complete</th>
<th>Required</th>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Distance from Waterways</th>
<th>Class I (150 ft)</th>
<th>Class II (100 ft)</th>
<th>Class III (50 ft)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>In a flood zone?</th>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Water Storage</th>
<th>NO</th>
<th>YES – How much: 6330</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Update Plot Plan Required</th>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Currently Cultivating?</th>
<th>NO</th>
<th>YES</th>
</tr>
</thead>
</table>

Other Comments:

Everything was awesome!
# Cannabis Division

## On Site Inspection

**Inspector:** Cody Smith  
**Date:** May 8, 2018  
**License Number:** CCL-2018-453  
**APN:** 025-290-13-00  
**Job Address:** 4790 Lewiston Rd, Lewiston

<table>
<thead>
<tr>
<th><strong>Setbacks</strong></th>
<th>☑ 0’ from Property Line ☒ Neighbors ☐ Bus Stop ☒ Schools ☒ Churches ☒ Daycare</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Variance Required?</strong></td>
<td>☒ NO ☐ YES – How many dwellings for the variance:</td>
</tr>
<tr>
<td><strong>Cultivation Area Defined</strong></td>
<td>☐</td>
</tr>
<tr>
<td><strong>Cultivation Fenced</strong></td>
<td>☐ 50% Complete ☐ North ☐ South ☐ East ☐ West ☐</td>
</tr>
<tr>
<td><strong>Total Cultivation Area (sq. ft.)</strong></td>
<td>15,000</td>
</tr>
<tr>
<td><strong>Lockable Gate</strong></td>
<td>☒ NO ☐ YES</td>
</tr>
<tr>
<td><strong>Hoop Houses</strong></td>
<td>☒ Existing and Permitted ☐ Existing and Unpermitted ☐ Proposed 2</td>
</tr>
<tr>
<td><strong>Greenhouses</strong></td>
<td>☐ Permitted ☐ Unpermitted ☐ Proposed</td>
</tr>
</tbody>
</table>

### Permitted Structures

- **Dwellings, Shop**

### Unpermitted Structures

- **Proposed Structures**

<table>
<thead>
<tr>
<th><strong>Septic Installed</strong></th>
<th>☐ NO ☐ IN PROGRESS ☒ YES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Dwelling</strong></td>
<td>☐ NO ☐ IN PROGRESS ☒ YES</td>
</tr>
<tr>
<td><strong>Director’s Use Permit</strong></td>
<td>☐ Complete ☐ Required ☒ Not Required</td>
</tr>
<tr>
<td><strong>Distance from Waterways</strong></td>
<td>☐ Class I (150ft) ☐ Class II (100 ft) ☐ Class III (50 ft)</td>
</tr>
<tr>
<td><strong>In a flood zone?</strong></td>
<td>☒ NO ☐ YES</td>
</tr>
<tr>
<td><strong>Water Storage</strong></td>
<td>☐ NO ☒ YES – How much: 5 350</td>
</tr>
<tr>
<td><strong>Update Plot Plan Required</strong></td>
<td>☒ NO ☐ YES</td>
</tr>
<tr>
<td><strong>Currently Cultivating?</strong></td>
<td>☐ NO ☒ YES</td>
</tr>
</tbody>
</table>

**Other Comments:**
- If someone is trespassing, please report to the sheriff.
- Downward facing security lights ok per ordinance. Trail cams recommended (night vision).
- Reminder that lights are allowed in hoop house.
- Reminder to obey the ordinance light regulations.

**Emailed 5/14/18 RUB**
July 13, 2020

NOTICE OF APPLICATIONS FOR COMMERCIAL CANNABIS CULTIVATION LICENSE

LISTED BELOW IS AN APPLICATION RECEIVED BY THE TRINITY COUNTY PLANNING DEPARTMENT. YOU HAVE RECEIVED THIS NOTICE BECAUSE YOU OWN PROPERTY THAT IS LOCATED WITHIN 300 FEET OF THE SUBJECT PROPERTY.

APN 025-290-13-00, 025-290-29-00
CCL 2020-453

Located at 4790/4798 Lewiston Rd, Lewiston, CA

In accordance with the California Environmental Quality Act ("CEQA"), the above referenced licenses have been determined to be Categorically Exempt (Class 1 Section 15301 – Existing Facilities).

If you have any questions or wish to receive additional information concerning the above listed cannabis licenses or wish to file an appeal, please contact Mary Beth Brinkley at the Trinity County Planning Department, P.O. Box 2819, Weaverville, CA. Phone (530) 623-1351, ext. 6, or by email at mbrinkley@trinitycounty.org.

COVID-19 NOTICE: Our physical office, located at 61 Airport Rd, Weaverville, is closed to the public in order to limit any potential exposure to the COVID-19 virus, but we are available by mail, email or phone for assistance.

The Planning Director will approve the above referenced CCL on July 24, 2020. Should you desire to appeal this decision, you must do so within 10-working days, or by August 6, 2020, pursuant to Trinity County Zoning Code Section 17.34.110.
April 1, 2019

LISTED BELOW IS AN APPLICATION RECEIVED BY THE TRINITY COUNTY PLANNING DEPARTMENT. YOU HAVE RECEIVED THIS NOTICE BECAUSE YOU OWN PROPERTY THAT IS LOCATED WITHIN 300 FEET OF THE SUBJECT PROPERTY.

NOTICE OF APPLICATIONS FOR COMMERCIAL CANNABIS CULTIVATION LICENSE

1. An application to allow a commercial cannabis cultivation license located at 4790 and 4798 Lewiston Road, Lewiston was received by the Trinity County Planning Department.

A Trinity County Commercial Cultivation License will be issued for this application under a Class 1 Categorical Exemption

Applicant: CCL-2018-453

APN: 025-290-13-00

The Planning Director or designee of the Planning Director will approve the request by April 3, 2019. Should you desire to appeal this determination, you must do so by April 18, 2019, pursuant to Trinity County Code 17.34.110.

If you have any questions, please contact Mary Beth Brinkley at 623-1351, Ext. 6 or at email address mbrinkley@trinitycounty.org.

If you desire to APPEAL this determination, please contact Ruth Hanover at the Trinity County Planning Department, P.O. Box 2819, Weaverville, CA. Phone (530) 623-1351, ext. 4, or by email at info.Planning@trinitycounty.org.
Notice of Exemption

To: X County Clerk
   County of Trinity
   Trinity County Courthouse
   Weaverville, CA 96093

From: Trinity County Department of Planning
       P.O. Box 2819
       Weaverville, CA 96093

Project Title: Cannabis Applicant Project Number CCL-2018-453
Project Location - Specific:
   Location Centroid: 40.6844°, -122.8662°
   APN: 025-290-13-00, 025-290-29-00
Project Location - City: Lewiston
Project Location - County: Trinity

Description of Nature, Purpose, and Beneficiaries of Project:
   Name of applicant and/or LLC: Michael Syvertson
   Type of operation: Small Outdoor Cultivation up to 10,000 square feet
   Parcel Size and Zone: 5 acres/Rural Residential

Upon meeting all requirements of Ordinance No. 315-823 and amendments (Nos. 315-829, 315-830, and 315-841), compliance with all Local, State and Federal regulatory agency requirements, including but not limited to:

- California Department of Fish and Wildlife, pursuant to sections 1602 or 1617 of the Fish and Game Code,
- Compliance with section 13149 of the Water Code as implemented by the State Water Resources Control Board, Regional Water Quality Control Boards, or California Department of Fish and Wildlife,
- Compliance with any conditions requested by the California Department of Fish and Wildlife or the State Water Resources Control Board under section 26060.1(b)(1) of the Business and Professions Code,
- Assurance that all outdoor lighting used for security purposes shall be shielded and downward facing,
- Assurance that applicant will immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered,
- Assurance that requirements for generators pursuant to section 8306 of the California Department of Food and Agriculture Regulations chapter 1,
- Compliance with pesticide laws and regulations pursuant to section 8307 of the California Department of Food and Agriculture Regulations chapter 1,
- Assurance that mixed-light license types of all tiers and sizes shall ensure that lights used for cultivation are shielded from sunset to sunrise to avoid nighttime glare,
- Operations consistent with North Coast Air Quality Control Board Rule 104(d)(2)(c) Prohibition on fugitive dust emissions related to agricultural practices.

- this project is considered to be consistent with the definition of an Existing Facility. The ongoing operation of the facility will not cause additional harm to the environment – specifically with respect to biological hydrological resources, air quality and land use considerations.
Name of Public Agency Approving Project: Trinity County Planning Department
Name of Person or Agency Carrying Out Project: Michael Syvertson

Exempt Status: (check one)
- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption: Article 19 Class 1 Section 15301 Existing Facilities
- Statutory Exemption. State code number:

Reasons why project is exempt: Due to the fact the Cannabis cultivation operation is preexisting at the time of this agency’s determination to file a Categorical Exemption, the project would not create any substantial environmental impacts. Continued operation of the existing facility will not pose a risk to the environment or public safety. The project would require minimal grading and/or materials beyond what is deemed to be operational maintenance and would not require the removal of native vegetation or specimen trees.

CEQA Class 1 Categorical Exemptions under Article 19 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Although the area in which the project is located is not considered environmentally sensitive, designated area expansion of total canopy square footage is not permitted under this Categorical Exemption. The project does not include the expansion of physical improvements that will result in the extensive disturbance of land that has not already been disturbed in previous permitted cultivation operations or in locations where previous cultivation activities have occurred. Site development may be allowed; including but not limited to the construction or modification of structures, fences, irrigations, trellises, planters, roads or similar type operations in a manner that is consistent with preexisting operations. Vegetation clearing or grading of undisturbed areas is not covered by this document.

No exceptions pursuant to Section 15300.2 of CEQA, listed below, apply.

Exceptions pursuant to Section 15300.2 of CEQA
There is no substantial evidence that there are unusual circumstances (including future activities) resulting in (or which might reasonably result in) significant impacts which threaten the environment. The exceptions to the categorical exemptions pursuant to Section 15300.2 of the State CEQA Guidelines are:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located — a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

There are no mapped environmentally sensitive habitats or sensitive plant or animal species at the project location. The project location has been defined by the areas of cultivation and areas of supporting infrastructure, including but not limited to designated access roads, septic, fertilizer storage, diesel storage, compost, fertilizer mixing tank, well and/or outbuildings. Therefore this exception does not apply.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The project, as defined above, is to continue the operation of a historically existing cultivation operation. The scope of the project is limited to the project description and this project is not a
portion of a larger cumulative project at the site of the operation. Therefore this exception does not apply.

(e) **Significant Effect.** A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

There are no known or identified potentially significant effects on the environment. The continued operation of the cultivation operation will not affect the location beyond existing disturbance. Therefore this exception does not apply.

(d) **Scenic Highways.** A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR.

The project does not impact scenic resources. The project site is not on a scenic highway. Therefore this exception does not apply.

(e) **Hazardous Waste Sites.** A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

There are no known hazardous or toxic sites at the project location. Therefore this exception does not apply.

(f) **Historical Resources.** A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.

There are no known historical resources on the subject parcel. The project will not impact neighboring parcels or structures. This categorical exemption does not apply to the expansion of physical improvements that will result in the disturbance of land that has not already been disturbed in previous operations. Grading and/or digging below the existing grade is not an approved component of this project. Therefore this exception does not apply.

