KELLY, CARLSTROM & NOBLE

50 Santa Rosa Ave Ste. 320, Santa Rosa, CA 95404
620 Broadway, Sonoma, CA 95476
707-935-6100. Fax 707-935-6181. KCN.LAW

April 30, 2019

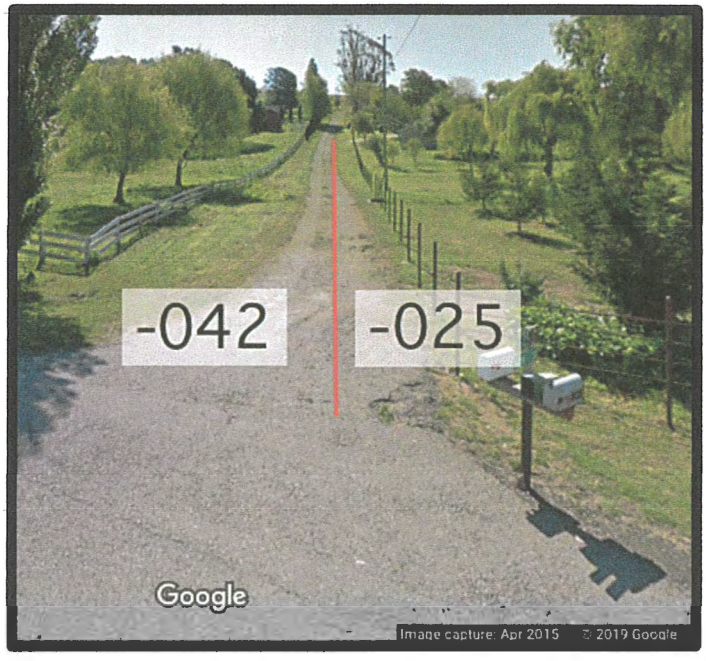
Kyle Rabellino
Amy Lyle
Sonoma County PRMD
Via Hand Delivery

Re: *6095 Bodega Avenue.*

Mr. Rabellino and Ms. Lyle-

This memo analyzes the ownership issues pertaining to the above-referenced address and related APNs. Essentially, parcel -042 was created long after the road was constructed, and was designed to mirror the contours of the road as it existed. The road was, obviously, designed for collaborative use and enjoyment of all the parcels connected to it. The legal parcel, however, was described inaccurately, resulting in a portion of the road remaining on parcel -025. Parcel -042 (the road) was later deeded to Kristine Wright. The Wrights, thus, own the parcel which is designed to contain the road in fee simple. That the road actually deviates from the parcel is of no legal consequence, and the use of the road cannot now be constrained.

By way of background, complaining neighbors at -025 are suggesting that the only way the Wrights can continue to use the -042 roadway is by virtue of a prescriptive easement over a small sliver of their territory, the -025 parcel. The image at the right illustrates roughly their suggested property line (*in red*) with the two parcels marked.




This presents the challenges of establishing the elements for a

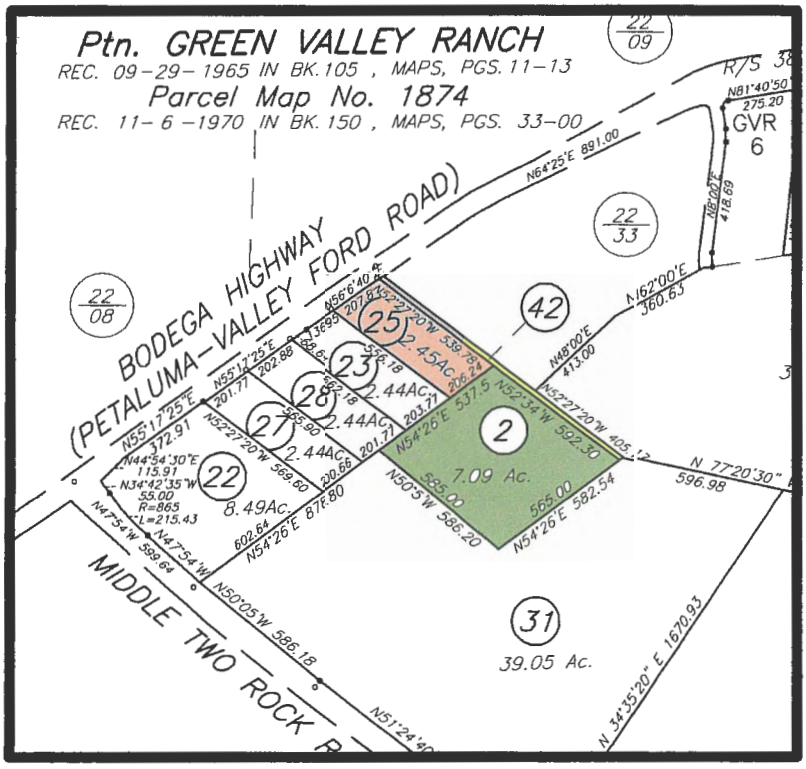
prescriptive easement, which are basically the same as to establish title by adverse possession-that the easement was:

- Used continuously for a period of five years, and,
- Possessed in a manner that was:
  1. open
  2. notorious
  3. clearly visible to the owner of the burdened land
  4. **hostile** and
  5. adverse to the owner.

