

<p><b>TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</b></p>
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**APPLICANT/APPELLANT:** Tom Ballanco

**APPEAL REQUEST:** Appeal of Director's Decision to deny the renewal extension for CCL #045.

**LOCATION:** 5468 Indian Creek Road, Douglas City, CA 96024 (APN: 015-250-07-00)

**APPROX. ACREAGE:** Approximately 80+ acres

**ZONING DISTRICT:** Unclassified (UNC)

**ZONING DISTRICT OVERLAYS:** None

**GENERAL PLAN DESIGNATION:** Resource (RE)

**STAFF RECOMMENDATION:** Deny the appeal.

**ADJACENT LAND USE AND ZONING INFORMATION:**

Direction	Land Use	Zoning	General Plan Designation
North	Timber Production Vacant	Timber Production Zone	Resource
South	Timber Production Vacant	Timber Production Zone	Resource
East	Timber Production Vacant	Timber Production Zone	Resource
West	Vacant	Unclassified	Resource

**SUMMARY:** Tom Ballanco submitted an appeal of the Director's decision to deny an extension letter under Urgency Ordinance 1355 for Cannabis cultivation license (CCL) #45. The initial extension denial letter (dated January 6, 2021) was issued because a renewal fee had not been submitted prior to December 9, 2020 which is the date that Urgency Ordinance 1355 was approved.

Section II A(1) of Urgency Ordinance 1355 states that:

*"The term of any cannabis cultivation license issued on or after January 1, 2019, and for which an application to renew such license has been submitted to the County on the effective date of this Urgency Ordinance, shall be deemed to be extended for the term of this Urgency Ordinance as provided in Paragraph C of this Section."*

Section II A(3) states:

***“Applicants for licenses under Sub-Paragraph (1) and (2) of this Paragraph must pay the applicable application renewal fees and submit a renewal application as a condition of receiving the extension of their licenses for the term of this Urgency Ordinance.”***

(Note: Emphasis added)

Although Mr. Ballanco submitted a renewal application prior to December 9, 2020, no renewal fee had been received which resulted in a denial of the extension.

On April 6, 2021 the Board of Supervisors amended the provisions of Urgency Ordinance 1355 to allow for a 30-day window for renewal application and/or renewal fees to be submitted. The basis for this decision was due to impacts from COVID and the August Complex Fire, in addition to the abrupt program changes caused by the adoption of Urgency Ordinance 1355.

The renewal fees for CCL 045 were then submitted on April 14, 2021.

At that time, a second file review was completed for CCL 045 by the Cannabis Division staff. It was then determined that unresolved site deficiencies existed for unpermitted structures located on the property. Because these unpermitted structures were noted in the 2017 and 2018 inspection reports, and obtaining permits for the unpermitted structures on the property was a requirement of the issuance of CCL 045 in November of 2018, staff denied the extension for CCL 045.

#### **ATTACHMENTS:**

- 1) Appeal application dated March 15, 2021
- 2) Urgency Ordinance 1355
- 3) 1<sup>st</sup> Extension Denial Letter dated January 6, 2021
- 4) 2<sup>nd</sup> Extension Denial Letter dated April 14, 2021
- 5) Appeal Addendum dated April 28, 2021
- 6) CCL 045 Permitting Timeline with 2017-2018 Inspection Reports
- 7) Provisional License Requirements dates November 7, 2018



COUNTY OF TRINITY  
APPEAL OF PLANNING DIRECTOR'S  
DECISION TO PLANNING COMMISSION



Name: Tom Ballanco Phone: 650-296-9782

Email: harmonicengineering@gmail.com

Physical Address or APN: 5468 Indian Creek, Rd. Douglas City, CA 96024

Mailing Address: PO Box 585, Douglas City, CA 96024

Decision of Planning Director rendered on (date): March 5, 2021

Planning Director's Decision was to:  Approve  Deny  Continue

Request for: Appeal of Planning Director's decision to deny the renewal extension for CCL-045

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reason for Appeal:

Please see attached document.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature:  Date: 3/15/21

**Clerk's Use Only**

Date Filed: \_\_\_\_\_ Fee Collected: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_ Receipt No.: \_\_\_\_\_  
Notice Published: \_\_\_\_\_ Notice Mailed: \_\_\_\_\_



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

Receipt Number: PL2021-00017

**Payer/Payee:** BALLANCO LAW GROUP APC  
PO BOX 2878  
WEAVERVILLE CA 96093

**Cashier:** Zach Anderson

**Date:** 03/15/2021

**P-21-15 PLANNING COMMISSION APPEALS 5468 Indian Creek Road DC**

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
Planing Commission Appeal Fee	\$500.00	\$500.00	\$0.00
	<b>\$500.00</b>	<b>\$500.00</b>	<b>\$0.00</b>

<u>Payment Method</u>	<u>Reference Number</u>	<u>Payment Amount</u>
CHECK	1008	\$500.00
<b>Total Paid:</b>		<b>\$500.00</b>

