

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

APPELLANT: Steve Rhodehouse

APPLICANT: James Cook

REPORT BY: Leslie Hubbard

APN: 010-680-07

GENERAL PLAN DESIGNATION: Rural Residential

ZONING: Unclassified

PURPOSE: Appeal of Planning Director's decision to issue a Trinity County Commercial Cannabis Cultivation License and Class 1 Categorical Exemption at 185 First Left Road, Weaverville

LOCATION: 185 First Left Road, Weaverville

BACKGROUND INFORMATION:

On April 3, 2019 the Trinity County Planning Department received an appeal of the Planning Director's decision to issue a Trinity County Commercial Cannabis Cultivation License and Class 1 Categorical Exemption at 185 First Left Road, Weaverville. As stated on the appeal form, the reason for the appeal includes two main issues: 1) hoop houses remain on site for years; and 2) the cultivation site regularly receives water hauled to the site from a commercial source (Attachment A - Appeal Form).

During a compliance visit on April 29, 2019, a Code Compliance Specialist from the Cannabis Division verified that there are no hoop houses on site. A building permit (BP2018-171-1) was finalized for two greenhouses (30ft x 40ft and 20ft x 40ft) in 2018. There are no unpermitted structures on the parcel (Attachment B – Record of Building Permit).

During the site visit on April 29, the Director of Environmental Health also visited the site to witness the final hour and a half of the well tests that were completed for three

permitted wells on site. The three wells cumulatively produced 3.365 gallons per minute after four hours (Attachment C – Well Tests).

Requirements associated with the use of wells for cultivation are included in County Code Section 17.43.030 – Application requirements:

“A.9. If using a permitted well, a copy of the Trinity County well permit shall be provided.”

Furthermore, County Code 17.43.060 - Performance Standards for commercial Cultivation of Cannabis includes the following:

“C. Applicants shall comply with all State laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of Cannabis needs to be sourced on-site from a permitted well, surface water diversion and/or rain catchment system. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of Cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a Water District or legal water source.”

There is no minimum well production rate established for commercial Cannabis use in County Code, although a standard minimum threshold of 3 gallons per minute has been established by the Environmental Health Division.

Water sourced on site from three wells is pumped into storage tanks that serve the residence as well as the cultivation site. The applicant has reported that he has received hauled water at the subject parcel to supplement the volume of water for domestic use. Although County Code requires that water used for Cannabis cultivation must be sourced on site, there are no prohibitions regarding the water source for domestic use.

Planning Staff requests that the Commission provide clarification regarding the interpretation of County Code Section 17.43.060 regarding sites with water sources and water storage that are shared between domestic use and the commercial cultivation of Cannabis. If water is hauled to a site with a water storage system that serves domestic and commercial Cannabis uses, should the following be required by commercial cultivators to prove compliance:

- 1) separate storage and metering; or
- 2) increase water storage to circumvent all water hauling to the site to eliminate hauling water for commercial Cannabis use if there is no emergency?

STAFF RECOMMENDATION:

Staff recommends the Planning Commission deny the appeal finding the following:

- A) The commercial Cannabis cultivation site located on APN 010-680-07 at 185 First Left Road, Weaverville is operating in compliance with Trinity County Zoning Code Section 17.43.
- B) Water storage on site shall be increased to 55,000 gallons to provide adequate volume for domestic and commercial Cannabis cultivation use and avoid the need for any water hauling unless for emergencies as defined in County Code 17.43.060 C.

Respectfully submitted,

Leslie Hubbard, Deputy Director of Planning Director

Attachment A: Rhodehouse Appeal

Attachment B: Record of Building Permit

Attachment C: Well Tests

ATTACHMENT A



COUNTY OF TRINITY

APPEAL OF PLANNING DIRECTOR'S
DECISION TO PLANNING COMMISSION



Received Stamp

Name: Steve Rhodehouse Phone: 623-2153

Email: SRhodehouse5@hotmail.com

Physical Address or APN: 491 First left Road Lewiston CA 96052

Mailing Address: Same

Decision of Planning Director rendered on (date): _____

Planning Director's Decision was to: Approve Deny Continue

Request for: Appeal commercial grow at 185 First left Road
APN 10-680-07, CCL 2019-419

See Attached letter

Reason for Appeal:
Hoop houses remain for years / past 180 days
Haul water regularly See pictures