---

**Lead Agency Contact Person:**
Rick Tippett

**Signature:**

**Title:** Trinity County Planning Director

---

**Area Code/Telephone/Extension:**
(530) 623-1365

**Date:** 5/13/2019
January 20, 2021

SENT BY ELECTRONIC MAIL

Honorable Diana Stewart
Vice-Chair, Planning Commission
Trinity County
61 Airport Road, P.O. Box 2819
Weaverville, CA 96093
info.planning@trinitycounty.org

Re: Small Outdoor Cannabis Cultivation License
Renewal Project (CCL-453)
4790/4798 Lewiston Road, Lewiston, CA
Hearing Date and Time: January 28, 2021 at 6:00 p.m.

Dear Chair Stewart and Commissioners:

This firm represents Mark Dos Santos (“Dos Santos”), the applicant for a Small Outdoor Cannabis Cultivation License Renewal (“Project”) located at 4790/4798 Lewiston Road in Lewiston, California (“Property”)(APNs 025-290-13-00 and 025-290-29-00). Dos Santos is seeking the following:

1) Denial of an appeal of the Renewal of License CCL-453 for the operation of a 9,750-square foot canopy area outdoor cannabis cultivation operation.

For the reasons explained below, we respectfully request that the Trinity County Planning Commission (“Commission”) deny the appeal of the Planning Director’s approval of the CCL-453 License Renewal. Specifically, the following will demonstrate that: (1) the Project conforms with all applicable standards established in Ordinance No. 315-843 (as well as recently adopted Ordinance No. 315-849); (2) the use of a categorical exemption for the license renewal was legally appropriate; and (3) the Commission can confidently deny the appeal.

This letter is organized as follows:

I. Background Facts Regarding Dos Santos’ Cannabis Cultivation Project at 4790/4798 Lewiston Road.
II. The Existing Cannabis Cultivation Operation Is In Compliance With All Applicable Requirements Set Forth In Ordinance No. 315-843 (As Well As Recently Adopted Ordinance No. 315-849).

A. The Closest Approved School Bus Stop Is Located At Least 1800 Feet From The Project Site.

B. While Appellants’ Description of Mr. Syvertson’s Alleged Actions Are Disturbing, Dos Santos Cannot Be Held Responsible For Mr. Syvertson’s Alleged Behavior Or The Safety Concerns Held By Members Of The Community As A Result.

III. The Director’s Use Of The “Existing Facilities” CEQA Exemption (CEQA Guidelines §15301) Is Appropriate Because The License Renewal Is For Cultivation Activities That Already Exist And Are Ongoing.

IV. Conclusion

I. Background Facts Regarding Dos Santos’ Cannabis Cultivation Project at 4790/4798 Lewiston Road.

The Project site is located on approximately five (5) acres in the Lewiston community, and is made up of two (2) parcels of approximately 2.5 acres each in size. The Project site recently changed ownership on April 27, 2020, and is now operated by Dos Santos doing business as Sabai Family Farms LLC. The Project was originally granted a Cannabis Cultivation License in May 2018. The existing garden is located on parcel APN 025-290-29-00 and consists of approximately 1,200 plants grown in 15 rows of soil bags that are 6.5’ by 100’. The total mature cultivation area is 9,750 square feet. Immature plants are kept in the 20’ by 40’ shop where dried plants will also be processed. There is a residence that was permitted in 1997, and a permitted shop that was constructed in 2014, both on parcel APN 025-290-13-00.

On parcel APN 025-290-29-00, the County has issued a dwelling permit, and there are two proposed accessory buildings for the site: (i) a 6’ by 10’ shed for pesticide and agricultural chemical storage, and (ii) a 40’ by 100’ shop for drying plants, harvest storage, an administrative hold area, and a section to house immature plants. The canopy area, the designated area, and the licensed premises will remain the same.

The existing site is comprised of two parcels that are zoned “Rural Residential-2.5-acre minimum” in the Trinity County Zoning Code (“Zoning Code”). The site has a land use designation of “Rural Residential” in the Trinity County General Plan. The surrounding properties are also designated as “Rural Residential” in the General Plan and are zoned “Rural Residential.” The Cannabis Cultivation use is allowed in both the Trinity County General Plan and Zoning Code.
II. The Existing Cannabis Cultivation Operation Is In Compliance With All Applicable Requirements Set Forth In Ordinance No. 315-843 (As Well As Recently Adopted Ordinance No. 315-849).

The Appellants raise several claims as to the Project’s compliance with all of the requirements set forth in Ordinance No. 315-843. These claims include: (i) the purportedly improper location of the Project within 500 feet of a school bus stop; (ii) the purported non-compliance with CEQA (addressed in Section III, below); and (iii) the alleged violent, dangerous, and felonious behavior of Mr. Michael Syvertson, which has led to concerns of threats and intimidation, harassment, and retaliation. Each of these issues are addressed below.

A. The Closest Approved School Bus Stop Is Located At Least 1,800 Feet From The Project Site.

Appellants correctly note that the Zoning Code requires that no cannabis cultivation will be approved “[w]ithin five hundred feet of an authorized school bus stop” (Trinity County Code §17.43.050(A)(2)), and claims that Dos Santos’ operation is not in compliance. Appellants also insinuate that Dos Santos and/or his employees were nefariously “tampering with the bus stop sign the day before it was removed,” and suggested such actions “can result in misdemeanor and/or felony charges.” These unfortunate accusations are simply false.

First, appellants inaccurately state that “bus stop locations fall within the purview of the California Highway Patrol (CHP) and not local agencies.” While it is true that the CHP is responsible for regulating school bus stops (Vehicle Code §34508), the CHP chose to exercise that authority by expressly delegating the authority to designate the location of school bus stops to the local school district superintendent. (13 C.C.R. §1238(a).) Pursuant to this regulation, CHP only expressly prohibits school bus stops within 200 feet of a railroad crossing, on the left-hand side of any highway, or on a divided or multiple-lane highway where students must cross the highway to board or exit, unless traffic is controlled by an officer or signal. (Id. §1238(b).) Pursuant to this regulation, CHP only otherwise requires its approval when a bus stop is located on a state highway, under specified conditions. (Id. §1238(c).) Here, the Project site is located on a local roadway (Lewiston Road). Thus, the local school superintendents determine the locations of authorized school bus stops.

Second, while Dos Santos has no knowledge as to the circumstances involving the sign’s removal, a review of the various local school district’s bus schedules all demonstrate that there is no official school bus stop at 4790/4798 Lewiston Road. Trinity Alps Unified School District’s 2020-2021 Bus Schedules (“Lewiston Bus 8” Route) identify only one school bus stop in the vicinity of the Project site—Lewiston Road/Dirt Road. (Exhibit 1.) That school bus stop is more than 1,800 feet from the Project site. The very next stop on that route is Highway 299/Poker Bar.
Road.\(^1\) (Exhibit 2,) Lewiston Elementary School District’s nearest school bus stop in the vicinity of the Project site is about two (2) miles away at Lockhart Road. (Exhibit 3,) For these reasons, the Project is not located within 500 feet of a school bus stop and is in compliance with the Zoning Code. (Trinity County Code §17.43.050(A)(2).)

B. While Appellants’ Description of Mr. Syvertson’s Alleged Actions Are Disturbing, Dos Santos Cannot Be Held Responsible For Mr. Syvertson’s Alleged Behavior Or The Safety Concerns Held By Members Of The Community As A Result.

Michael Syvertson was the prior owner of 4790/4798 Lewiston Road and was an earlier operator of a licensed cannabis cultivation operation at this location. The Appellants describe how they “fear for their safety, retaliation, and/or damage to their property” as a result of the behaviors of some cannabis operators in the community. They also describe several disturbing incidents allegedly committed by Mr. Syvertson and his associates, in particular, including a butane hash oil explosion near a school in Yuba County, a “shovel attack” in Red Bluff, and kidnapping and assault of former employees in Colorado. The descriptions of these allegations and the anxiety they cause are certainly disturbing, and Dos Santos sympathizes with his neighboring community and appreciates their concerns. He also agrees that such actions would and should not be tolerated by the County.

It is important to recognize, however, that Dos Santos has no prior or current knowledge of or relationship with Mr. Syvertson apart from purchasing the property from him in 2019. His operation complies with all state and County requirements, and they seek to be a valued and trusted member of the local community. Neither Dos Santos, nor his employees have anything to do with the incidents allegedly committed by Mr. Syvertson, and it would, thus, be inappropriate to hold them responsible. The County has plenty of tools at its disposal to address any issues that could arise in the future, though Dos Santos plans to be a model operator that demonstrates that a cannabis operation can be run successfully and in harmony with the community.

III. The Director’s Use Of The “Existing Facilities” CEQA Exemption (CEQA Guidelines §15301) Is Appropriate Because The License Renewal Is For Cultivation Activities That Already Exist And Are Ongoing.

Appellants raise several environmental concerns impacting property owners/renters in the vicinity of the Project site that are purportedly caused by the Project, including “cannabis odor, noise, night light blight in the entire vicinity…,” as well as water quality, air quality, traffic, and “significant visual degradation.” While Dos Santos disputes these characterizations of their

\(^1\) Note that Google Maps estimates it will take three minutes to drive the 2.2 miles from Dirt Road to Poker Bar Road along this route, which is consistent with the Bus Schedule’s morning route which plans the bus arrival at Dirt Road at 7:23am and its arrival at Poker Bar Road at 7:27am (4 mins.).
operations, and believes any concerns were likely associated with the prior owner’s operations, for CEQA purposes, it is important to remember that this is an existing operation, not a new one.

The Project is for the renewal of a “small outdoor” Commercial Cannabis License (“CCL”) under the Zoning Code, which granted “permission to cultivate cannabis plants” at an “outdoor cultivation site between five thousand one and ten thousand square feet of total canopy” in 2019. For CEQA purposes, the 9,750 square-foot mature cultivation area operation is already established. Thus, the new baseline for the consideration of environmental impacts of the current Project—a CCL renewal—is the existing operations. Any new environmental impacts must be based on a change from the approved and existing cannabis cultivation operation.

The Planning Director’s approval relied on the “Existing Facilities” Exemption (CEQA Guidelines §15301) to comply with CEQA, which allows for:

“the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use….”

Here, the proposed use is the continued operation of an existing “small outdoor” cannabis cultivation operation. There are no proposed changes to the “designated area” (Trinity County Code §17.43.010 [defined as “the hoop-house, greenhouse, and/or outdoor area(s), identified for the planting, growing and harvesting of cannabis, excluding drying, processing and other post-harvest cultivation activities”]), or the “canopy area” (Id. §17.43.010 [defined as “the designated area(s) at a licensed premises that will contain mature plants at any point in time.”]). Thus, because there is no expansion of the existing use, negligible or otherwise, there are no new impacts and the Project is eligible for the “Existing Facilities” exemption from CEQA.

Dos Santos is also considering the potential construction of two accessory buildings—a storage shed and a shop building—both of which would be subordinate and incidental to the cannabis cultivation use that is authorized and regulated by the Cannabis Cultivation License—which are allowed by right in the Rural Residential zoning district. (Id. §17.15.020.) Should the County determine it necessary to address the construction of these two accessory buildings at this time, both would also be eligible for a “New Construction or Conversion of Small Structures” CEQA Exemption. (CEQA Guidelines §15303(e) [“Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.”].)