Tom Ballanco  
Trinity Institute for  
Permaculture Farming &  
Restorative Forestry, LL  
5468 Indian Creek, Rd.  
Douglas City, CA 96024

March 15, 2021

Trinity County Planning Department  
61 Airport Rd.  
Weaverville, CA 96093

### **Appeal of Trinity County Planning Director's Denial of Renewal Extension for CCL-045**

Greetings Commissioners,

On Friday, March 5, 2021, I received a letter from Trinity County Planning Director Kim Hunter (the "Director"), ostensibly dated "1/6/2021," though postmarked in Sacramento on March 1, 2021 (attached as Exhibit 1) indicating that the Director had determined that my License Renewal Application, submitted on August 12, 2020 (Exhibit 2) "did not qualify for an extension under Trinity County Ordinance No. 1355." The letter claims to derive authority for the denial from Ord 1355, though does not specify where in the language it is to be found.

I am appealing this decision by the Director for the following reasons:

- 1) There is no language in Ord 1355 that authorizes a denial for the reason claimed, specifically "No renewal fee was received by 12/9/2020."
- 2) I tendered payment of the renewal fee, but the Planning Department was closed due to COVID concerns or lack of staffing, or both. My emails and phone calls were unanswered.
- 3) Neither Trinity County Code, the preprinted Renewal Application, nor the historic practice of the Trinity County Planning Department supports such a denial.
- 4) The Director's decision, if upheld, runs counter to public policy, leads to loss of county revenues, public waste and lost investment.

Taking these items in turn, Ord 1355 provides in Section II (A) (1): "The term of any cannabis cultivation license issued on or after January 1, 2019, and for which an application

to renew such license had been submitted to the County on the effective date of this Urgency Ordinance, shall be deemed to be extended for the term of this Urgency Ordinance.”

CCL-045 first applied, and subsequently received, a Trinity County Commercial Cannabis Cultivation License in 2016 and has maintained the CCL continuously since that time. In August 2020, because the Trinity County Planning Department was closed due to COVID, I submitted a Renewal Application for CCL-045 online. In various email communications with the Director and Planning Staff, I attempted to fix a time, and amount due, to pay the Renewal and other invoices due for CUP & Variance applications also submitted online (Exhibit 3). I did not receive a response to these inquiries. In October 2020, I was contacted by Trinity County Planning Staff to arrange a site visit (Exhibit 4). I called to make an appointment and inquire about payment of fees but did not receive a response (Exhibit 5). I remain willing, and able, to pay the fees due.

Importantly, other than authorizing the extensions, nothing in Ord 1355 amends or modifies any Trinity County Commercial Cannabis Cultivation Ordinance(s). In fact, Section II (A) (5) does exactly the opposite: “Nor shall anything in this Urgency Ordinance be interpreted to abridge or preclude the County’s authority to suspend, revoke, or modify any license or seek any remedy authorized by law.”

The Trinity County Commercial Cannabis Cultivation Ordinance, and subsequent amendments, include the following requirements regarding payment of fees:

Sec. 17.43.090 – Fees

A. The county shall collect from the applicant a regulatory cannabis cultivation program fee (hereinafter referred to as fee) when an applicant applies for a registration of a cannabis cultivation site with the planning department pursuant to this chapter.

\* \* \*

D. Fees shall be paid thereafter annually on the date of the issuance of the license each year.

This language from the Ordinance is reflected in the Cannabis Cultivation Annual License Renewal Application signature block:

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 (315-823). 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 (Exhibit 2).

This directive in the Ordinance and Renewal Application is also reinforced by the historic practice of the Trinity County Planning Department that routinely accepted renewal fees at the time the Renewal License was issued.

Further, in recognition of the time and effort that goes into applying for and maintaining state and local license compliance, the Trinity County Commercial Cannabis Cultivation Ordinance provides in Section 17.43.070 (B) that, "Applicants shall be given up to seven business days after written notification to correct deficiencies prior to denying or revoking the license." Proper application of these protocols would have avoided the need for this, and undoubtedly other appeals, which could be remedied by a simple email inviting me to pick up my license renewal upon the payment of the applicable fees. The same process that has worked since 2017.

Upholding the Director's decision would not only run counter to these Ordinance provisions and established practices, but it would deprive the county of at least two seasons (2020 & 2021) worth of licensing fees and taxes. Denial of my renewal extension would render me out of compliance with my state license and suspend my ability to engage in commercial cannabis activity, requiring the destruction of the cannabis currently in inventory, in turn depriving the state and county of tens of thousands of dollars of combined cultivation tax revenue from 2020 and potential revenue from the 2021 season.

The cultivation site licensed by CCL – 045 is on roughly the same footprint since 2016, occupying land cleared pursuant to an approved Less Than 3 Acre Conversion and graded pursuant to a geotechnical engineer's report. The site has been inspected on numerous occasions by the State Water Board, North Coast Regional Water Quality Control Board and CDFW.