Here, because cannabis cultivation related traffic was not done during the relevant period, and that such use would be required to meet all the prongs of a prescriptive easement, the neighbors would attempt to argue that the Wrights cannot use the roadway for any use that relates to cannabis.

However, the analysis of the neighbors glosses over important points. The subdivision of the various parcels in this case suggests that there was probably common ownership at some point in the past. This is important because the law treats properties that were held in common ownership at the time of subdivision as ones that create the potential for implied easements. Such subdivision at the time of common ownership can also give rise to easements by necessity, which are effectively easements as a matter of law. Thus, the neighbors' assertion that the Wrights' use of the roadway is through a prescriptive easement is patently false.

The -002 parcel constitutes part of the subdivision of what was known as the "Green Valley Ranch." The -002 parcel was likely one of the original parcels, if not the original parcel, the homestead, that constituted the ranch. This is due to the fact that the -042 lot, which most of us recognize as the flagpole of a flag lot, must have come about during the subdivision of the various lots, because it matches the boundaries of the much larger inhabitable parcels that the very long and narrow "roadway parcel" adjoins. Reasonable investigation will



bear out that the roadway parcel was created a time when it was in common ownership with all or almost all of the parcels at issue. Further, an historical analysis will likely prove that the roadway parcel had a road on it at the time of subdivision, as the road itself is a long, curving course that does not bear the hallmarks of contemporary engineering and building codes, but that looks much more like an upgraded dirt farm road.

This fact of common ownership raises two important legal doctrines. The first is that of implied easement. A transfer of real property creates an easement in favor of the grantee, to use other real property of the grantor in the same manner and to the same extent as the property was obviously and permanently used by the grantor for his or her benefit at the time the transfer was agreed on or completed. Civ. Code § 1104. In other words, when the owner of two parcels sells one of them, or the owner of one tract sells part of it, the purchaser takes the parcel or part sold with all of the benefits and burdens that appear, at the time of sale, to belong to it, as between it and the property that the seller retains. *Glass v. Gulf Oil Corp.* (1970) 12 Cal. App. 3d 412, 432, 89 Cal. Rptr. 514. This is the doctrine of implied easements, the purpose of which is to give effect to the actual intent of the parties as shown and inferred from all of the facts and circumstances. Accordingly, whether or not an easement was implied depends on the intent of the parties; and to sustain an easement by implication, the intent of the parties to create such an easement must clearly appear. *Walters v. Marler* (1978) 83 Cal. App. 3d 1, 21, 147 Cal. Rptr. 655 (disapproved on other grounds in *Gray v. Don Miller & Associates, Inc.* (1984) 35 Cal. 3d 498, 507, 198 Cal. Rptr. 551, 674 P.2d 253).

The following elements are necessary to create an implied easement:

- A separation or severance of title must occur so as to imply a unity of ownership at some time.
- Before the separation takes place, the use that gives rise to the easement must have continued in an obvious manner long enough to show that it was intended to be permanent.
- The easement must be reasonably necessary to the beneficial enjoyment of the land conveyed.

*Mikels v. Rager* (1991) 232 Cal. App. 3d 334, 357, 284 Cal. Rptr. 87; *Warfield v. Basich* (1958) 161 Cal. App. 2d 493, 498-499, 326 P.2d 942 (action to quiet title to implied easement).

Apparent use is why it is important that the road existed at the time of subdivision. The required obvious or apparent use is one that is visible on the servient estate or consists of an artificial or permanent structure on the servient tenement, such as a pipe, sewer, or ditch. *Warfield v. Basich* (1958) 161 Cal. App. 2d 493, 499, 326 P.2d 942; *Swarzwald v. Cooley* (1940) 39 Cal. App. 2d 306, 325, 103 P.2d 580. Here, to the extent the road was visible at the time of subdivision, the use would be of a type normally

apparent to anyone, as opposed to a seasonal or temporary use. **Here, further, the specific, odd dimensions of the -042 parcel imply its use as a roadway and a right-of-way, in effect conveying property with a reference to a roadway**. This is similar to cases where land was conveyed by reference to a map or plat showing proposed streets, an easement was implied in the grantee's favor for use of the streets as private ways. *Marin County Hospital Dist. v. Cicurel* (1957) 154 Cal. App. 2d 294, 303, 316 P.2d 32; see *Ratchford v. County of Sonoma* (1972) 22 Cal. App. 3d 1056, 1069 n.6, 99 Cal. Rptr. 887. In effect, the very odd nature of parcel -042 implies the use of a then-existing road that was intended for the benefit of, among others, the -002 parcel.

