

TRINITY COUNTY PLANNING COMMISSION STAFF REPORT
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PLANNER: Kim Hunter, Director of Building and Planning

APPLICANT/APPELLANT: Jeff McPherson

AGENT: Scott Watkins (Buildaberg)

REQUEST: An appeal of Planning Director's Decision to deny the renewal of a revoked Commercial Cannabis Cultivation License (CCL-2020-020).

LOCATION: 496 Van Duzen Rd. Mad River (APN: 018-540-51-00)

APPROX. ACREAGE: 68.99

ZONING DISTRICT: Agricultural 10-Acre Minimum (A10)

ZONING DISTRICT OVERLAYS: None

GENERAL PLAN DESIGNATION: Split- Resource (RE) & Village (V)

STAFF RECOMMENDATION: Uphold the Planning Director's decision to deny a renewal of revoked CCL 020. The decision to deny the renewal is based on the premise that once revoked, a commercial Cannabis license is cancelled and is no longer active, and therefore can not be renewed. The revocation of the CCL 020 was issued on October 18, 2018 but was not appealed at that time.

The appellant claims that the 2018 revocation of CCL 020 was based on a policy that was no longer in effect. However, the revocation was not appealed within the ten working day appeal period following action taken by Deputy Director Leslie Hubbard. This would have been the appropriate time to question the policy on which the decision to revoke the CCL was made.

ADJACENT LAND USE AND ZONING INFORMATION:

Direction	Land Use	Zoning	General Plan Designation
North	Commercial/Residential	HC/UNC	V/RR
South	Public Facility (School)/ Vacant	UNC	V
East	Health Clinic/Residential	HC	V
West	Federal/Mining Operation	UNC	RE

SUMMARY: The renewal for CCL-2020-020 was denied by the Planning Director on May 21, 2020 due to the fact that CCL-020 was revoked in October 2018 for violating subsections i, ii, and iii, of Section 7, Ordinance No. 315-823, by cultivating on more than one property as restricted by Section 6a. and is ineligible for renewal.

ATTACHMENTS:

- A. Planning Director's Denial Letter, Dated May 21, 2020
- B. Cultivation License Revocation, Dated October 3, 2018
- C. Appeal Application, Dated May 22, 2020
- D. Renewal Application, Dated May 11, 2020

Agenda Item #5 Attachment A



TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
PLANNING DEPARTMENT
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

Kim Hunter, Director

May 21, 2020

Jeff McPherson

A redacted signature, appearing as a series of black scribbles.

Re: Denial of Renewal Application for Commercial Cannabis Cultivation License #020

Dear Mr. McPherson,

We received a renewal application on May 11, 2020 for the above referenced commercial Cannabis cultivation license (CCL). This CCL was revoked on October 18, 2018. Therefore, it is no longer a valid license in the Trinity County commercial Cannabis program and is not eligible for renewal.

Your check payment in the amount of \$6,000 which accompanied the renewal application was deposited when the application was submitted but later returned. Please submit \$25.00 to the Trinity County Department to cover the incurred insufficient fund fee.

Please feel free to contact Mary Beth Brinkley in our office for further assistance. She can be reached at mbrinkley@trinitycounty.org or by phone at (530)623-1351 ext. 6.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kim Hunter".

Kim Hunter
Director of Building & Planning

Cc: Scott Watkins, Buildaberg
Mary Beth Brinkley, Cannabis Division Admin. Coordinator

Enclosure (3): 2020 renewal application for CCL #020
Revocation notice
Returned check notice

Agenda Item # 5
Attachment B

TRINITY COUNTY
COMMERCIAL CANNABIS
CULTIVATION LICENSE REVOCATION

APPLICATION NUMBER:	CCL-2018-020
PARCEL NUMBER:	018-540-51-00
APPLICANT:	Jeff McPherson

Jeff McPherson
PO Box 671, Redway, CA 95560

496 Van Duzen Road, Mad River, CA 95552

October 3, 2018

After careful consideration of your Commercial Cannabis Application for the above-mentioned property the County has determined that your license will be revoked due to violations of subsections i, ii, and iii, of Section 7 by cultivating on more than one property as restricted by Section 6a. Revocation of your license is effective immediately.

Ordinance No. 315-823 states the following:

(6) Performance Standards for Commercial Cultivation of Cannabis

- (a) It is declared to be unlawful for any person owning, leasing, occupying or having charge or possession of any parcel of land within any unincorporated area of the County to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of Cannabis plants in excess of the limitations imposed by this section or personal grow section (Zoning Ordinance No. 315-797).

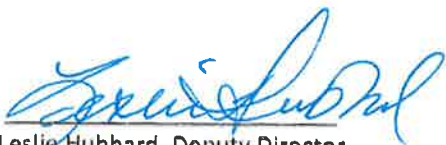
(7) Denial/Revocation of License

- (a) Applicant shall be denied a license or the approval of a license shall be revoked if the County becomes aware that:
- i. The applicant has provided materially false documents or testimony; or
 - ii. The applicant has not complied fully with the provisions of this Ordinance, including any of the requirements of NCRWQCB Order #2015- 0023, SWRCB, or CDFW; or
 - iii. The operation as proposed by the applicant, if permitted, would not have complied with all applicable County and State laws, including, but not limited to; the Building, Planning, Housing, Fire and Health Codes of the County, including the provisions of this Ordinance and with all applicable laws including Zoning and County Ordinances.

The County has determined that your license will be revoked effective immediately, October 3, 2018, due to violations of subsections i, ii, and iii, of Section 7, as outlined above, by cultivating on more than one property as restricted by Section 6a.

You have the right to appeal this decision, any time within ten (10) working days from date on notice, as prescribed in Chapter 8.90.130 of the Trinity County Code.