Signature: [Signature] Date: 4/3/19

Clerk's Use Only

Date Filed: 4/3/19

Fee Collected: \$500.00

Hearing Date: _____

Receipt No.: PL2019-019

Notice Published: _____

Notice Mailed: _____

2019/3/27



TRINITY COUNTY PLANNING DEPARTMENT

P.O. BOX 2819 ♦ 61 AIRPORT ROAD
WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 ♦ FAX (530) 623-1353
Email: lhubbard@trinitycounty.org

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

An application to allow a commercial cannabis cultivation license located at 185 First Left Road, Weaverville, was received by the Trinity County Planning Department. Applicant: LLC: Trinity Horticultural Company, LLC, CCL-2019-419.

APN: 010-680-07-00

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

The Planning Director or designee of the Planning Director will approve the request by March 27, 2019. Should you desire to appeal this determination, you must do so by April 11, 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

Ms. Ruth Hanover
Trinity County Planning Department
61 Airport Road
PO Box 2819
Weaverville, CA 96093

Dear Ruth Hanover,

Good to see you're still there and I, Steve Rhodehouse, hope this finds you in great health and spirit. It was very respectful to notify me about the opportunity to appeal the commercial grow license at 185 First Left Road, APN 10-680-07 adjacent to my property and others.

We've been very concerned since I originally wrote you and sent pictures back in 2016. It has continued to expand from ground cultivation to at least three hoop-houses w/ possible electric (see attached pictures and note fans). There are hundreds of plants, to the point they've had to haul water throughout the summer months. The attached pictures also show the 2" PVC pipe from the road to tanks to be filled by water trucks.

Perhaps you may be able to clarify what a Class I cat. Exemption is. What I see, the text of guidelines 15301 indicates "existing facilities" exemption is intended for exempting minor alterations of physical structures, not site excavation prep., adding additional hoop-houses etc.

Considering the applicant's lack of compliance with

1. The hoop houses that are supposedly temporary structure to be taken down completely at the end of 180 days, as per Trinity Co. Building Dept & Development Services and
2. Having water delivered systematically makes it obvious they don't have adequate onsite water supply. As per ordinance 315-823 pg 9 # 6c – an onsite "permitted" well must produce 3 gal/min. My question is if they had a well producing that, why are they still hauling water? I'm now requesting the permitted (persons) at 185 First Left Road, APN #10-680-07 hire a licensed contractor to perform the well test and that it be witnessed by a compliance officer to ensure validity.

If the test proves well production in quantities less than required for commercial permit, the County should revoke the current permit and deny future permits on that parcel as stated in the Trinity Co. Ordinance 325-813 Item 7 "Denial/Revocation of license: for reasons listed in subsections (7) (a) I, ii, iii. Also an injunction on the property for any future grows and/or change of ownership.

The timing of sending this opportunity to appeal this commercial grow in our Residential Neighborhood is very auspicious considering so many neighbors are in opposition to having commercial cannabis cultivated here. There are 12+ adults; 3 of

the families have 2 children each under 8 yrs, all of which agreed to sign a petition. That's everybody in our neighborhood. That's all encompassing. Except the growers of course.

I've had the opportunity to discuss these concerns with Tom Sanders at 180 Goa Way (APN 10-680-18) who represents the residents of Buttons Road and Goa Way which geographically touch my property to the west and found out that residential area also is against commercial cannabis. Perhaps that includes another 10 residences that share the same sentiment against. In addition to the petitions against commercial cannabis cultivation in our immediate neighborhood that I am presently submitting, I am currently circulating similar petitions for Rush Creek Drive and Bear Creek Road, as I have talked with most of these residents and found that they too are adamantly opposed to cannabis cultivation in their rural residential neighborhoods.

My/our concern is for the benefit of all peoples, not just self. Even the Board of Supervisors Resolution 2016-077 adopted four principles concerning cannabis – a safe place for all residences to live, work, enjoy retirement & raise their families without detriment to neighbors or communities.

We've known each other for a couple of decades so you know these aren't idle words w/o reality. Surely there are other concerns: narrow roads, odor, safety (dog bit grandchild), and watercourses. Those are different subjects for a different time, which surely you're quite aware of already.

I'm also requesting the Licensing specific files of Applicants for Commercial Cannabis Cultivation under the Public Records Act. I'll be glad to pay for copying and mailing.