The standard for implication of an easement is reasonable necessity. The grantee is required to show, for example, not that there is no other means of access to his or her property, but only that the easement is reasonably necessary to the beneficial enjoyment of his or her land. *Owsley v. Hamner* (1951) 36 Cal. 2d 710, 720, 227 P.2d 263; *Piazza v. Schaefer* (1967) 255 Cal. App. 2d 328, 335, 63 Cal. Rptr. 246. The potential reduction in the value of the benefitted property if the easement were eliminated may be considered, since the property's use and its value are directly related. *Owsley v. Hamner* (1951) 36 Cal. 2d 710, 720, 227 P.2d 263. The cost of creating a substitute means of access can also be considered in deciding whether use of a right-of-way easement is reasonably necessary. *Leonard v. Haydon* (1980) 110 Cal. App. 3d 263, 268-273, 167 Cal. Rptr. 789. Here, clearly, the use of the road is reasonably necessary for the Wrights' continued use and enjoyment of their parcel and the legal uses to which they intend to put it.

The second doctrine is the more restrictive easement by necessity doctrine, sometimes also referred to as the "right-of-way" easement. A right-of-way easement arises by operation of law when it is established that:

- There is a strict necessity for the easement, and,
- The dominant and servient tenements were under the same ownership at the time of the conveyance giving rise to the necessity.

*Roemer v. Pappas* (1988) 203 Cal. App. 3d 201, 205-206, 249 Cal. Rptr. 743; *Reese v. Borghi* (1963) 216 Cal. App. 2d 324, 332-333, 30 Cal. Rptr. 868.

An implied easement rests primarily on a preexisting use. An easement by necessity is based on the need for a right-of-way easement across the granted or reserved premises, and on the public policy that land should not be rendered unfit for occupancy or successful cultivation by denial of access. *Reese v. Borghi* (1963) 216 Cal. App. 2d 324, 330-331, 30 Cal. Rptr. 868; *Daywalt v. Walker* (1963) 217 Cal. App. 2d 669, 672, 31 Cal. Rptr. 899. A way of necessity results from the presumption that when a grantor conveys property, he or she conveys whatever is necessary for the beneficial use of that property and retains whatever is necessary for the beneficial use of the land he or she still possesses. *Daywalt v. Walker* (1963) 217 Cal. App. 2d 669, 672-674, 31 Cal. Rptr. 899. The presumption, however, is one of fact, and creation of a way of necessity depends on the

terms of the deed and facts of the particular case. *Id.* Accordingly, a way of necessity will not be found if it is shown that it is contrary to the intent of the parties. *County of Los Angeles v. Bartlett (1962) 203 Cal. App. 2d 523, 529-530, 21 Cal. Rptr. 776; see* Daywalt v. Walker *(1963) 217 Cal. App. 2d 669, 674-676, 31 Cal. Rptr. 899.*

Here, the creation of the -042 parcel evidences an intent to allow access to a then-existing roadway, and any fact-finder should presume that whatever was necessary for the successful access to the -002 parcel was intended to be conveyed in conjunction with the -042 parcel, and that an easement would thus exist over the roadway on the new -025 parcel to ensure access.

Under either doctrine, it becomes clear that the intent in the creation of the -042 parcel was to grant full access to the Wright's parcel. Indeed, the Wrights now own the -042 parcel in fee simple. Thus, the use of the road cannot now be constrained or enjoined by the complaining parties.

Very Truly Yours,

Erin B. Carlstrom John A. Kelly Brian A. Noble

JAK/sw

KELLY, CARLSTROM & NOBLE

50 Santa Rosa Ave Ste. 320, Santa Rosa, CA 95404
620 Broadway, Sonoma, CA 95476
707-521-0780. Fax 707-935-6181. KCN.LAW

August 28, 2019

Kyle Rabellino
Amy Lyle
Sonoma County PRMD
2550 Ventura Ave
Santa Rosa, CA 95403

| | |
|---|---|
| *File #* | *UPC17-0018* |
| *Applicant Name:* | *Two Rock Ventures, Attn: Michael Wright* |
| *Owner Name:* | *Fenix Farms, LLC, Rachel Lester & Kristine Wright* |
| *Address:* | *6095 Bodega Ave, Petaluma* |
| *APN:* | *022-200-002* |