For these reasons, the Planning Commission should find that the Project is exempt from CEQA, pursuant to CEQA Guidelines section 15301 (“Existing Facilities”), and deny the appeal.
IV. Conclusion

As shown above, the Project’s cannabis cultivation use is operated in compliance with all of the requirements set forth in Ordinance No. 315-843 (as well as recently adopted Ordinance No. 315-849), and is, thus, eligible for renewal. Please let us know if there is any other information that we can provide to assist you in evaluating this request.

Accordingly, Dos Santos respectfully requests that the Commission do the following:

1) Find that, based on substantial evidence in the record, the Project is exempt from the California Environment Quality Act pursuant to CEQA Guidelines section 15301 (“Existing Facilities”); and

2) Deny the Appeal.

We appreciate the opportunity to present this analysis and look forward to answering any questions you may have during the hearing.

Very truly yours,

Diane G. Kindermann

DKH/lh
Enclosures
cc: STAFF
Client
# Morning Bus Schedule

## 2020-21

### Lake/ Bus 9

<table>
<thead>
<tr>
<th>Location</th>
<th>Time</th>
<th>Destination</th>
<th>Time</th>
<th>Location</th>
<th>Time</th>
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<tbody>
<tr>
<td>Hwy 3 &amp; Coffee Creek Road</td>
<td>6:35</td>
<td>East Weaver and Placer</td>
<td>7:34</td>
<td>North Miner</td>
<td>7:55</td>
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<tr>
<td>Hwy 3 @ KOA</td>
<td>6:45</td>
<td>Placer</td>
<td>7:37</td>
<td>Forest Avenue</td>
<td>7:56</td>
</tr>
<tr>
<td>Trinity Center @ IOOF Hall</td>
<td>6:48</td>
<td>Brooks Lane</td>
<td>7:40</td>
<td>Nazarene</td>
<td>7:58</td>
</tr>
<tr>
<td>Upper Covington</td>
<td>7:00</td>
<td>Lyons Tree Service</td>
<td>7:43</td>
<td>490 Oregon Street</td>
<td>7:59</td>
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<tr>
<td>Estrella Heights</td>
<td>7:05</td>
<td>Airport Road</td>
<td>7:45</td>
<td>Hatley Lane</td>
<td>8:01</td>
</tr>
<tr>
<td>Turn out before Stuarts Fork</td>
<td>7:16</td>
<td>5 Cent Gulch</td>
<td>7:45</td>
<td>Moon Alley</td>
<td>8:03</td>
</tr>
<tr>
<td>Rush Creek Estates</td>
<td>7:23</td>
<td>Weaverville Elementary School</td>
<td>7:48</td>
<td>Weaverville Elementary School</td>
<td>8:08</td>
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<tr>
<td>Musser Heights</td>
<td>7:30</td>
<td>THS</td>
<td>7:52</td>
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### Lewiston/ Bus 8

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<tbody>
<tr>
<td>IOOF Camp</td>
<td>6:58</td>
<td>Browns Mtn Road</td>
<td>7:21</td>
<td>Mill Street</td>
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<td>Oak</td>
<td>7:00</td>
<td>Dirt Road</td>
<td>7:23</td>
<td>@ Turn around</td>
<td>7:52</td>
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<tr>
<td>Henrietta</td>
<td>7:05</td>
<td>Poker Bar Road</td>
<td>7:27</td>
<td>Mill Street and Virginia</td>
<td>7:53</td>
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<tr>
<td>Lewiston Mini Mart</td>
<td>7:06</td>
<td>Weaverville Elementary School</td>
<td>7:40</td>
<td>Washington and Mill</td>
<td>7:56</td>
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<tr>
<td>Texas Avenue</td>
<td>7:09</td>
<td>Trinity High School</td>
<td>7:44</td>
<td>North Street</td>
<td>8:00</td>
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<td>Fremont and Second</td>
<td>7:13</td>
<td>Taylor Street</td>
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<td>Viola Street</td>
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<td>Easter @ Hospital</td>
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<tr>
<td>Goose Ranch Road</td>
<td>7:17</td>
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<td>Trinity High School</td>
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### Down River / Bus 6

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<td>Cedar Flat</td>
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<td>Susie Q</td>
<td>6:38</td>
<td>Big Bar</td>
<td>7:28</td>
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<td>Whole Enchilada</td>
<td>6:47</td>
<td>Corral Bottom Road</td>
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<td>Salyer Store</td>
<td>6:50</td>
<td>Trinity Canyon Lodge</td>
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<tr>
<td>Oden Flat</td>
<td>6:52</td>
<td>Junction City Store</td>
<td>7:50</td>
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<tr>
<td>Hawkins Bar</td>
<td>6:55</td>
<td>Trinity High School</td>
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<td>Weaverville Elementary School</td>
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### Douglas City / Bus 4

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<td>B-Bar K Road</td>
<td>7:18</td>
<td>Whispering Pines</td>
<td>7:41</td>
<td>Masonic and Granite Peak</td>
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<td>Jordan Road</td>
<td>7:20</td>
<td>Druny Lane</td>
<td>7:42</td>
<td>Mt.View and Long Street</td>
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<td>Douglas City Fire Hall</td>
<td>7:30</td>
<td>Ransom Road</td>
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<td>Weaverville Elementary School</td>
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<td>Union Hill Road</td>
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<td>Baudizzen</td>
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<td>Glen and Mark Street</td>
<td>7:38</td>
<td>Pioneer and Martin Road</td>
<td>7:45</td>
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*updated 8/5/20*
EXHIBIT 2
Explore Lewiston Rd & Dirt Rd
EXHIBIT 3
LEWISTON ELEMENTARY SCHOOL DISTRICT

MORNING BUS RUNS

2020-2021

7:19 Leave LES

7:22 Trinity Dam Blvd@ Henrietta A1

7:28 Trinity Dam Blvd@ Fish Hatchery B1

7:31 8171 Rush Creek Rd C1

7:36 Deadwood Rd/River Oaks D1

7:45 Goose Ranch Rd @ Salt Flat Rd E1

7:52 Back to LES F1

9/03/2020
<table>
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<tr>
<td>2:55</td>
<td>Trinity Dam Blvd. @ Fish Hatchery</td>
<td>D1</td>
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<tr>
<td>3:03</td>
<td>Lakeview Terrace</td>
<td>I1</td>
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<tr>
<td>3:12</td>
<td>8171 Rush Creek Rd</td>
<td>E1</td>
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<tr>
<td>3:16</td>
<td>River Oaks @ Deadwood Rd.</td>
<td>H1</td>
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<tr>
<td>3:22</td>
<td>Goose Ranch Rd. @ River Rock Rd.</td>
<td>G1</td>
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<tr>
<td>3:25</td>
<td>Goose Ranch Rd. @ Salt Flat Rd.</td>
<td>H1</td>
</tr>
<tr>
<td>3:31</td>
<td>Old Lewiston Rd. @ 48 Lockhart Rd.</td>
<td>B1</td>
</tr>
<tr>
<td></td>
<td>Return to LES</td>
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Updated 01/19/2021
We are writing in support of the appeal regarding the application for renewal of license CCL-453 for 4790 and 4798 Lewiston Rd, Lewiston.

Based on Derek Cole’s testimony and explanation of CEQA requirements for cannabis licenses in Trinity County during the 10/8/20 Planning Commission meeting, this license NEVER SHOULD HAVE BEEN APPROVED. The only cannabis licenses that should have been legally approved without a CEQA review were those issued in 2016-2017, approximately 281-282 licenses. As verified by Kim Hunter’s correspondence with the appellant Laurie Wills (email dated 1/21/21), this license was approved outside of that window. It “was first issued in May 2018 under Cultivation Ordinance No. 315-830” and “was not one of the first initial licenses issued in the first two years (2016 and 2017) of the program.” Therefore, before being approved, it should have been required to have a CEQA review.

Until all the CEQA environmental requirements have been studied and met not only should this renewal be denied but the license should be revoked.

As members of the impacted community, we also have serious concerns about the cumulative effects on our immediate environment in terms of the associated odors, air quality, road degradation, use of pesticides and herbicides and especially potential (likely) contamination of our watershed. However, these issues apparently do not carry as much weight upon your decision as does the CEQA issue.

One more point…as any law enforcement officer would say when “I didn’t know the law” is used as an excuse for a traffic violation…..ignorance of the law is not a valid excuse.

Respectfully,
Roy and Gayl Ward
237 Wellock Rd
Lewiston CA  9605
Dear Sir/Madam,

I am writing to convey my frustrations regarding the continued growth of the Cannabis grow site just down the mountain from where we live at 5001 Lewiston Road. We moved to Lewiston from the Midwestern U.S. for several reasons. One: to have a quiet safe place to raise our three children. Two: So that I could work at the local clinic providing medical services. Three: Because of the beauty of the area. We bought our house with knowledge of the grow we could visualize from our back deck. However, it was much smaller at that time. I have a photo taken in 2018 showing a small site with a few greenhouses. It has grown steadily since that time to a large operation with numerous greenhouses, additional electricity brought in, and more light and sound pollution as a result. We hear loud music playing, see bright lights at all hours of the day and night, and see a disruption in the beautiful view we enjoy. On occasions, my three children have even been able to hear the loud yelling of profane language from down our mountain at the grow site. The peace and quiet we longed for when we uprooted our lives to move here is encroached upon by this nearby grow site. We feel frustrated as we watch the growth continue regularly and see and hear the corresponding changes to our little neighborhood. I did share pictures with Val Griffith, and she can show you how the site has grown and changed from 2018 til now. The growth is exponential. Please consider our concerns and feelings as residents of Lewiston for over the last two years. We would like to stay in our home and in Lewiston at the current location. However, the more the weed grow enlarges, the less likely that is. Thanks for your consideration,

Heidi Johnson and Family

5001 Lewiston Rd
Lewiston CA 96052
Re: Appeal for Commercial Cultivation License (CCL) 2020-453

I am writing to you today to express my support for the appeal that was filed for the above referenced CCL located on Lewiston Rd in the Ohio Hill subdivision of Lewiston just above the One Maple Winery. To increase commercial cultivation in this area would be again adding to the already devastation of these commercial grows in this residential area. This area does not need additional activity of noise, smell, grow lights and traffic. This would be a negligent approval without knowing the environmental impact of what these commercial grows are doing to the land and wildlife. People have a voice, the land and wildlife do not. Please consider the appeal to be a movement in a direction of balance.

Tony and Heidi Miller
Attn: Trinity County Planning Commissioners

Re: Appeal for Commercial Cultivation License (CCL) 2020-453

We are writing to you today to express our support for the appeal that was filed for the above referenced CCL located on Lewiston Rd in the Ohio Hill subdivision of Lewiston just above the One Maple Winery.

We have been owners of a 2.5 acre parcel, 025-290-18-00, in the Ohio Hill area since 1978. It has been our dream to build a vacation cabin or home for ourselves and our children to enjoy. Trinity County is a beautiful area, with friendly people, wholesome values and a sense of Community.

The Ohio Hill area has experienced many changes throughout the years; even so, it has become our Community. Families have moved into this Community to live a peaceful existence, enjoy the air quality and the freedom that once existed.