Thanks for your sincere consideration,

Steve Rhodehouse
491 First Left Road (physical & mailing)
Lewiston, CA 96052
APN 10-680-15 et al 530-623-2153
Email srhodehouse5@hotmail.com

To: Trinity County Director of Planning
Trinity County District 1 Supervisor

As per letter of 4/3/19 TO BOTH
Trinity Rosh Creek Estates
To include Bear Creek Road
HMAE

The undersigned are adjoining neighbors residing along First Left Road and Trinity Dam
Blvd in Trinity County. We are united in our adamant opposition to Trinity County
Planning Department renewing a commercial cannabis cultivation license to 185 First
Left Rd, APN 010-680-07-00. We shall list our reason on an appurtenant complaint filed
concurrent with this petition.

Steve Rhodehouse

Name

491 First Left Road

Address & APN

APN 10-680-13

10-680-14

10-680-15

Carolyn Fenal

Name

491 First Left Road

Address & APN

Dave Rhodehouse

Name

460 First Left Rd

Address & APN

APN 10-680-12

Yvonne G

Name

Sum

Address & APN

Sam P. Rhody

Name

91 Bear Canyon Rd

Address & APN

APN 10-670-01

Cara for Rhody

Name

91 Bear Canyon Rd

Address & APN

Mike Huff Jr

Name

24850 Trinity Dam Blvd

Address & APN

APN 10-670-10

Nicole Miles

Name

24850 Trinity Dam Blvd

Address & APN

Jim Taylor

Name

24823 Trinity Dam Blvd

Address & APN

Thomas Lambert

Name

24843 Trinity Dam Blvd

Address & APN

APN 10-670-09

Willy Hess

Name

24843 Trinity Dam Blvd

Address & APN

Suzanne L. Wood

Name

24823 Trinity Dam Blvd

Address & APN

APN 010-670-04

To: Trinity County Director of Planning
Trinity County District 1 Supervisor

TO include Bear Cr. Road
Rush Creek Estates
petitions

The undersigned are adjoining neighbors residing along First Left Road and Trinity Dam Blvd. in Trinity County. We are united in our adamant opposition to Trinity County Planning Department renewing a commercial cannabis cultivation license to 185 First Left Rd, APN 010-680-07-00. We shall list our reason on an appurtenant complaint filed concurrent with this petition.

[Signature]