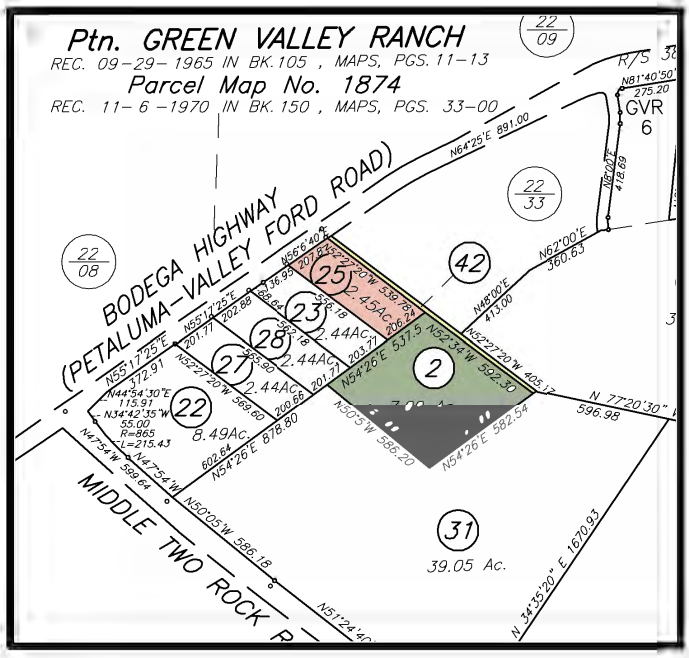
Dear Mr. Rabellino and Ms. Lyle:

This letter is a followup and continuation of the analysis we sent on behalf of our client to you on April 30, 2019. This is further a response to the June 24 letter of Kevin Block, Esq., that argued that an elephant is in a mousehole, in that a minor drafting error relating to the -042 parcel prevents cannabis cultivation. In fact, the agreed-to boundary of the parcel as established by the predecessors in interest definitively resolves the claims of the June 24 letter. The County should recognize that this attack is purely a masquerade. Correction of the status of title is in the interest of the County, and is consistent with the law and the facts, as the parties have themselves acknowledged.

As you may recall, our April 30, 2019 letter reviewed the status of title pertaining to the above-referenced address and related APNs. As that letter noted, parcel -042, a creation designed to mirror the contours of Raven Road, was and is collaboratively used and enjoyed by all the parcels connected to it, including the parcel owned by Fenix Farms, Rachel Lester and Kristine Wright (*hereafter "Wright"*), that is the subject of UPC17-0018. The correspondence from Kevin Block, Esq., representing a neighbor of our clients, the owners of the -025 lot, *concedes that our analysis is correct* and the -042 parcel was erroneously created in 1974.

Despite this drafting error, counsel's letter further concedes that title and access to the Raven Rd./-042 parcel resides with Wright. There is no legal or equitable reason to refuse Wright's continued use of the road for all lawful purposes, including the use

related to UPC17-0018. We consider this issue therefore as admitted for purposes of further consideration.




Our letter identified the lawful owner of the -042 parcel, and again, counsel for the neighbors concedes the point and does not assert any ownership rights over the -042 parcel on behalf of the owners of -025. Counsel further recognizes that the metes and bounds of the -042 parcel do not accurately reflect the situation on the ground ("*[t]he legal description in that conveyance should have but did not include …*"). Instead, as the history of the parcels and photographs illustrate, the parties have long agreed that the boundary between the parcels runs along the south side of Raven Road. In doing so, the neighbors and property owners made an agreement as to the boundary line between their parcels.

This is a frequent occurrence in California, as it is not at all uncommon for neither an accurate description in a written instrument of title nor a proper survey to be available, and parties may (*and often do*) settle their boundary disputes by informal agreement. It is well established that when the boundary is uncertain it may be located by an oral agreement together with acquiescence for the period of the statute of limitations. (*Martin v. Lopes* (1946) 28 Cal.2d 618, 622 [170 P.2d 881]; *Carr v. Schomberg* (1951) 104 Cal.App.2d 850, 856 [232 P.2d 597]; *Caballero v. Balamotis* (1956) 144 Cal.App.2d 58, 62 [300 P.2d 363].) Such an agreement is binding on successors of parties by subsequent conveyances. (*Janes v. LeDeit* (1964) 228 Cal.App.2d 474, 481 [39 C.R. 559].) Here, the long history, and the conduct of the parties who have used Raven Road, establishes that the actual boundary of the parcel traces the roadway, and counsel, interestingly, does not dispute that fact.

Instead, counsel's argument on behalf of the owners of the -025 parcel is essentially that they are now granted blocking rights over the -042 parcel. The complaining neighbor's effort is to erect a virtual barrier to the development of the Wright/-002 parcel (*and not the -042 parcel*) by tampering with the settled status of the roadway. The theory advanced is that the erroneous conveyance in 1974, that was admittedly inaccurately described, and is an obvious error, should nonetheless empower the -025 parcel to control the use of Raven Road.