If any questions, comments, or concerns arise please contact the Trinity County Planning Department at (530) 623-1351 ext. 3 or by email at lhubbard@trinitycounty.org

A handwritten signature in blue ink, appearing to read "Leslie Hubbard", is written over a horizontal line.

Leslie Hubbard, Deputy Director
Trinity County Planning Department



COUNTY OF TRINITY

APPEAL OF PLANNING DIRECTOR'S
DECISION TO PLANNING COMMISSION



Received Stamp

Name: Jeff McPherson Phone: 707-601-5001

Email: ~~XX~~

Physical Address or APN: 496 Van Duzen Rd. Mad River

Mailing Address: ~~XX~~

Decision of Planning Director rendered on (date): 05/21/2020

Planning Director's Decision was to: Approve Deny Continue

Request for: CCL-020 Renewal

Reason for Appeal:
CCL-020 was revoked based on a policy that was no longer in effect on the date of the license revocation. Subsequently the license was lodged while this issue was resolved. Furthermore, all violations on other properties have been resolved. please create a process to renew this license

Signature: Jeff McPherson Date: 05/22/2020

Clerk's Use Only

Date Filed: <u>5-22-20</u>	Fee Collected: <u>500⁰⁰</u>
Hearing Date: _____	Receipt No.: _____
Notice Published: _____	Notice Mailed: _____

Agenda Item #5
Attachment D

TRINITY COUNTY PLANNING DEPARTMENT

Kim Hunter, Director 530-623-1351

Commercial Cannabis Division
Phone: 530-623-1351
FAX: 530-623-1353
Info.Planning@trinitycounty.org



61 AIRPORT ROAD • 530-623-1351
P.O. BOX 2819 WEAVERVILLE, CA 96093

RECEIVED

MAY 11 2020

TRINITY COUNTY
PLANNING DEPARTMENT

For Office Use Only	
Accepted By: _____	
Date: _____	
Receipt number: _____	
CCL number: _____	

CANNABIS CULTIVATION ANNUAL LICENSE RENEWAL APPLICATION

(Rev. 3/16/2020)

Current Trinity County Cannabis Cultivation Number (CCL-XXXX-XXX):	CCL-020
Cultivation Site Address:	Street: 496 Van Duzen Rd. City: Mad River State: CA Zip: 95526
Parcel Number(s):	018-540-51-00
Applicant Name (must match existing permit):	Jeff McPerson
Mailing Address:	Street: XXXXXXXXXX City: XXXXXXXX State: CA Zip: XXXXXX
Phone Number:	XXXXXXXXXX
Email:	XXXXXXXXXXXXXXXXXXXX

RENEWAL APPLICATION INFORMATION

Please read each option and check the box most applicable.

1. Premise Map/Site Plan:

- There are changes to my Cultivation Site Plan. I have attached a new Cultivation & Operation Plan.
- There are no changes to my Cultivation Site Plan. A new Premise Map is not needed.

2. Necessary Documents:

- I have applied for renewal of my annual variance and/or Director's Use Permit.
- I have updated my Agent's Authorization form.

3. REQUIRED – Applicant, Owner, State Licensee and Employee List:

- Categorical Exemption Checklist for sites that are eligible. (CE 1,2,3,4,11)
- Project Description for sites that are ineligible for a Categorical Exemption.

For a summary of how to demonstrate compliance with CEQA with a Categorical Exemption or to demonstrate that compliance with CEQA is underway with the preparation of an Initial Study, refer to the table below. For a more extensive explanation, Frequently Asked Questions, and additional guidance material, go to our commercial cannabis website where you will find helpful material posted on the upper right hand side of the webpage under the heading "Trinity County 2020 New Application and Renewal Guidance" <https://www.trinitycounty.org/Commercial-Cannabis>.

4. Permit Type:

- I wish to change my permit type from last year. As required, I have attached a Cannabis Cultivation Permit Application for an allowable permit type change, including any required fees.
- I am not changing my permit type.

5. REQUIRED - Confirmation of Current Information

- I do have a current ID on File. (If your ID has expired, provide a new ID)
- I have a current lease or deed on file. If your lease has expired, provide a new lease.
- I have have applied for all required permits, and none of my applications have been denied or expired and have shown proof of progress on all open permits. Note: If it is determined at the time of submittal of this renewal application that County records show this is not the case, your renewal application will not be accepted.

6. REQUIRED - State Water Resource Control Board (SWRCB) Documentation:

- I have attached my current Notice of Applicability (NOA) from the State Water Board, or all applicable correspondence from the State Water Board directly demonstrating proof of application submission for the same, including annual Monitoring Report.

7. IF APPLICABLE- California Department of Fish & Wildlife (CDFW) Documentation:

- I have attached my Final Lake or Streambed Alteration Agreement (LSAA) from CDFW, or all applicable correspondence from CDFW directly demonstrating proof of application submission for the same.

APPLICANT/PERMITTEE INSPECTION CONSENT & AUTHORIZATION

I/We consent to at least one compliance inspection of the cultivation site to confirm compliance with the requirements of the Trinity County Cannabis Cultivation Ordinance (843.). I/We agree to execute a Renewal Affidavit and pay all renewal fees as required by the Cannabis Program in order to receive my Annual Renewal Cultivation License.

Should any of the information submitted as part of this application be determined by the County to be false or misleading, the County may issue a Notice to Terminate Permit pursuant to Trinity County Code Section 10A.17.140.

I/We declare under penalty of perjury, under the laws of the State of California, that the information provided on this application is true and correct and that I am authorized to sign as the applicant/Licensee of this Licensed Cannabis Cultivation Site.

4/27/2020

Date



Signature of Applicant(s)

Date

Signature of Applicant(s)