Name

810 Bear Creek Rd

Address & APN

Carrie Watkins

010-690-32

Name

Address & APN

George Trach

320 Deer Crk Rd 10-690-60/58

Name

Address & APN

Walter Mayana

APN-10-680-06

177 First Left Rd, 96093

Name

Address & APN

Name

Address & APN

Name

Address & APN

Name

Address & APN

Name

Address & APN

Name

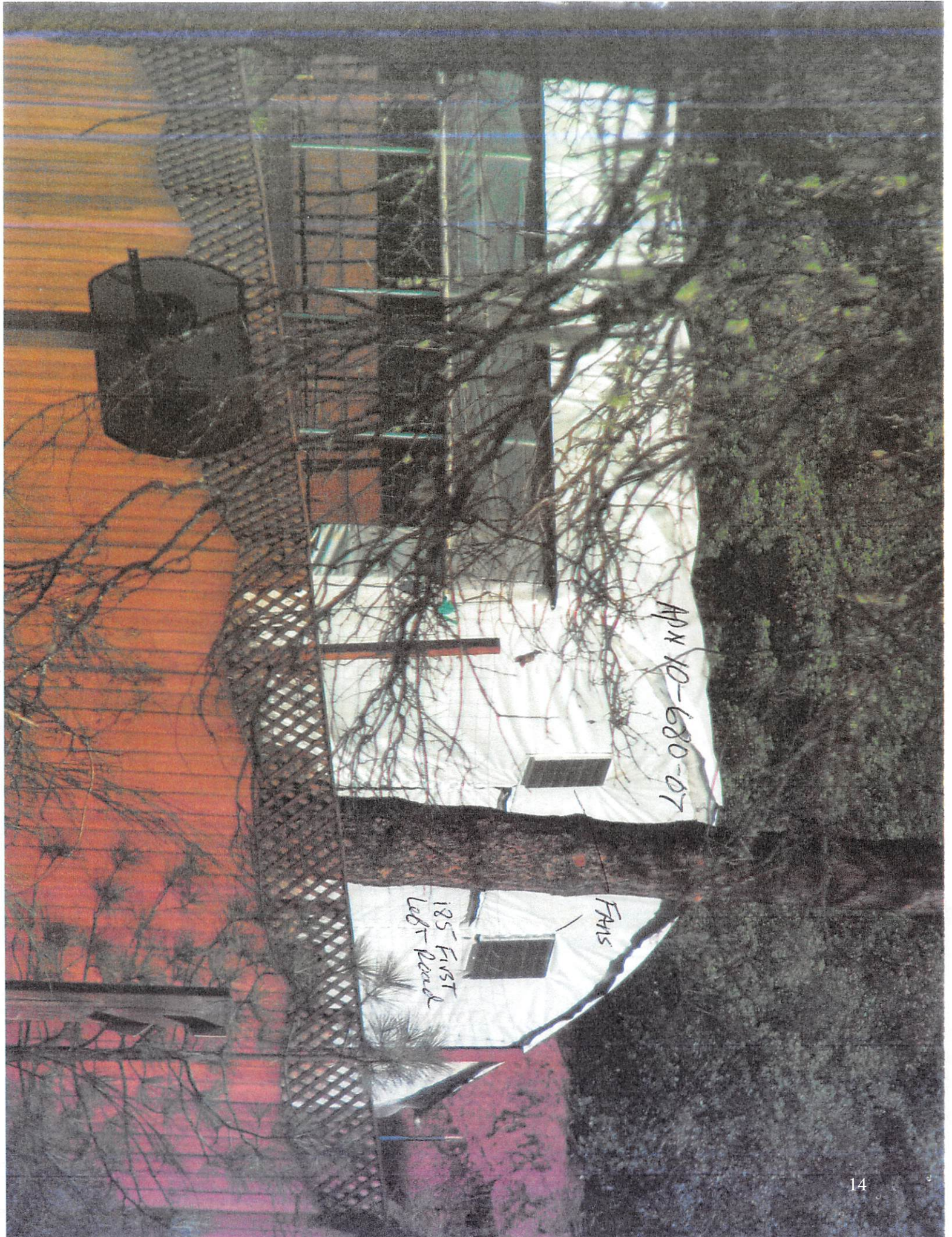
Address & APN

Name

Address & APN

Name

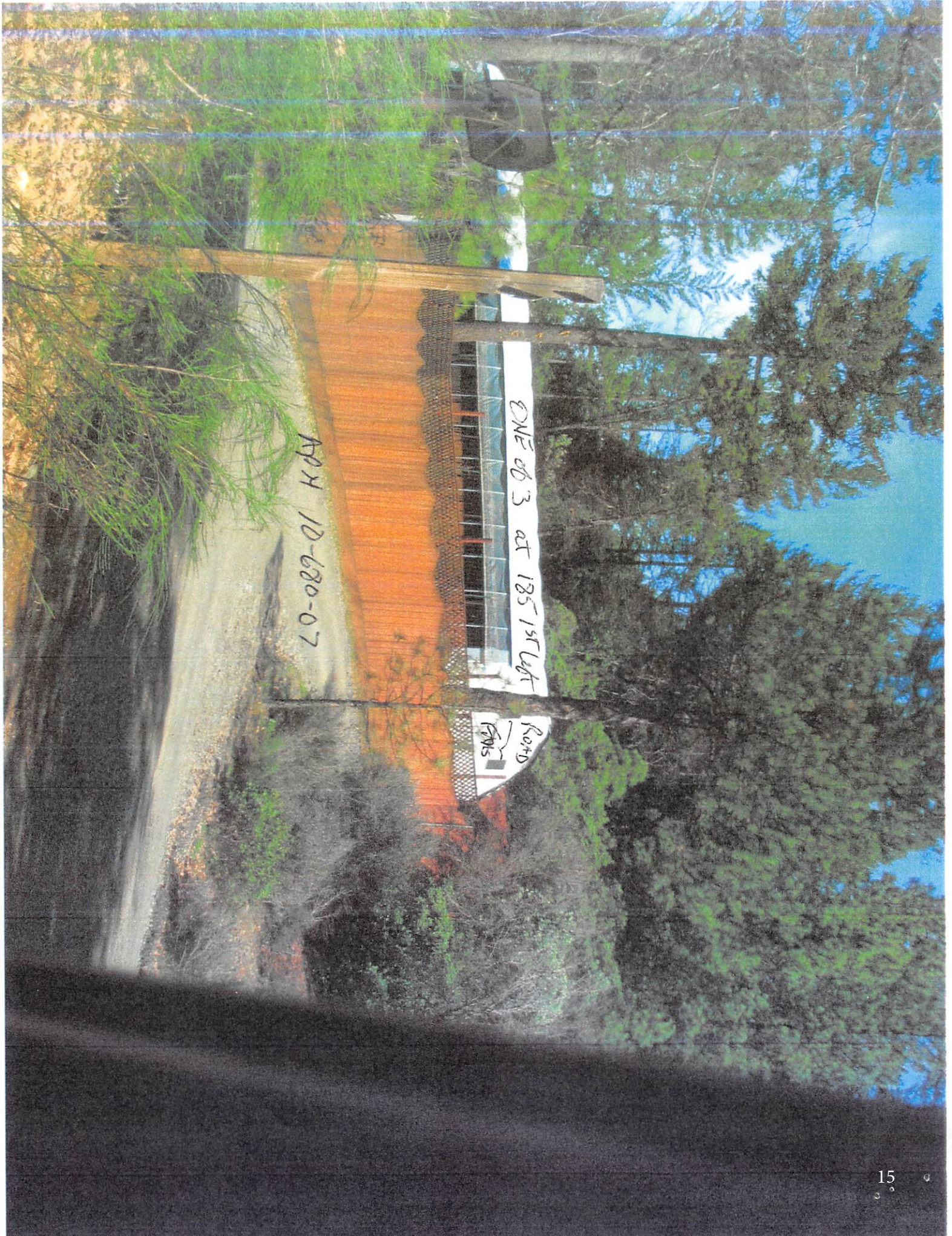
Address & APN



APN 10-680-07

185 First
Left Panel

FANS



APR 10-680-07

ONE of 3 at 185 1st left

Rods
KMS



Trinity County Planning Department
 61 Airport Road PO Box 2819
 Weaverville, CA 96093

Receipt Number: PL2019-00019

Payer/Payee: STEVE RHODEHOUSE
 491 FIRST LEFT ROAD
 WEAVERVILLE CA 96093

Cashier: Ruth Hanover

Date: 04/03/2019

PCAPPEAL- 2019-004 PLANNING COMMISSION APPEALS 185 First Left Road WVR

Fee Description	Fee Amount	Amount Paid	Fee Balance
Planing Commission Appeal Fee	\$500.00	\$500.00	\$0.00
	\$500.00	\$500.00	\$0.00

Payment Method	Reference Number	Payment Amount
CHECK	1007	\$500.00
Total Paid:		\$500.00