This is in conflict with the law and with common sense. An erroneous deed is well understood as scrivener's error. Our courts have repeatedly held that the mistake of a

draftsman is a good ground for the reformation of an instrument which does not truly express the intention of the parties. (22 Cal.Jur. p. 719; See, also, *Merkle v. Merkle* (1927) 85 Cal.App. 87, 107-108 [258 P. 969].) Amongst the methods of resolving such mistakes is via practical construction, *i.e.*, by examining the conduct of the parties acting under it. (*People v. Ocean Shore R.* (1948) 32 Cal.2d 406, 414 [196 P.2d 570]; see *Hellweg v. Cassidy* (1998) 61 Cal.App.4th 806, 810 [71 C.R.2d 798] Here, the existence of the -042 parcel, as conceded by the June 24 letter, was never intended, and instead it should have been a part of the -002 parcel. Further, the claim that the -042 parcel in some way is now "developable" is absurd; it is the flagpole of a flag lot, and Fenix Farms, LLC would be entirely within its rights to seek reformation to correct the error that even Mr. Block admits occurred in 1974.

Once it is properly recognized that the -042 parcel has always been, and should be regarded as always having been a part of the -002 parcel, the remaining issues presented by the June 24 letter are straightforwardly resolved. Merger is an expeditious and businesslike resolution of the drafting error that led to the "separation" of the lots in the first instance. As the "parcel" is merely the result of error there is no "increase in size" of any parcel, Counsel's arguments to the contrary notwithstanding. The characterization that the -042 parcel is now "developable" is a *non sequitur*, because the parcel is merely a roadway, and no part of the project that the June 24 letter actually contests is on any part of the erroneous -042 parcel.

Of course, this was, again, an effort by counsel to argue that an elephant is in a mousehole, in that the minor drafting error relating to the -042 parcel in fact prevents cannabis cultivation. There is no other reason to contest this minor drafting error; it is done only to obstruct the application, and the agreed-to boundary of the parcel as established by the predecessors in interest definitively resolves the claim of the June 24 letter. The County should recognize that this attack was a red herring. Correction of the status of title is in the interest of the County, and is consistent with the law and the facts, as the parties have themselves acknowledged.

We reiterate on behalf of our clients that they own the -042 parcel in fee simple, and the -042 parcel is, due to the agreed boundaries doctrine, coterminous with the path of Raven Road. The neighbor's pretextual use of scrivener's error to try to "block" development should be disregarded, as the -042 parcel exists to provide access to the -002 parcel. Any effort to impede that use is inconsistent with the law and the existence of the road itself.

Very Truly Yours,

Erin Carlstrom

Erin B. Carlstrom

EBC/ac

| | |
|---|---|
| **From:** | anapatd@comcast.net |
| **To:** | Crystal Acker |
| **Subject:** | Re: Michael Wright, TRV Corp. Permit Sonoma File No. UPC17-0018 - 6095 Bodega Avenue, Petaluma, APN 022-200-002 & -042. Cannabis Permit |
| **Date:** | March 01, 2020 5:32:33 PM |

EXTERNAL

This email is to protest the granting of a commercial permit to grow cannabis at 6095 Bodega Avenue. I own the land adjacent to this property at 6157 Bodega Avenue. Many years ago we purchased the 2.5 acres as residential property. They had subdivided the properties as residential. I understand that Mr. Wright also purchased his property as residential and his loan would reflect that. To my knowledge it has never been commercial in that area. I do not want cannabis grown next to my land or the neighbors who are adjacent to his property. It would be very unfair to the majority to do so. Maybe he should consider moving to commercial property.

Thank you for your consideration in this matter.

Ms. Acker would you please forward this to the correct department. Appreciate your help in this matter.

Ann P. Daly

Sent from my iPad

| | |
|---|---|
| **From:** | Robert Kandel |
| **To:** | Crystal Acker |
| **Subject:** | Permit Sonoma File No. UPC17-0018 |
| **Date:** | March 04, 2020 3:48:11 PM |

EXTERNAL

County of Sonoma Planning Div. 1

Project Review

Crystal Acker M.S. Planner lll

Crystal.Acker@sonoma-county.org

Hello Crystal Acker, I am writing today regarding Permit Sonoma File No. UPC17-0018.

I feel strongly that this permit should be granted, as a resident of California I have always supported the use of cannabis, I have seen its benefits firsthand.

I know Two Rock Ventures to be an honorable company, and I believe they will be good stewards of the land they are asking to use for cultivation.

Michael Wright CEO will create an environment of success and take his responsibility to Sonoma County seriously, I can see no reason why this permit should not be granted.

Respectfully,

Robert Kandel

Pismo Beach Ca.

Sent from Yahoo Mail for iPad

**From:** Kevin Block
**To:** Crystal Acker
**Subject:** UPC17-0018 - 6095 Bodega Avenue - Public Hearing
**Date:** March 17, 2020 3:38:32 PM

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EXTERNAL

Crystal:

My clients have shared with me a series of e-mail exchanges between you and members of the public about whether there is sufficient public interest to warrant postponing the March 24 hearing on this matter.