Just last Summer we, along with our son and his girlfriend, drove over in hopes of looking at our property; as we have done for many years. We have a dream of still developing and building for ourselves and our family. In 2015 we filed and established our right to access our property and recorded all documents. We have recently once again been denied access with a locked gate across the shared road accessing our property.

Last Summer one of our neighbors told us that she was on a walk with her dog when she was approached by an individual, she apparently got to close to the cannabis growing property, and was strongly encouraged to leave the area. Recently it was brought to our attention that our parcel is adjacent to the cannabis growing property in question, and we are concerned. We all have the right to live in peace, in a healthy environment, and with the ability to access our properties without fear or concern. We were not notified of the changes, and have become highly concerned about the negative effects to water, offensive odors, security and property valuations should this activity continue.

Nicola first moved to Trinity County in 1973 from the Los Angeles area working at Trinity General Hospital; loved the people and the lifestyle. In 1972 John started working out of the USFS Weaverville Ranger Station in Fire Suppression. Those that were cannabis growers, at that time, were probably growing illegally; but stayed primarily out of residential areas. The lifestyle,
peace of mind and freedom felt by families living in these residential areas, as well as air quality and the environment, need to be enjoyed now and preserved for future generations.

We are requesting that commercial cannabis growing operations be confined to more rural areas away from established residential areas such as Ohio Hill.

We and our entire family are opposed to the renewing of the licenses for commercial cannabis growing on parcels 025-290-13-00 and 025-290-29-00 (CCL-2020-453), as well as for any other parcels in the area.

Thank you for reading this letter and for hearing our heart on this matter.

Respectfully,

[Signature]

Nicola & John Tomasini
Trinity County Planning Commissioners,

Re: Appeal for Commercial Cultivation License (CCL) 2020-453

My name is Joan E. Carr. I am the owner of the 2.5 acre parcel and home located at 300 Dirt Road, Lewiston (APN # 025-290-015). I support, and am asking you to uphold, the appeal of the Commercial Cultivation License (CCL) 2020-453, located at 4790 and 4798 Lewiston Road (APN # 025-290-013 and APN # 025-290-029). The cultivation parcels are located up hill and across Lewiston Road from my parcel. 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. I value living here in the Grass Valley neighborhood where it has historically been peaceful and quiet. The parcels were originally 2.5 acre and one was developed with a home, like the others in this residential neighborhood. Now with a commercial cultivation on the rear parcel and processing along with the existing home on the frontage parcel we have noticed:

- Pungent odor regularly, more during the summer (daily), sometimes overnight
- Dirt tracking on Lewiston Road
- Heavy vehicle traffic presumably delivering supplies and/or dirt
- Increased traffic load along Lewiston Road
- Noise from presumably large fans, sometimes overnight

I notice these changes from my own home, from my deck and my property and strongly object to them and their possible adverse effect on my property value. We also have concerns related to land disturbance, water quality issues and excessive storm water / irrigation run-off.

Despite the fact the Trinity County Planning Department sent out notices to the property owners located within 300 feet of the subject property stating the above referenced license has been determined to be Categorically Exempt (Class 1 – Existing Facilities) under the California Environmental Quality Act (“CEQA”), this information is not correct. Pursuant to the Planning Director’s email to the appellant(s) dated January 21, 2021, the license was not one of the initial licenses issued in the first two years (2016-2017) of the program. This license was issued in May 2018. Therefore, this project is ineligible for the categorical exemption under CEQA. For this reason I am requesting that the Commissioners uphold the appeal; without the exemption you must legally deny the renewal of this license.

As part of any CEQA determination I request that the cumulative effects of the multiple commercial cannabis sites developed in the last few years in our general Grass Valley Creek neighborhood be assessed. I strongly urge you to uphold the appeal for Commercial Cultivation License (CCL) 2020-453.

Respectfully submitted,

Joan E. Carr PLS RCE

PO BOX 248 Lewiston CA 96052
Dear Planning Commissioners,

I support the appeal filed by Laurie Wills / Friends of the Lewiston Grass Valley Creek. I have several friends that live in Lewiston and Douglas City. I enjoy making the short drive over the hill from Redding to visit them. I also love to attend the Lewiston Peddlers Faire and look forward to going to the One Maple Winery.

As soon as I pass over Buckhorn Summit one of the first things I see driving westbound on Hwy 299 is a large cannabis grow near the highway. The aesthetics and skunky odor is awful. I didn't think cannabis farms were allowed on Scenic Highways or Byways and it certainly sends a poor welcome message to tourists and guests alike visiting Trinity as they enter your county from the east.

Specific to this appeal, I often spend weekend getaways with my friends who live near the winery and in close proximity to the above referenced cultivation site. Once again, I can smell the skunky odor of marijuana as I begin my descent down Lewiston Road to my destination. I love visiting my friends in Lewiston but I don't know how they tolerate this smell day in and day out. They have lovely homes with beautiful views but when you sit outside to enjoy it, you can't escape the odor of the marijuana farm. In addition, I am somewhat familiar with the criminal allegations particular to this site and it is disturbing. It's such a shame Trinity County permits cultivation sites like this one in rural residential neighborhoods. This should not be allowed.

I am requesting that the Commissioners uphold the appeal and deny the license.

Sincerely,
Janice Pearson
Dear Planning Commissioners,

This letter is in support of the appeal to the Planning Director’s decision resulting in the approval of commercial cannabis license CCL-453 located at 4790 and 4798 Lewiston Road.

Our home and business (One Maple Winery) encompass three parcels at the bottom of Ohio Hill in Lewiston. We were once surrounded by beautiful properties and views, but now are dead smack in the middle of several commercial cannabis farms that have stripped the land bare of its natural beauty and resources. CCLs 132 and 133 are immediately adjacent to the east of our property line at Grass Valley Creek, while CCL 453 is west of us, across Lewiston Road on Ohio Hill.

Our issues are truly environmental and quality of life concerns. We’re talking about the cumulative effect of all these commercial grows within one rural residential area. We are exposed to the excessively strong stench of marijuana (and yes, the skunk smell even penetrates through a mask), excessive noise (bulldozers, rock trucks, fans at night, heavy equipment haulers up and down Lewiston Road) and obnoxious greenhouses that are now our scenic views. These nuisances have damaged our business and negatively impact the quality of our life on our own property.

Additionally, we’d like to know how these commercial grows are affecting our water supply. It is commonly known that cannabis plants require a great deal of water. According to the USDA, a marijuana plant requires about 6 gallons of water per day or 900 gallons per plant per growing season. If a commercial farm is growing 10,000 marijuana plants (which we believe is a low estimate), that equates to approximately 9,000,000 gallons per crop. Two crops per year = 18,000,000 gallons. Extend that to the three commercial grows surrounding our property – a romping 54 MILLION gallons of water is being consumed. Where is all that water coming from? And how many years will it take for them to suck out our watershed and dry out our wells and land? What effect do these grows have on the natural habitat along Grass Valley Creek and the Trinity River?

These concerns should be addressed in an environmental impact study, but this compliance element has yet to be enforced. The Planning Director’s decision to categorically exempt this renewal as an existing facility under CEQA guidelines is incorrect. According to Derek Cole, the County’s CEQA attorney who addressed the Commission at the 10/8/2020 meeting during the P-20-28 appeal, the only licenses that potentially may be categorically exempt are those who applied within the guidelines of the 2016 Urgency Ordinance (Ord. 315-816 adopted 8/10/2016, extended 10/13/2016, with a final amendment dated 12/21/2016). CCL-453 was licensed in May 2018 and was not one of the approved initial licenses issued in 2016/2017, a fact confirmed by the Planning Director in an email dated January 21, 2021 to the appellant of this case.

In conclusion we ask, where is our representation? What our neighborhood, our families, our livelihoods now experience is a great contrast to one of the four principles adopted by the Board of Supervisors (Resolution No. 2016-77 adopted 9/20/2016) “WHEREAS; cannabis cultivation in Trinity County will take place without environmental damage and without detriment to neighbors or communities”. How much more damage and detriment should this quaint community have to endure?

CCL-453 renewal is indeed subject to CEQA guidelines now outlined in the Trinity County EIR Appendix C – Cannabis Program Environment Checklist. For this reason, we request you uphold the appeal and deny the renewal of this license.

Sincerely, Ernie and Kristel Bell
January 22, 2021

Trinity County Planning Commission
PO Box 2819
Weaverville, CA 96093
Info.planning@trinitycounty.org

Dear Planning Commissioners,

Re: Appeal for Renewal of Commercial Cultivation License (CCL) 2020-453

We are writing to express our support for the appeal that was filed for the above referenced CCL located on Lewiston Road in the Ohio Hill subdivision just above One Maple Winery. That section of Lewiston Road, from Coffin Road to Ohio Lane often reeks of the odor of cannabis. We had hoped that these type of CEQA violations would be addressed and not allowed by commercial or recreational cannabis growers. Granting the appeal by the homeowners/residents in that area would hopefully lesson the odors coming from this grow.

Thank you for your attention in this matter.

Sincerely,

Katie Quinn & Mel Deardorff
330 River Rock Road
Lewiston CA 96052
To Trinity County Planning Commissioners:

I am writing as a man who grew up along the Grass Valley Creek as it travels to and intersects the Trinity River. I am also a family physician, now providing primary care outside the greater Phoenix, AZ metro area. I treat many people with substance abuse problems, that involve and usually are started by use of cannabis.

By allowing marijuana to be cultivated along the Grass Valley Creek ranch area held by Sabai Family Farms, you are denying the current Grass Valley residents of the freedom of clean air. You deny the residents of freedom to have unpolluted waters. You are allowing the destruction of pristine land that holds the buried remains of my ancestors, the Leas family, who lived and died in that area four generations ago. You are infringing on the rights of current landholders the peace and tranquility that was present when land was purchased in that area nearly 100 years ago.

By allowing marijuana growth, you contribute to addiction development, retardation of normal brain growth in teenagers using marijuana, and you contribute to increasing deterioration of mental health that is worsened by cannabis.

I find it hard to believe that Trinity County would want to be known as an exporter of a substance that ruins lives.

Sincerely

Matthew Wellock, MD
Family Medicine
Queen Creek Banner Health Center
21772 South Ellsworth Loop Road
Queen Creek, AZ 85142

“Making health care easier, so that life can be better.”
January 17, 2021

To the TC Planning Department:

I have concerns about the renewal of the license of this grower adjoining my property. I recently
purchased the parcel that is across the access road from it. This purchase was intended to add acreage
and value to our property. So now I will be more seriously impacted by this decision. My concerns are
not intended to deny the legal rights of my “neighbors”, only to ensure that my own rights and the
rights of other “non-grower” neighbors are being protected from any abuse of the laws and regulations
that should govern this industry. So, the majority of my “complaints” actually focus more on Trinity
County government and how closely its governing agencies are complying with California state laws
concerning commercial cannabis. These are a list of questions/concerns that I believe all of us in
Lewiston need addressed before this license, or any future licenses, are renewed or initiated:

- What is the county’s “track record” of following state laws/regulations from the beginning?
- Why does the process seem weighted in the favor of growers?
- County needs to follow the laws and regulations of the legal cannabis cultivation to the letter
  (actually do background checks on individuals obtaining licenses, require CEQA on all, etc.)
- Was this license issued following all of these laws/regulations?
- Consider the cumulative effect (especially environmental) of the number of licenses being
  issued with any apparent concern for the other taxpayers’ concerns or welfare
- Crimes in the existing “cash-only” legal cannabis grows...in the past our area was issued a
  “shelter in place” order while criminals evaded law enforcement after a robbery of a local
  growers
- Are background checks required for the “managers” as well as the absentee owners? If not, why
  not?
- Why does the county allow absentee owners?
- Water – has there been a study done to see if the area has adequate supply for multiple large
  scale agricultural operations?
- Zoning “Rural/Residential” not suitable for multiple large scale “Agricultural” operations?
  Cannabis need designated area to thrive in that is separate from residential communities like
  ours.
- Nuisance issues-smell, barking/unleashed dogs running loose in an unfenced property, heavy
  equipment noise, fans...my business is being affected as I am trying to draw in “tourism” to a
  pristine mountain environment

I would appreciate a delay in this renewal while all of these concerns, and others of my neighbors, are
addressed adequately by the county.