STEVE RHODEHOUSE
CAROL FENCIL
 491 FIRST LEFT RD. PH. 530-623-2153
 LEWISTON, CA 96052

1007
 90-3504/1211

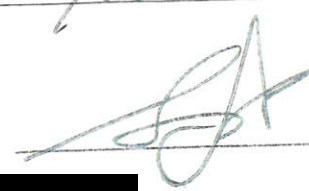
4/3/19 Date

Pay to the Order of T.C.P.D \$ 500 ^{00/100}

five hundred and no/100 Dollars

tri counties bank
 Bank online at Tricountiesbank.com
 Phone 800-922-8742

For Appeal Commercial grow


 MF



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Current processing time is 369 days (In review 369 days)
 Building Permit is 165 days past the expiration date.

Project Name:



Add Note

Project Description:



2 Greenhouses: 30' X 40' and 20' X 40'

Building Permit Number: BP2018-171-1

Applicant: JAMES COOK

Building Permit Type: Z-LEGACY-BUILDING

Primary Contact: JAMES COOK

Status:* **FINALED** ▼

Primary Contractor: Horizon One Construction, Inc

Process State: Finaled

Last Activity: 04/23/2018 00:00

Parent Building Permit:

Last Inspection:

Assigned To: User ▼

Submitted:* 04/16/2018 Building Permit is 369 days

Fast Track:

Completed: 04/16/2018 No submittals required

Approved: No approval steps.