I disagree with the way the issue is being framed. Whether to hold a public hearing is not a question of convenience; it is a question of due process. If a single member of the public, particularly the most vulnerable among us, wants to attend a hearing but cannot for fear of infection, then the County should postpone the hearing until it is safe to attend. It is wrong for the County to weigh the well-being of those who want to participate against a non-existent need to hold the hearing this month rather than next.

But for the current crisis, I anticipate that at least 5 or 10 people would attend the hearing to oppose the project. One of my clients is elderly and another is at home with a child who is especially susceptible to coronavirus. If the County proceeds on the 24th, what shall I tell them? It is fine to suggest that they submit comments in writing, except that they have the right to address their representatives directly. Besides, written comments will not be fully effective until the staff report is made public.

I see in the media that the County has closed PRMD due to the risk of infection, and that a shelter-in-place order for Sonoma County is imminent. This is not even a close call. The County must postpone the hearing or risk a due process challenge.

Kevin

Kevin P. Block
Block & Block LLP
1109 Jefferson Street
Napa, CA 94559
kb@winelawyers.com
T 707.251.9871
C 707.246.9013

| | |
|---|---|
| **From:** | Harriet Buckwalter |
| **To:** | Crystal Acker |
| **Cc:** | Raymond Krauss; Richard & Carol Baker |
| **Subject:** | Re: UPC17-0018; TRV Corp mixed light cannabis operation; 6095 Bodega Ave - Public comment for 3/24/2020 MAY be digital only - please read below |
| **Date:** | March 17, 2020 10:23:23 AM |

EXTERNAL

Thank you. FMWW will not have any public comments on this application.

Stay safe,
Harriet

> On Mar 17, 2020, at 10:03 AM, Crystal Acker <Crystal.Acker@sonoma-county.org> wrote:
>
> Due to COVID-19, many County functions are temporarily closing and/or going virtual. Due to social distancing recommendations, limited seats would be available in the Board of Supervisors meeting room for the public to attend the scheduled hearing on March 24, 2020.
>
> In order to make an informed decision on whether to hold or postpone this hearing, County staff requests that members of the pubic interested in attending in person please respond to this email.
>
> Alternatively, written public comments are always accepted, and would need to be submitted by email due to closure of the Permit Sonoma office.
>
> Additional Public Notice will be sent out when a formal decision is made to retain or re-schedule the hearing. Thank you for your response and understanding.
>
> crystal
>
> **Effective March 17, 2020 and until further notice, the Sonoma County Permit Center is closed to the public due to the COVID19 Pandemic. Most Permit Sonoma employees will work from home but might not be available to respond to emails. You can email PermitSonoma@sonoma-county.org with questions.**
>
> **Crystal Acker, M.S.**
> Planner III
> www.PermitSonoma.org
> County of Sonoma
> Planning Division | Project Review

| | |
|---|---|
| **From:** | Deborah Eppstein |
| **To:** | Crystal Acker |
| **Subject:** | Re: UPC17-0018; TRV Corp mixed light cannabis operation; 6095 Bodega Ave - Public comment for 3/24/2020 MAY be digital only - please read below |
| **Date:** | March 17, 2020 10:37:36 AM |

EXTERNAL

HI Crystal,
I was planning attending and speaking at the March 24 BOS meeting but as I'm over 65 I need to stay at home due to the covid19 pandemic. I certainly hope that this hearing for UPC17-0018 is rescheduled to a later date to allow the interested public in attending and speaking. It makes no sense to allow this public hearing to be held until the public can attend and participate.

I look forward to hearing if and when it will be rescheduled.

Thanks,
Deborah Eppstein

> On Mar 17, 2020, at 10:03 AM, Crystal Acker <Crystal.Acker@sonoma-county.org> wrote:
>
> Due to COVID-19, many County functions are temporarily closing and/or going virtual. Due to social distancing recommendations, limited seats would be available in the Board of Supervisors meeting room for the public to attend the scheduled hearing on March 24, 2020.
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>
> **Crystal Acker, M.S.**
> Planner III

| | |
|---|---|
| **From:** | craigspencerharrison@gmail.com |
| **To:** | Crystal Acker |
| **Subject:** | RE: UPC17-0018; TRV Corp mixed light cannabis operation; 6095 Bodega Ave - Public comment for 3/24/2020 MAY be digital only - please read below |
| **Date:** | March 17, 2020 10:37:18 AM |
| **Attachments:** | image001.png<br>image002.png<br>image003.png<br>image004.png<br>image006.png<br>image008.png |

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EXTERNAL

I want to attend in person; this should be delayed until it is safe to do so.