Sincerely,

Nancy Anderson

One Thing Ranch – Aplacas & Argentine Llamas

Lewiston, CA 96052
January 24, 2021

Dear Planning Commissioners,

Re: Appeal - Commercial Cultivation License (CCL) 2020-453

I am writing to you today to express my support for the appeal that was filed for the above referenced CCL located on Lewiston Rd in the Ohio Hill subdivision of Lewiston above the One Maple Winery and also just above my property.

I drive by this property frequently and every time in the late afternoons I can smell the extremely offensive odor from this extensive grow property. This odor triggers a headache. The order is so bad throughout the evening into the late night that it permeates into the rooms on that side of the property, my shop and my vehicle. I cannot go into my shop to work unless I open the windows to air it out, but wait I can’t do that because of the odor outside. When I had family here for several weeks this past summer/fall due to the passing of a family member they were so inconvenienced by the odor they had to keep the windows closed during the hot nights.

This past fall dozer operations ran pretty much throughout the day well into the late evening for several days; so much for a relaxing cool evening out on the back porch with the noise and the extreme odor. Felt like I was living in an industrial zone in Los Angeles. Come to find out that what they were doing was illegal. If it was any one of us other neighbors, we probably would have had a visit by the county immediately and asked to shut down. They only got away with a hand slap because they “didn’t know”. Sure.

I am concerned about the so-called previous owner, Mr. Syvertson’s along with his criminal background. You can’t tell me that the current owner and previous owner are not connected somehow. I believe Mr. Syvertson still has investment in this property and the cannabis despite who’s name is on that license.

The roads are seeing extensive wear and tear from the heavy trucks and trailers and water trucks, there is erosion washing down on to the pavement from the dirt road or driveway adjoining this property.

After getting educated and despite the fact the Trinity County Planning Department sent out notices to the property owners that are located within 300 feet of this property stating that this license has been determined to be Categorically Exempt (Class 1 – Existing Facilities) under the California Environmental Quality Act (“CEQA”), I am now with the understanding that this information is absolutely incorrect!

Pursuant to the Planning Director's email to the appellant(s) dated back in January 21, 2021, that license was not one of the initial licenses issued in the first two years (2016-2017) of the program. This license was issued in May 2018. This tells me that this project is ineligible for the categorical exemption under CEQA. It is for this reason I am requesting that the Commissioners uphold the appeal; without the exemption you must legally deny the renewal of this license. It seems to me that if they continue to grow then they would be operating illegally.

I would like to see the county re-direct Cannabis operations to appropriate cannabis-zoned areas that are far from residential neighborhoods. At least keep them to a minimum. There should be a cap on the number of farms allowed. Enough is enough. I’ve lived in Trinity County for well over 40 years and never thought I would have to fight for a right to have fresh air. Never thought I would have to worry about the water I’m drinking because of the risk of toxins in the water table. It saddens me to experience and see its demise due to these pot farms. I live here in this rural area for the peacefulness, the tranquility, the beauty. We did not settle here for the noise, the smell, the destruction of the natural resources that now plague this valley and the criminal element that it brings. I don’t like living in fear, I don’t like it when somebody pulls up into your driveway
behind you with their headlights on at night when you get home - all because they picked the wrong driveway. Yes, they were looking for a pot farm, wrong driveway. Yes, not related to the permit above but it happened.

I do understand that its legal now, I do understand what is here now is probably here; however as stated before enough is enough. I’m losing the quality of life I moved up here for and I feel very strongly that I should not have to fight for it. I’ve had enough, it’s time that this community be listened to before it gets further out of hand. It’s not fair that the growers get what they ask for despite the rules and no matter what the rest of us think or how we feel.

To conclude, if they want to have their “farm”, then please comply - control the odor, follow all state and county guidelines like the rest of us have to, quit destroying the landscape and the eco-system, contribute to the tax base and the community like the rest of us. Quit harming the neighborhood, the rest of us don’t.

I think now’s the time and it’s only fair that you take us seriously and listen to this community.

_Uphold the appeal._

Sincerely,

Phyllis Swanson
4361 Lewiston Road
Lewiston, CA
Planning Commission:

I am writing to support the appeal that has been filed referencing the above. My husband and I have lived in this area for 44 years, have raised our six children in the community and like most of our neighbors, we have invested our life savings and our hearts in this area. By so doing, we have committed ourselves to doing what we feel is right and legal for this area and doing what is morally right for ourselves and our neighbors. We have been active members in this area, in the community and in Trinity County as a whole. We have lived here, paid taxes here, sent our children to schools here, and have tried to do what is legally and morally right, not just because this is expected of us but because it is what we tried to teach our families and what we believe in with our whole hearts. We have funded several scholarships for seniors graduating from high school in the fields of agriculture, timber and land development. Some of us have had children who have come back to our community and are working hard to ensure the strength and well-being of Trinity in ways that are morally right and ethically correct. Some of us have relatives that have been buried in this area and we feel strongly that disturbing these ancestors is akin to disturbing sacred ground. By rearing and guiding our families in ways that are right, we feel that we are enriching the community in which we reside. We taught them that it isn't just about making as much money as you can, no matter how much you might harm your neighbor. Large grows in our area lower the property values of our places, unless we should sell to growers, which we will not do.

We are greatly concerned about the environment created when large grows are allowed to flourish. We live downhill from the above referenced appeal area and wonder about the water safety for not only us, but for all the residents of Ponderosa Pines, Grass Valley Creek Subdivision, as well as areas surrounding it. We all have wells, use various methods of water storage or have riparian water rights from both Grass Valley Creek and the Trinity River, as well as run off water from the appeal area. What effect might this have on us, our animals, our vegetable gardens and fruit trees? As users of water from Grass Valley Creek as well as the Trinity Rivet, we have to file yearly water usage reports with the State Water Board. Do the growers do the same? Who checks up on them to make sure they are compliant? As landowners in this area, we have worked closely with TRRP (Trinity River Restoration Project) and in so doing, have allowed them to access our property and surrounding areas. They work to improve the area and we support this action.

With large grows coming in to our area, we, as already established homeowners, feel threatened by the people that work these grows. Research into some of the property owners has revealed a criminal background. We don't feel safe hiking, or horseback riding like we did previously. We can see the damage done to our County roads and see and hear the heavy traffic on them. We feel like those of us who have invested in our community for years should be heard and recognized as those having the most to lose, should this appeal fail.

Sincerely,

Peggy and David Wellock

P.O. Box 126
Leavistown, CA 96052
Dear Planning Commissioners,

Re: Appeal - Commercial Cultivation License (CCL) 2020-453

I am writing to you today to express my support for the appeal that was filed for the above referenced CCL located on Lewiston Rd in the Ohio Hill subdivision of Lewiston just above the One Maple Winery.

I drive by this property multiple times a day and more often than not have experienced the extremely offensive odors from this extensive grow property. I have witnessed the trees on this parcel being decimated and bulldozed down. A couple of times while visiting adjacent parcels, I was approached by the residents and I felt threatened by their actions. I am especially concerned about the ‘true’ owner, Mr. Sywertson’s criminal behavior and repercussions that may ensue from the community’s attempts to rid our neighborhood of his thug (and worse) behavior. Let’s not kid ourselves here; Mr. Syvertson has full control of his property and its cannabis operations ... even from his jail cell ... no matter who’s name is on this license.

Despite the fact the Trinity County Planning Department sent out notices to the property owners located within 300 feet of the subject property stating the above referenced license has been determined to be Categorically Exempt (Class 1 – Existing Facilities) under the California Environmental Quality Act (“CEQA”), this information is not correct. Pursuant to the Planning Director’s email to the appellant(s) dated January 21, 2021, the license was not one of the initial licenses issued in the first two years (2016-2017) of the program. This license was issued in May 2018. Therefore, this project is ineligible for the categorical exemption under CEQA. For this reason I am requesting that the Commissioners uphold the appeal; without the exemption you must legally deny the renewal of this license.

Thank you for your consideration. I know that our Lewiston community as a whole very much supports the county redirecting Cannabis operations to proper cannabis-zoned areas of the county that are far removed from our residential neighborhoods ... despite our Rural Residential zoning. Agricultural activities should be restricted to properly zoned parcels to protect our valuable recreational and tourism resources as well as our rural RESIDENTIAL neighborhood areas.
Text TrinityHomes to to see Homes for Sale in Trinity County.
If your property is currently listed for sale, please disregard. It is not our intention to solicit the listings of other brokers.

IMPORTANT NOTICE: Never trust wiring instructions sent via email. Always independently confirm wiring instructions in person or via a telephone call to a trusted and verified phone number. Never wire money without double-checking that the wiring instructions are correct.
Dear Planning Commissioners,

I am urging you to support the appeal that was filed for the above referenced CCL located on Lewiston Road in the Ohio Hill subdivision, just above One Maple Winery. I live in Lewiston and go through that area quite often. The smell at times is horrendous. Everytime I drive through there when the smell is so overpowering, I wonder how anyone could live in that area and have to deal with the odor on a regular basis. Even though it isn’t constant it is usually the worst during a time of year that you would want to be outside enjoying the pleasant weather. The odor is so bad you couldn’t be outside. I realize this is a legal grow but the county needs to deal with odor mitigation and other complaints before approving or renewing licenses. If the grow disrupts the live of the area residents it should not be permitted.

Please consider the wishes of the residents in this area and support the appeal.

Thank you,
Susanne Risso
Greetings.

I have written several letters detailing some of the issues that have arisen since the approval of far too many permitted cultivation sites in the Lewiston Grass Valley “neighborhood”. I’ve detailed roaming dogs, heavy equipment noise that lasts all day and beyond. I’ve been asked to provide difficult to locate parcel numbers, permit numbers, and various other bureaucratic hurdles.

But, in reality, this issue should be far simpler than the County is making it.

I have lived up on a ridge, overseeing the valley for over twenty years. When I moved here, my ridge was so quiet. When I looked to the north, the west, and the south, it essentially looked as if I was the only human for MILES. In the past five plus years, that has been completely destroyed.

Now, houses are going to be built. Other people, just as I did, are going to migrate into our wonderful area. I understand the principles of growth. I understand I don’t get the shut the door behind me when I get in. I am not unrealistic in my expectations of progress.

But what the county has permitted to be done to our area really SHOULD be criminalized.