Ready: \$2,279.19 paid (100%), \$0.0

Issued:

Finaled: 1 of 1 inspections complete

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ATTACHMENT C



TRINITY COUNTY BUILDING & DEVELOPMENT SERVICES ENVIRONMENTAL HEALTH DIVISION

P.O. BOX 476 / 61 AIRPORT ROAD
WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1459, FAX (530) 623-1353

WELL RATE RECOVERY TESTING

Name of Contractor: Lingemann well Drilling
APN of well being tested: 010-680-07 Date: 4-29-19
Approximate location of well (give landmark information, GPS coordinates, or directions):
40.8095709, -122.8835003

If last Well Recovery Rate is more than 5 years old, the following tests need to be performed:

Well #	How long was the test (4 hours or greater)	Well Recovery Rate (GPM)
	<u>1.94 GPM for 4 Hours</u>	<u>1.94 GPM</u>

If well is unpermitted or outdated, the following tests may need to be performed:

Well #	Well Recovery rate (GPM)	Bacterial testing preformed	Depth of Well

If well has a positive bacterial testing, please contact Trinity County Environmental Health at 530-623-1459, so that we can give suggestions on how to treat your well, and how you may need a backflow prevention device if your well is not properly sealed.

Signature of contractor: Jesse Prinn Date: 4-29-19
Contractor Type: well Driller Business Name: Lingemann well Drilling
Work completed: flow test

Owner/Leasee Name: Brittany Seay
Signature: B. Seay Date: 4/29/19



TRINITY COUNTY
BUILDING & DEVELOPMENT SERVICES
ENVIRONMENTAL HEALTH DIVISION

P.O. BOX 476 / 61 AIRPORT ROAD
 WEAVERVILLE, CALIFORNIA 96093
 PHONE (530) 623-1459, FAX (530) 623-1353

WELL RATE RECOVERY TESTING

Name of Contractor: Lingemann well Drilling
 APN of well being tested: 010-680-07 Date: 4-29-19
 Approximate location of well (give landmark information, GPS coordinates, or directions):
40.8044762j - 122.8850463

If last Well Recovery Rate is more than 5 years old, the following tests need to be performed:

Well #	How long was the test (4 hours or greater)	Well Recovery Rate (GPM)
	<u>0.61 GPM for 4 HOURS</u>	<u>0.61 GPM</u>

If well is unpermitted or outdated, the following tests may need to be performed:

Well #	Well Recovery rate (GPM)	Bacterial testing performed	Depth of Well

If well has a positive bacterial testing, please contact Trinity County Environmental Health at 530-623-1459, so that we can give suggestions on how to treat your well, and how you may need a backflow prevention device if your well is not properly sealed.

Signature of contractor: Jesse Linn Date: 4-29-19
 Contractor Type: well Driller Business Name: Lingemann well Drilling
 Work completed: flow test

Owner/Leasee Name: Brittany Seay Date: 4/29/19
 Signature: B. Seay



TRINITY COUNTY
BUILDING & DEVELOPMENT SERVICES
ENVIRONMENTAL HEALTH DIVISION

P.O. BOX 476 / 61 AIRPORT ROAD
WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1459, FAX (530) 623-1353

WELL RATE RECOVERY TESTING

Name of Contractor: Lingemann well Drilling
APN of well being tested: 010-680-07 Date: 4-29-19
Approximate location of well (give landmark information, GPS coordinates, or directions):
40.8028260, -122.8862278

If last Well Recovery Rate is more than 5 years old, the following tests need to be performed:

Well #	How long was the test (4 hours or greater)	Well Recovery Rate (GPM)
	<u>1.63 GPM for 4 Hours</u>	<u>1.63 GPM</u>
	<u>* Note Shared well 50/50 so 0.815 to each property</u>	

If well is unpermitted or outdated, the following tests may need to be performed:

Well #	Well Recovery rate (GPM)	Bacterial testing preformed	Depth of Well

If well has a positive bacterial testing, please contact Trinity County Environmental Health at 530-623-1459, so that we can give suggestions on how to treat your well, and how you may need a backflow prevention device if your well is not properly sealed.

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Contractor Type: well Driller Business Name: Lingemann well Drilling
Work completed: flow test

Owner/Leasee Name: Brittany Seay Date: 4/29/19
Signature: B. Seay