Craig S. Harrison
4953 Sonoma Mountain Road
Santa Rosa, CA 95404
707-573-9990

**From:** Crystal Acker <Crystal.Acker@sonoma-county.org>
**Sent:** Tuesday, March 17, 2020 10:04 AM
**To:** Crystal Acker <Crystal.Acker@sonoma-county.org>
**Subject:** UPC17-0018; TRV Corp mixed light cannabis operation; 6095 Bodega Ave - Public comment for 3/24/2020 MAY be digital only - please read below

Due to COVID-19, many County functions are temporarily closing and/or going virtual. Due to social distancing recommendations, limited seats would be available in the Board of Supervisors meeting room for the public to attend the scheduled hearing on March 24, 2020.

In order to make an informed decision on whether to hold or postpone this hearing, County staff requests that members of the pubic interested in attending in person please respond to this email.

Alternatively, written public comments are always accepted, and would need to be submitted by email due to closure of the Permit Sonoma office.

Additional Public Notice will be sent out when a formal decision is made to retain or re-schedule the hearing. Thank you for your response and understanding.

crystal

**Effective March 17, 2020 and until further notice, the Sonoma County Permit Center is closed to the public due**

| | |
|---|---|
| **From:** | Jesse Jones |
| **To:** | Crystal Acker |
| **Subject:** | Re: UPC17-0018; TRV Corp mixed light cannabis operation; 6095 Bodega Ave - Public comment for 3/24/2020 MAY be digital only - please read below |
| **Date:** | March 17, 2020 10:53:09 AM |
| **Attachments:** | image001.png<br>image002.png<br>image003.png<br>image009.png<br>image012.png<br>image005.png |

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EXTERNAL

Crystal,

I am neighbor that is directly adjacent to this proposed project and want to attend the meeting. My son has an autoimmune condition and we have been sheltered in place for the past 2-1/2 weeks, long before it was suggested or required by any public health officials. This meeting should be postponed until it is safe to have the public attend a public hearing; this should go without saying. We have tried to speak with all of the neighbors and the proposed applicant and gather as much information as possible to inform our position. This hearing is the forum for people to interact with elected officials and participate in the public process and people should not have to put their lives or the lives of their loved ones at risk to do so.

Jesse Jones
6045 Bodega Ave

On Tue, Mar 17, 2020 at 10:03 AM Crystal Acker <Crystal.Acker@sonoma-county.org> wrote:

> Due to COVID-19, many County functions are temporarily closing and/or going virtual. Due to social distancing recommendations, limited seats would be available in the Board of Supervisors meeting room for the public to attend the scheduled hearing on March 24, 2020.
>
> In order to make an informed decision on whether to hold or postpone this hearing, County staff requests that members of the pubic interested in attending in person please respond to this email.
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>
> Additional Public Notice will be sent out when a formal decision is made to retain or re-schedule the hearing. Thank you for your response and understanding.

**From:** Bill Krawetz
**To:** Crystal Acker
**Subject:** UPC17-0018; Cannabis Application 6095 Bodega Ave - Public comment for 3/24/2020 MAY be digital only
**Date:** March 17, 2020 2:11:35 PM

---

EXTERNAL

Hi Crystal,

I understand the public hearing for UPC17-0018 is scheduled for the March 24th BOS meeting. I was planning attending and speaking but must stay at home due to the covid19 pandemic. I certainly hope this hearing is rescheduled to a later date to when the public can attend and speak. A " public" hearing is for the public to participate directly in the process which isn't too possible with the virus situation.

Thanks Bill Krawetz

**From:** Joseph Perry
**To:** Crystal Acker
**Subject:** We pray that UPC17-0018 is rescheduled
**Date:** March 17, 2020 12:33:22 PM

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EXTERNAL

Hi Crystal;
I was planning attending and speaking at the March 24 BOS meeting but as I'm over 65 I need to stay at home due to the covid19 pandemic. I certainly hope that this hearing for UPC17-0018 is rescheduled to a later date to allow the interested public in attending and speaking. It makes no sense to allow this public hearing to be held until the public can attend and participate. I look forward to hearing if and when it will be rescheduled.

Thank You
Joseph Perry P.E., CFLC
www.JosephPerryPE.com
707-477-3862

| | |
|---|---|
| **From:** | Nancy and Brantly Richardson |
| **To:** | Crystal Acker |
| **Subject:** | RE: UPC17-0018; TRV Corp mixed light cannabis operation; 6095 Bodega Ave - Public comment for 3/24/2020 MAY be digital only - please read below |
| **Date:** | March 17, 2020 11:39:31 AM |
| **Attachments:** | image001.png<br>image002.png<br>image003.png<br>image004.png<br>image006.png<br>image008.png |