So, in case this letter will get tossed otherwise, I’ll throw in one of your required numbers for specificity-

CCL-453.

There. That’s likely the grow that LEAST affects me, and yet even at a distance I have indeed had entire days ruined with heavy equipment noise, including a massive earth mover I could see at a distance with my naked eye. And, allegedly, I have been told they aren’t even permitted to do an “improvement” that massive without previous clearance.

The grow on Coffin Road has absolutely assaulted the entire community with odors. I can drive down Lewiston Road in the Ohio Hill area, and with my vehicle’s windows rolled up STILL be accosted with a massive odor. Where I stop to check my mail, on the valley floor several hundreds of yards from One Maple Winery, I need to hurry and get my mail and get back in my vehicle or I actually get a headache from the stench in warm weather. I even need to keep my windows rolled up on the lower part of my driveway right above the grow. I used to have a spot there where I would have a picnic and enjoy the view. I haven’t been able to spend any time on my lower property line between fear of rogue dogs, and odor induced headaches. I feel quite certain that our already established local business,
One Maple Winery, will never be able to survive this assault on their home and their livelihood. They were building at the same time I arrived in 1999. Legal cannabis wasn't even a pipe dream at that time. And, yet, the county is allowing their business to be murdered in the name of money for licensure.

This past year, when I needed to replace my water pump in Snipe Gulch, the water level was the lowest I have ever seen it in all of my years here, including through the worst of our drought.

There is no planet of which I am aware where that ever should have been allowed to happen. And, now that it has happened, there seems to be no interest in acknowledging an obvious egregious error and correcting it.

Furthermore, there is a grow that I can see from my back yard, to the south, on the south side of 299. That grow is expanding at a rate that is utterly alarming. There used to be one white greenhouse in a narrow area. Now, there are multiple buildings, and they continue to rape the mountainside with more and more expansive outdoor grow areas. They have added so many lights that remain on 24 hours a day, that it is beginning to look like the beginning of a small town. They have removed so many, many trees and destroyed the view. They burn EVERY SINGLE DAY from dawn to dusk and beyond, leaving the entire valley with a permanent haze. I honestly can say that, by comparison to the pre-legalization world, the view from my backyard looks like Las Vegas. The light pollution has impacted the ability to see stars in the way I did back when my kids were little and at home.

This all makes me beyond sad. And, the county should absolutely be ashamed of what they’ve allowed to happen here. I am not anti-pot. Heck, I am not even anti-legalization.

What I AM against is the country so anxious to get a cash grab going that you’ve completely forgotten about those of us that moved here, worked for far lower wages than anywhere else to build a community, and probably the only part that the county would notice or pay attention to- we pay our taxes.

The idea that I am paying taxes to further this abominable behavior by the county makes me, for the FIRST time, angry that I have to yield my hard-earned pay to enable the destruction of our community. What exactly has the County done for us? Destroyed our view, destroyed our ability to enjoy the outdoors without walking through stench and getting headaches?

You have allowed light pollution, ignored air and odor pollution, ignored expansion of these grows in a manner that should never have occurred.

I will wrap up now, as my anger is beginning to overcome my attempt at civility.

This is a massive county. We are one of, if not the, lowest populations per acre in the state.

There is NO way a grower’s convenience of proximity to a town for supplies, ease of access to water, and laziness to not wish to grow in an outlying area should supplant tax paying residents, who moved here for our beauty and remoteness, for our clean air and silence.

If I came to look at property in my area today, instead of in the late 1990’s?

I’d go to a different county. And, that said, I don’t think there is anyone that advocated for the greatness of our home here more than myself. There is no way to count the number of old friends I
have steered to Trinity County to come and visit our businesses, rent rafts, go backpacking, hire local fishing guides, eat dinner out, and go to live music events over the past two decades.

While it would be fantastic to believe anyone in the county “government” cares enough to admit they were wrong, and make things right? I have lost all confidence in Trinity County’s elected officials and cash grabbing permits pimps.

Prove me wrong. Please.

Sincerely,

Scott Simpson

Lewiston, CA
Deborah Rogge

From: Sunday Tadlock
Sent: Monday, January 25, 2021 7:32 PM
To: Info.Planning
Cc: Laurie Wills
Subject: Re: Appeal for CCL 2020-453

Follow Up Flag: Follow up
Flag Status: Flagged

To whom it may concern:

Re: Appeal for CCL 2020-453

I am writing this letter in support of the appeal filed for the above referenced CCL. I have been recreating in Trinity County with my family and close friends for over 10 years. Every year we go to Trinity to camp in Douglas City and Trinity Center, hunt in the Shasta-Trinity National Forest (particularly in the Lewiston area), and fish on Trinity Lake. My children have played in ball tournaments at the Weaverville park. I spend a lot of my free time in Trinity County and love what it has to offer with its endless outdoor experiences.

I have observed the changes with the influx of commercial cannabis operations popping up all over the county. I understand cannabis was legalized in California but I am not a fan of it - in fact I loathe it. I am disappointed to witness the environmental degradation these commercial grows are having on the scenery and the communities.

I have some close friends who own a home next to this CCL and when I visit them in Lewiston more often than not, I am greeted with the reeking smell of marijuana. To me the odor is overwhelming. I sometimes park my trailer on their property when I stay up there and when I do, I have to keep my windows closed. I really sympathize with my friends having to endure these conditions. I understand there is a host of problems at this operation. This is an intrusion on the non-cannabis neighbors 'property rights' to enjoy, in safety, the major investments they have made for their lifestyles and the lifestyle legacy for their families.

The community leaders had a choice to ban commercial cannabis like so many other counties have in California. Instead they opted to allow it and what's worse they are allowing it in residential areas like the Ohio Hill subdivision. Odor is a major nuisance so of course this appeal comes as no surprise.

I'm asking the Commission do the right thing, and in this case, it is to deny the license.

Thank you for your consideration.

S. Tadlock

Redding, CA

Sent from my iPhone
Deborah Rogge

From: Shawn Wills
Sent: Monday, January 25, 2021 1:46 PM
To: Info.Planning
Cc: Laurie Wills
Subject: Appeal of CCL 2020-453

Follow Up Flag: Follow up
Flag Status: Flagged

To Planning Commission members,

I am writing to you today in support of the appeal for CCL 2020-453.

As a former resident of the Lewiston valley this is the place that I call home. This is the place I was raised and grew up in. My family still lives here and I visit every month. I have always envisioned moving back and raising my children here as well. My home is changing and not for the better. With grows popping up all over some legal others not so much. This valley doesn't feel so much like home anymore.

My biggest issue with these grows and this site in particular is the overwhelming odor that permeates from these properties and covers the valley like a blanket for all to smell whether they want to or not. I believe you know the smell I am referring to, you often smell it in September and October. When driving from 299 west bound to Weaverville it can be smelled multiple times along the way. When passing Poker Bar, when passing Steel Bridge Vitzhum Gulch. You can smell it as you approach Indian Creek Lodge and the Red Barn. Passing Union Hill and Browns Mountain you can smell it. We all know the smell and we all know how overwhelming it is. These people in support of this appeal have to deal with this smell every single day and not only "Harvest Months" but all year around. The frustration it has caused is very apparent. Imagine the embarrassment of having company over and they get out of the car and all they can smell is Cannabis. Imagine going to grandma's house and playing outside in the smell of cannabis. If Mr. Dos Santos cared at all about his neighbors and the people that have lived in this valley for years. He wouldn't allow the smell coming from his property to fill the houses and properties of his surrounding neighbors. I know there are many other complaints about these grows and the effects they are having. I wanted to mention the one that has been most noticeable to me.

In regards to the renewal of this license,
This license was granted in error by the Trinity County Planning Department claiming an exemption that should never have been applied. The initial license was issued with an exemption, after the exemption period had passed. This was an error by the planning department. Due to this error the Planning Commission should have no choice but to deny the renewal of this license and shut down operations effective immediately.

Thank you for taking the time to read,

-Shawn Wills
RE: Appeal Hearing for CCL-453 / Jan 28 2021

Dear Planning Commissioners,

Our parents have built two homes on Dirt Rd in Lewiston both of which are adjoining properties to the above referenced commercial cultivation operation (CCL-453) located at 4790/4798 Lewiston Road. They sold one of the homes [230 Dirt Rd] but still reside in the other [250 Dirt Rd]. Our family has lived in Trinity for over 20 years. We are writing to express our support of the appeal for a multitude of reasons.

Although we no longer reside in Trinity County, it will always be home and we return often to visit family and friends. We have fond memories playing in the Grass Valley Creek at the winery with the neighbors and walking along Lewiston Road to have picnics and swim with family and friends at the Hamilton Ponds. We used to play basketball and video games with the boys in the neighborhood; one lived at the above referenced house, another near the fly shop, another at the winery, and two others at two different homes on Coffin Rd. Three out of the six homes that were owned by families where we used to hang out are now owned by commercial cannabis cultivators. This example demonstrates a 50% change in the demographics in the neighborhood in a few short years.

Water quality and availability is a primary concern due to the influx of commercial cannabis operations and the amount of water needed for their projects … which understandably far exceeds the usage needs of a normal household. These concerns are compounded during back to back years of drought. According to the United States Drought Monitor, Trinity County's drought classification is D3 (Extreme Drought) as of its 1/19/21 update.

Based on discussions we've had with our parents there is concern about the grading work that took place at the above referenced project site in August 2020. These concerns stem from a mudslide incident that nearly “red-tagged” a neighbor's home at the end of Dirt Rd after that property owner had some grading work done a few years ago. Our family home is right below the project site currently under appeal.

A sustaining nuisance is ODOR. We realize odors affect people differently but there is no denying it—marijuana stinks! It has a very distinct skunk like odor. You may as well compare it to the smoke conditions from wildfires because the two have very similar effects on people and often force them to stay indoors because the air-quality is bad. Air quality indexes are communicated to the public by government agencies regarding how polluted the air is; smoke advisories are given to warn people with sensitive health conditions to stay indoors and keep their windows closed. Residents have to obtain burn permits and call the North Coast Air Quality Management District to find out if it's a permissible burn day before they can burn on their private properties. There is plenty of information on the internet that confirms regulators are not keeping pace with the spread of legalization of marijuana and it is common place for residents to claim the stench of weed disrupts their quality of life, lowers their property values and causes problems for people with respiratory issues. These
claims are commonplace because they're true—and this is exactly what's happening with this appeal. There are no carbon filters used on outdoor grows and this license was issued for an outdoor grow.

For these reasons, we ask you to uphold the appeal and deny the license. It should never have been issued without the required CEQA site specific review.

Sincerely,

Travis Wills
To Whom it May Concern,

As the fight to stop the growing number of pot farms continues in my beloved hometown, my heart goes out to my family and friends that are living through this nightmare. Please do not renew this license! The pot farms that are currently stinking up the beautiful valley, sucking up the water, polluting the beautiful starry skies with grow lights, covering up the sound of crickets and birds with generators and tractors, they are taking away from the peaceful life the residents once knew and loved. How these pot farms were allowed to be mixed in with this residential neighborhood in the first place is beyond me, but you have the opportunity now to fix this wrong and not renew the license and require that a proper CEQA review has been completed, which should have happened before these pot farms were allowed to exist in the first place.

I have attached some pictures from one of the pot farms that will give you a glimpse into the owner's farm. How would you like to have huge pot plants, 9 foot tall by 20 foot round, next to your home? Imagine the smell and the amount of water those plants require.

Regarding the hoop houses, I hope that the County and Fire Officials are doing their job of inspecting the farm to make sure hoop housing rules are being followed, such as the 100’X30’ size, the required door exit sign, no extension cords being used, and that the temporary housing is being removed after 180 days. If not, the Planning Commission needs to have them removed or require them to follow the provisions of the Trinity County Building Code and get permits.

And if the picture of the 20-foot fire doesn't worry you, well, you must not have lived through the many fires Lewiston has experienced. This careless disregard for the community speaks volumes. I'll let the picture and comments of the tractor and lights speak for itself.

Lastly, is there any rule or law about children being present around pot farms???? A reasonable, responsible person would think that should not be allowed. I shudder to think about what could happen if a child accidentally consumed the pot...

Please do not renew the license and please consider closing down the pot farms in Lewiston that are affecting the way of life of the residents who have called Lewiston home for many, many years.

Thank you for your time.

Alicia Muhr
Add a comment...

December 3, 2017

Liked by gamphire and others

need any help brotha I could

growingushdreams if you

View replies (1)

1 like Reply

careful outthere guys
not smart in this season be
u guys have water near by that's

smokey-the-bear-farms hope

1 like Reply

#canadabinfire #deepperhearted
#wrapnup #winefish #grassfire
toot grass fire

sabahfamilyfarms enjoying a twenny

Follow sabahfamilyfarms
Add a comment...

December 6, 2017

Liked by daninguptto and others

Same on adloing parcels...

1. No more than 5 hoop-houses per parcel

2. The hoop-houses must be removed within 180 days of construction.

3. Epoxy and/or paint must be used on all surfaces of the hoop-houses.

4. The hoop-houses must be located at least 30 feet from any adjacent buildings.

5. The hoop-houses must be located at least 30 feet from any existing structures.

6. The hoop-houses must be located at least 30 feet from any existing trees.

7. The hoop-houses must be located at least 30 feet from any existing fences.

8. The hoop-houses must be located at least 30 feet from any existing roads.

9. The hoop-houses must be located at least 30 feet from any existing pipelines.

10. The hoop-houses must be located at least 30 feet from any existing utility poles.

11. The hoop-houses must be located at least 30 feet from any existing power lines.

12. The hoop-houses must be located at least 30 feet from any existing electrical conduits.

13. The hoop-houses must be located at least 30 feet from any existing water lines.

14. The hoop-houses must be located at least 30 feet from any existing sewer lines.

15. The hoop-houses must be located at least 30 feet from any existing gas lines.

16. The hoop-houses must be located at least 30 feet from any existing telephone lines.

17. The hoop-houses must be located at least 30 feet from any existing cable lines.

18. The hoop-houses must be located at least 30 feet from any existing internet lines.

19. The hoop-houses must be located at least 30 feet from any existing security systems.

20. The hoop-houses must be located at least 30 feet from any existing fire protection systems.

21. The hoop-houses must be located at least 30 feet from any existing irrigation systems.

22. The hoop-houses must be located at least 30 feet from any existing drainage systems.

23. The hoop-houses must be located at least 30 feet from any existing stormwater management systems.

24. The hoop-houses must be located at least 30 feet from any existing wetlands.

25. The hoop-houses must be located at least 30 feet from any existing natural areas.

26. The hoop-houses must be located at least 30 feet from any existing natural resources.

27. The hoop-houses must be located at least 30 feet from any existing natural features.

28. The hoop-houses must be located at least 30 feet from any existing natural habitats.

29. The hoop-houses must be located at least 30 feet from any existing natural landscapes.

30. The hoop-houses must be located at least 30 feet from any existing natural communities.

31. The hoop-houses must be located at least 30 feet from any existing natural ecosystems.

32. The hoop-houses must be located at least 30 feet from any existing natural processes.

33. The hoop-houses must be located at least 30 feet from any existing natural functions.

34. The hoop-houses must be located at least 30 feet from any existing natural relationships.

35. The hoop-houses must be located at least 30 feet from any existing natural changes.

36. The hoop-houses must be located at least 30 feet from any existing natural variations.

37. The hoop-houses must be located at least 30 feet from any existing natural disturbances.

38. The hoop-houses must be located at least 30 feet from any existing natural adaptations.

39. The hoop-houses must be located at least 30 feet from any existing natural resiliences.

40. The hoop-houses must be located at least 30 feet from any existing natural recoveries.

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Add a comment.

June 30, 2018

Liked by farmaccurateinc and others

A healthy and vigorous comparison.

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fix it. Had it with less, funny

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Sabel Sneak Farms Nine feet tall and

...
July 29, 2018

Liked by good Vibes always and others

King Geo604

130W

counterculture #nomorelosses
controlling #fightfortobuild #outland

#TigersEye #candyman #lyfehood

#IPAing #drinkingwhiskey

#drunkowereating #cuttingedges

to go it said
not too long ago and told us we had

@saabifamiyfarms. Thanks were up

Follow @saabifamiyfarms. Thanks were up
To whom it may concern,

As a Lewiston resident who lives next to the cannabis grow that is subject of this appeal, I would implore the planning commission to uphold the appeal and suspend the license of this grow. We live in Lewiston to enjoy the beautiful views, fresh air, and a simpler lifestyle.

The main impact we have experienced thus far is the sickening smell of the crop. This is not limited to the “bud months”, but even now, into January, we very frequently get strong odors on our property. During the budding months and into harvesting, the odor heavily blankets the area, to the point where the odor permeates into our home as well. We cannot enjoy an evening outside without the smell. We cannot leave windows open without the smell coming into our home. The smell is a constant reminder of the operation and the negative impact it has on our property values and our lifestyle.

Per their attorney’s letter, we see that this “small grow” has every intent of expanding, with a chemical shed and a 40’ x 100’ foot shop where, among other activities, plants will be dried and new plants housed, all equating to more smell. The community is concerned what long-term effects these chemicals will have on water quality and the impact on water usage to the water-table.

We have also been informed that this grow is not part of the initial 281 exempted properties and should have undergone a CEQA study prior to obtaining a license. If this is the case, then the appeal should be upheld until a comprehensive CEQA study has been completed, including how the grower will address the issue of the smell.

Sincerely,

Scott and Debra Crawford

4860 Old Lewiston Rd.
January 24, 2021

Re: Appeal - Commercial Cultivation License (CCL) 2020-453

Trinity County Planning Dept,

I, like the vast majority in my community, very strongly urge you to deny the renewal of the CCL for the above referenced parcel.

In addition to the known cumulative effects such as noise of dozers working, unsightly viewshed, premature destruction of Lewiston Road including rocks and mud left on the road from rain runoff and truck traffic leaving their access road, unsavory element among others, I would like to address just one. The smell.

What would you do if you had a dead skunk on your porch? You would get rid of it because the smell would be overwhelming. This is the sickening smell that we live with almost every day here. I realize offensive smells are subjective, but this should not be allowed to continue. Nearly everyone who visits us comments on the odor. In the evenings, when the wind subsides and the cooler air settles in, it is nauseating. The stench permeates into our home, our vehicles and out buildings.

It scares me to think of the effects that are not yet known. The ground water we drink, for example.

It is unconscionable to believe that you would allow this to continue by granting this renewal.

Don Swanson
4361 Lewiston Rd
Lewiston, CA
Dear Planning Commissioners,

Re: Appeal for Commercial Cultivation License (CCL) 2020-453

I am writing to you today to express my support for the appeal that was filed for the above referenced CCL located on Lewiston Rd in the Ohio Hill subdivision of Lewiston just above the One Maple Winery.

The odors are so strong in our area due to the commercial growing of the marijuana that you can't even enjoy going outside any longer. At times there has been very loud noises due to excavating machines that they have used to take down trees which also made it impossible to enjoy the outdoors. We are very worried about the water eroding the mountain causing mud slides and contaminating our well. It has already turned brown once. When it rains, they drive their truck and trailers down the main road and mud is everywhere. We've seen they have put shipping containers on the property, and I don't know if they must have a permit for that or not, but they have them there. These are all very important concerns we have regarding the disturbances that are going on right here in our small community and it is affecting everyone who lives here.

Despite the fact the Trinity County Planning Department sent out notices to the property owners located within 300 feet of the subject property stating the above referenced license has been determined to be Categorically Exempt (Class 1 – Existing Facilities) under the California Environmental Quality Act (“CEQA”), this information is not correct. Pursuant to the Planning Director's email to the appellant(s) dated January 21, 2021, the license was not one of the initial licenses issued in the first two years (2016-2017) of the program. This license was issued in May 2018. Therefore, this project is ineligible for the categorical exemption under CEQA. For this reason, I am requesting that the Commissioners uphold the appeal; without the exemption you must legally deny the renewal of this license.

Thank you,
Roger Teuscher
Donna Teuscher
Deborah Rogge

From: Gary Griffith
Sent: Monday, January 25, 2021 2:24 PM
To: Info.Planning
Cc: Kim Hunter
Subject: Re: Appeal - Commercial Cultivation License (CCL) 2020-453

We are writing to express our support for the appeal of CCL-453 located at 4790 and 4798 Lewiston Road (APN #025-290-013 / #025-290--029). Our property on 230 Dirt Rd is one of the adjoining pr...

Follow Up Flag: Follow up
Flag Status: Completed

We have felt threatened and intimidated by the people at this operation and were compelled to change some of our routines as a result to mitigate additional encounters and ensure our safety. We have lived here for over 16 years yet we are the ones adjusting our routines as a result of the adverse circumstances created by cultivators who moved into the neighborhood less than 5 years ago. Nonetheless, we still have to drive by this property almost on a daily basis as we travel up Lewiston Rd to access Hwy 299. According to the file records, this operation has a small outdoor CCL. Whether we are driving past the site in our vehicles or outside in our yard, we can smell the pungent odor throughout the summer and this smell intensifies during harvest season. We continue to occasionally smell the odor into the winter months (Nov-Jan) based on activities that must be occurring at this project.

On August 10, 2020, a bulldozer was working at this site until 7:30 pm; it had been at the site working for several days leading up to this date. Based on the number of days this work was performed there is a high probability significant changes were made to the project site. At the time this work was performed there was a 'stay' on the renewal of the license as a result of the appeal that was timely filed on August 6, 2020.

As recently as this winter we have observed tire tracks of heavy red clay mud on Lewiston Rd coming out of the driveways (they have 2) at this operation leading both up and down Lewiston Rd for quite some distance in each direction. I believe if any of our other neighbors including myself had done this we would have tried in some way to clean it up just the same if we had spilled any other kind of debris on the road. This has not been an isolated event; it has happened more than once that I myself have noticed. Between this operation and the commercial cultivation operations on nearby Coffin Rd, we are dealing with cumulative impacts with respect to odor, increased commercial vehicle traffic and noise. I am also concerned regarding water runoff as we are directly below this property. If they are not following county guidelines I am concerned that we may be affected by runoff produced by their activities.