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EXTERNAL

Hello, My husband and I were planning to attend this hearing. We are both over 65 years old and are following instructions from the county to "shelter at home". We ask that common sense prevail and this hearing be postponed until the coronavirus pandemic is over. We find it astonishing that the County cannot make an informed decision to postpone this hearing in lieu of their other instructions to the public to stay home to be safe. Nancy Richardson

**From:** Crystal Acker <Crystal.Acker@sonoma-county.org>
**Sent:** Tuesday, March 17, 2020 10:04 AM
**To:** Crystal Acker <Crystal.Acker@sonoma-county.org>
**Subject:** UPC17-0018; TRV Corp mixed light cannabis operation; 6095 Bodega Ave - Public comment for 3/24/2020 MAY be digital only - please read below

Due to COVID-19, many County functions are temporarily closing and/or going virtual. Due to social distancing recommendations, limited seats would be available in the Board of Supervisors meeting room for the public to attend the scheduled hearing on March 24, 2020.

In order to make an informed decision on whether to hold or postpone this hearing, County staff requests that members of the pubic interested in attending in person please respond to this email.

Alternatively, written public comments are always accepted, and would need to be submitted by email due to closure of the Permit Sonoma office.

Additional Public Notice will be sent out when a formal decision is made to retain or re-schedule the hearing. Thank you for your response and understanding.

crystal

**Effective March 17, 2020 and until further notice, the Sonoma County Permit Center is closed to the public due to the COVID19 Pandemic. Most Permit Sonoma employees will work from home but might not be available to respond to emails. You can email PermitSonoma@sonoma-county.org with questions.**

| | |
|---|---|
| **From:** | Chris Villere |
| **To:** | Crystal Acker |
| **Subject:** | Re: UPC17-0018; TRV Corp mixed light cannabis operation; 6095 Bodega Ave - Public comment for 3/24/2020 MAY be digital only - please read below |
| **Date:** | March 17, 2020 10:41:05 AM |

EXTERNAL

Ms. Acker,
Respectfully,
Please have the meeting as scheduled. As a continued staunch supporter of two rock Ventures,
Thank you,
Chris villere

Sent from my iPhone

> On Mar 17, 2020, at 12:03 PM, Crystal Acker <Crystal.Acker@sonoma-county.org> wrote:
>
> Due to COVID-19, many County functions are temporarily closing and/or going virtual. Due to social distancing recommendations, limited seats would be available in the Board of Supervisors meeting room for the public to attend the scheduled hearing on March 24, 2020.
>
> In order to make an informed decision on whether to hold or postpone this hearing, County staff requests that members of the pubic interested in attending in person please respond to this email.
>
> Alternatively, written public comments are always accepted, and would need to be submitted by email due to closure of the Permit Sonoma office.
>
> Additional Public Notice will be sent out when a formal decision is made to retain or re-schedule the hearing. Thank you for your response and understanding.
>
> crystal
>
> **Effective March 17, 2020 and until further notice, the Sonoma County Permit Center is closed to the public due to the COVID19 Pandemic. Most Permit Sonoma employees will work from home but might not be available to respond to emails. You can email PermitSonoma@sonoma-county.org with questions.**
>
> **Crystal Acker, M.S.**
> Planner III
> www.PermitSonoma.org
> County of Sonoma

**From:** Rachel Zierdt
**To:** Crystal Acker
**Subject:** UPC-17-0018 - Bodega Ave
**Date:** March 17, 2020 10:37:25 AM

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EXTERNAL

In order to make an informed decision on whether to hold or postpone this hearing, County staff requests that members of the pubic interested in attending in person please respond to this email.

Dear Ms. Acker,

I respectfully request that this decision be postponed so that the public can attend and give input in person.

Rachel Zierdt

| | |
|---|---|
| **From:** | Peter Polt |
| **To:** | Crystal Acker |
| **Cc:** | Christine Ella |
| **Subject:** | Re: UPC17-0018 - 6095 Bodega Avenue - Public Hearing |
| **Date:** | March 18, 2020 12:39:19 PM |

EXTERNAL

Christine and I are planning to attend the public hearing for UPC17-0018, presently scheduled for March 24th, with due consideration to the 'shelter in place' guidelines.

As this operation directly impacts our property at 6125 Bodega Ave., we are opposed to granting the use permits based on the pending land use and access issues.

Keep us informed if and when you do reschedule the public hearing.

Peter Polt
Christine Ella
6125 Bodega Ave.
Petaluma, CA 94952

**From:** Anna Ransome
**To:** Crystal Acker
**Subject:** UPC17-0018
**Date:** March 19, 2020 1:18:22 PM

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EXTERNAL

Hello Crystal -

I and others would like to attend the BOS meeting on the subject application but for obvious reasons will not be showing up at any public gatherings for the immediate future. Please re-schedule this agenda item so that more people will be able to attend. I'd appreciate notice when the agenda item is re-scheduled.

Thank you.

Anna Ransome