Despite the notice we received from the Trinity County Planning Department dated July 13, 2020, indicating the above referenced license has been determined to be Categorically Exempt (Class 1 – Existing Facilities) under the California Environmental Quality Act (“CEQA”), we have since learned this determination is not accurate. Pursuant to the Planning Director’s email to the appellant(s) dated January 21, 2021, this license was not one of the initial licenses issued in the first two years (2016-2017) of the program. This license was issued in May 2018. Therefore, this project is ineligible for the categorical exemption under CEQA. For this reason we are asking the Commissioners to uphold the appeal; without the exemption you must legally deny the renewal of this license.

Respectfully submitted,
Gary and Valerie Griffith
230 Dirt Rd
Lewiston
Trinity County Planning Commissioners,

Growing up at the mouth of Trinity River and Grass Valley Creek, provided a childhood full of adventure. Exploring the safe, quite space along Browns Mountain road, mountain and creek trails along Grass Valley Creek. Adventures I would take, on my horse, by myself feeling comfortable in my neighborhood, enjoying the area my family choose to raise us in. Drank from the irrigation ditch that ran through Don and Monica Coffin's property. Property that had previously been owned by my family, the Leas, whom are buried on the property. Knowing the history of our family, what an opportunity to know and visit. I left Trinity County, to attend Shasta College and Chico State University. In 2000, when job opportunities were offered for my husband and I, we chose to return to Trinity County, to raise our family and be part of the community. We are both employed in Trinity County, and are raising our children here. Sadly, because of the way the community is crumbling apart, growers are taking over and allowed to destroy Trinity County, I do not plan on retiring here. Trinity County is becoming a community that is not safe for myself or my families health or well-being.

As Marijuana has become common place, forced into our lives, I am disappointed in our community leaders for allowing Trinity County to become an area where growers flock to. People are giving up, selling out and leaving the community. They are leaving because the growers are not held to any standards or accountability for the environment. Allowed to clear timber, build roads, poison water ways, no plans submitted, no over sight by water quality or inspections by the state. All awhile poisoning the water that the community of Grass Valley Creek depends upon. The safe feeling and tranquility is gone because of the growers and their employees, who have no respect for the community or the law.

Allowing the grows in Trinity, especially along Grass Valley Creek, are destroying an amazing community. One by one families, that have lived here for decades are leaving. Families are being torn apart because of the availability of Marijuana. The families that remain, are exposed to harsh chemicals in their water and fear of the Growers and their employees. I hope that those represent Trinity County will begin doing the right thing, and protect the community. Make the area a safe and healthy place to live. A place that respectable people want to move to, and retire in.

Thank you for your time.

Shannon Wellock Taylor
Human Resources Manager
Trinity River Lumber Company
March 5, 2021

**SENT BY ELECTRONIC MAIL**

Honorable Diana Stewart
Chair, Planning Commission
Trinity County
61 Airport Road, P.O. Box 2819
Weaverville, CA 96093
info.planning@trinitycounty.org

Re: Small Outdoor Cannabis Cultivation License Renewal Project (CCL-453)
4790/4798 Lewiston Road, Lewiston, CA
Hearing Date and Time: March 11, 2021 at 5:30 p.m.

Dear Chair Stewart and Commissioners:

This firm represents Mark Dos Santos (“Dos Santos”), the applicant for a Small Outdoor Cannabis Cultivation License Renewal (“Project”) located at 4790/4798 Lewiston Road in Lewiston, California (“Property”). Dos Santos is seeking the following:

1) Denial of an appeal of the Renewal of License CCL-453 for the operation of a 9,750-square foot canopy area outdoor cannabis cultivation operation.

After reviewing comment letters submitted by members of the community raising some concerns regarding the Project and the California Environmental Quality Act (“CEQA”), our office is writing to clarify why the use of a categorical exemption for the license renewal is appropriate to comply with CEQA. For the reasons explained below, we respectfully request that the Trinity County Planning Commission (“Commission”) deny the appeal of the Planning Director’s approval of the CCL-453 License Renewal. Specifically, the following will demonstrate that: (1) the Project conforms with all applicable standards established in Ordinance No. 315-843 (as well as recently adopted Ordinance No. 315-849); (2) the use of a categorical exemption for the license renewal was legally appropriate; and (3) the Commission can confidently deny the appeal.

This letter is organized as follows:
I. Use Of A Categorical Exemption Under CEQA Does Not Mean A Project Has Not Complied With CEQA.

II. The “Existing Conditions” CEQA Exemption Is Appropriate For The Project Because The Conditions That Existed At The Time The Application Was Filed And Deemed Complete Is The Appropriate “Project Baseline” For CEQA Review.

III. Even If The County Did Not Fully Comply With CEQA When It Originally Approved The Project, The Applicant Is Entitled To A Legal Presumption That The County Fully Complied With CEQA And Established A New Baseline For Future Discretionary Decisions.

IV. Conclusion

I. Use Of A Categorical Exemption Under CEQA Does Not Mean A Project Has Not Complied With CEQA.

As raised by several commenters on the Project, there is considerably frustration with the perception that the Project “never went through CEQA” when it was initially approved and, therefore, must “complete CEQA” now. Neither of these statements are true, though it is understandable that some have gotten that impression. The reason for this is the term: “CEQA Exemption.”

“CEQA Exemption” appears by its own terms to suggest that the use of an “exemption” means that the “exempt” project does not have to comply with CEQA. CEQA Guidelines section 15061, subsection (a), however, makes it clear that a project may only be determined to be “exempt” after the lead agency “has determined that an activity is a project subject to CEQA….” (Emphasis added.) Once the project is found to be subject to CEQA, then the lead agency can determine whether the project is eligible for:

(i) a statutory exemption (CEQA Guidelines §15260, et seq.);
(ii) a categorical exemption (CEQA Guidelines §15300, et seq.); or
(iii) the “common sense” exemption (CEQA Guidelines §15061(b)(3)).

If it is determined that the project is not eligible for any of the above, then an initial study/mitigated negative declaration (“IS/MND”) or environmental impact report (“EIR”) is required. Thus, it is more accurate to think of an exempt project as not requiring any additional CEQA review, rather than concluding that the project has not been subject to CEQA review at all.

As for the three categories of exemptions, the two most commonly used types are the statutory exemption and the categorical exemption. In both cases, the types of projects that are eligible for them is determined by the Legislature. The various rationales for the adoption of
many statutory exemptions is varied. Essentially, they are activities that were deemed—in the Legislature’s infinite wisdom, or lack thereof, depending upon your point of view—to not require any more CEQA review for reasons that are sometimes explained and sometimes inexplicable. In all cases, however, the statutory exemption is binding and absolute when a project falls within its terms. Categorical exemptions, on the other hand, have much in common with each other. The Legislature concluded that in most cases, while recognizing there can be exceptions, the environmental effects from these types of projects are sufficiently minimal that if the terms of the exemption are met, then no further CEQA review is required.

II. The “Existing Conditions” CEQA Exemption Is Appropriate For The Project Because The Conditions That Existed At The Time The Application WasFiled And Deemed Complete Is The Appropriate “Project Baseline” For CEQA Review.

Another important foundational element of CEQA review is the “project baseline.” The “baseline” is normally defined as “the physical environmental conditions as they exist at the time the notice of preparation is published, or…at the time environmental analysis is commenced….” (CEQA Guidelines §15125(a)(1).) The “baseline” concept is very important because CEQA is focused only on whether a project has the “potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment…” (CEQA Guidelines §15378(a) [emphasis added].) In addition, the physical change must result in a “substantially, or potentially substantial adverse change in any of the physical conditions in the affected area.” (CEQA Guidelines §15382.) These concepts are important because the County’s ability to regulate the Project under CEQA is limited to the significant or potentially significant effects that result from that change in conditions. (CEQA Guidelines §15041(a) [“A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment…”].) Here, the Project does not result in any sort of physical change in the environment.

Appellants also raise several environmental concerns impacting property owners/renters in the vicinity of the Project site that are purportedly caused by the Project, including “cannabis odor, noise, night light blight in the entire vicinity…,” as well as water quality, air quality, traffic, and “significant visual degradation.” While Dos Santos disputes these characterizations of their operations, and believes any concerns were likely associated with the prior owner’s operations, for CEQA purposes, it is important to remember that this is an existing operation, not a new one. The physical changes that resulted from the licensed activity have already occurred and no physical changes are proposed or authorized by the approval of the license renewal.

The Project’s “small outdoor” Commercial Cannabis License (“CCL”) was previously granted “permission to cultivate cannabis plants” at an “outdoor cultivation site between five thousand one and ten thousand square feet of total canopy” in 2019. For CEQA purposes, the 9,750 square-foot mature cultivation area operation is already established. Thus, the new baseline for the consideration of environmental impacts of the current Project—a CCL
renewal—is the existing operations. Any new environmental impacts must be based on a change from the approved and existing cannabis cultivation operation.

III. **Even If The County Did Not Fully Comply With CEQA When It Originally Approved The Project, The Applicant Is Entitled To A Legal Presumption That The County Fully Complied With CEQA And Established A New Baseline For Future Discretionary Decisions.**

As discussed above, appellants and other commenters claim that the Project did not previously comply with CEQA are understandable, though inaccurate. The CCL approval in 2019 was subject to CEQA and determined to be eligible for an “Existing Conditions” categorical exemption. While that determination was made prior to Dos Santos’ purchase of the Property, it is our understanding that the decision was proper because, much like today, the operation was already in existence when the new Commercial Cannabis License program went into effect. To the extent anyone believed that decision was flawed, the time to file an action challenging that determination was no later than 35 days from the filing of the Notice of Exemption on May 13, 2019. (Pub. Res. Code §21167(d).) Because no litigation was filed, the decision to approve the CCL in 2019 is now legally presumed to be adequate under CEQA and establishes a new baseline. *(See CREED-21 v. City of San Diego (2015) 234 Cal.App.4th 488 [city’s revegetation project near a storm drain that was recently repaired under a CEQA “emergency exemption” as a result of storm damage was eligible for the CEQA “common sense” exemption, because the emergency repair work established a new baseline for review of the revegetation project].)*

A similar principle applies here. Whether or not the prior CEQA exemption determination was proper (though every indication in the record appears that it was appropriate), the unchallenged approval established a new baseline for the CEQA review of the Project. And because the Project is a request for renewal of an existing cannabis cultivation license, the baseline for such CEQA review is whether the renewal license request proposes or authorizes any changes from the existing conditions. Since no changes are proposed or authorized by the CCL renewal, use of the “Existing Facilities” exemption is the prudent and proper CEQA determination for the Project.

IV. **Conclusion**

As shown in our previous letter, the Project’s cannabis cultivation use is operated in compliance with all of the requirements set forth in Ordinance No. 315-843 (as well as recently adopted Ordinance No. 315-849), and is, thus, eligible for renewal. Furthermore, as an existing operation that was already approved and previously evaluated under CEQA, the Project is entitled to the legal presumption that the prior CEQA review was valid and proper, thereby establishing a new baseline for the evaluation of future discretionary decisions. Please let us know if there is any other information that we can provide to assist you in evaluating this request.
Accordingly, Dos Santos respectfully requests that the Commission do the following:

1) Find that, based on substantial evidence in the record, the Project is exempt from the California Environment Quality Act pursuant to CEQA Guidelines section 15301 ("Existing Facilities"); and

2) Deny the Appeal.

We appreciate the opportunity to present this analysis and look forward to answering any questions you may have during the hearing.

Very truly yours,

Diane G. Kindermann

DKH/ro
cc: STAFF
Client