While Trinity County did not inspect during the 2020 season, the site was inspected by CDFA Compliance Staff and all noted deficiencies were corrected and verified within the time provided. I have been licensed by CDFA since January 2020 and enrolled in METRC since

February 2020. All of these factors were considered in the findings supporting the adoption of Ord 1355. Nowhere in the findings section is there any language that would give rise to a change in the county's Commercial Cannabis Cultivation Ordinance language and long-established practice. Nor was there any discussion during the meeting on December 9, 2020 evidencing such an intent. Allowing the Director's interpretation would effectively amend the Commercial Cannabis Cultivation Ordinance, without any direction from the Board of Supervisors or public discussion.

Additionally, in the findings section, the Board of Supervisors acknowledged the significant expenses incurred by licensees in the program. My infrastructure costs were further increased by the seasonal operational costs I have already incurred for the 2021 season, due in part to the two-month delay between the date of my denial letter (1/6/21) and my actual receipt (3/5/21).

There is no substantive reason to deny/revoke my license other than the Director's skewed and expansive interpretation of the Urgency Ordinance that appears to be characteristic of a "Gotcha" mentality rather than a solution-oriented approach that would serve licensees, the county and the economy. I respectfully request the Planning Commission to overturn the Director's denial and authorize my renewal extension. Thank you for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Ballanco", with a stylized flourish at the end.

Tom Ballanco  
CCL - 045



# Exhibit 1



**TRINITY COUNTY**  
**COMMUNITY DEVELOPMENT SERVICES**  
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH  
CANNABIS DIVISION  
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093  
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

Kim Hunter, Director

1/6/2021

Thomas Ballanco  
PO Box 585  
Douglas City, CA 96024

Re: CCL-045  
5468 Indian Creek

Dear Thomas,

The Board of Supervisors passed an Urgency Ordinance (No. 1355) on December 9, 2020 to extend previously issued Cannabis Cultivation Licenses if a licensee meets all requirements under the Urgency Ordinance. After a review of your file, it was determined that your expired License CCL-045 on Parcel Number 015-250-07-00, does not qualify for an extension under Trinity County Ordinance No. 1355 for the following reason(s) as indicated by an "X":

	1) After a State records search, there is no record of a current or pending State Cultivation License
	2) No renewal application was received by 12/9/2020
X	3) No renewal fee was received by 12/9/2020

- 1) If your County License did not qualify for an extension due to no record of a pending or valid State License, and you have proof that you applied or hold a State License on or before 12/9/2020, please provide this documentation in electronic form along with your County CCL number to [planning.cannabis@trinitycounty.org](mailto:planning.cannabis@trinitycounty.org). Your County License may be considered for an extension under the Urgency Ordinance.
- 2) If your expired County License did not qualify for an extension due to lack of a renewal application on or before 12/9/2020; or
- 3) If your expired County License did not qualify for an extension due to lack of a renewal payment on or before 12/9/2020, please do not submit these items at this time. Check the Commercial Cannabis website regularly at <https://www.trinitycounty.org/Commercial-Cannabis>. Your license may be considered for inclusion in the Transition Plan for the Amended Cannabis Program. Information will be posted on the website soon regarding the Transition Plan.

As a reminder, without a valid Trinity County Commercial Cannabis Cultivation License, or an extension of a previously issued License, you are not authorized to conduct Commercial Cannabis operations including but not limited to cultivation, processing, wholesale, etc. You must also maintain the existing site conditions as agreed to in the "Acknowledgement if Maintaining Existing Site Conditions" form you signed and submitted to the County.

A handwritten signature in black ink, appearing to read "Kim Hunter", is written over a horizontal line.

KIM HUNTER  
Trinity County Planning Director



TRINITY COUNTY  
 Planning Department  
 Cannabis Division  
 P.O. Box 2819 - 61 Airport Rd.  
 Weaverville, CA 96093

Tom Baulaw  
 PO Box 585  
 Douglas City, CA 96024

SACRAMENTO CA 957  
 1 MAR 2021 PM 2 L



96024-



# Exhibit 2



# TRINITY COUNTY PLANNING DEPARTMENT

Kim Hunter, Director 530-623-1351

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

Commercial Cannabis Division  
Phone: 530-623-1351  
FAX: 530-623-1353  
[Info.Planning@trinitycounty.org](mailto:Info.Planning@trinitycounty.org)

<i>For Office Use Only</i>	
Accepted By:	_____
Date:	_____
Receipt number:	_____
CCL number:	_____

## CANNABIS CULTIVATION ANNUAL LICENSE RENEWAL APPLICATION

(Rev. 3/18/2020)

Current Trinity County Cannabis Cultivation Number (CCL-XXXX-XXX):	CCL-2019-045
Cultivation Site Address:	Street: <u>5468 Indian Creek Rd.</u> City: <u>Douglas City</u> State: <u>CA</u> Zip: <u>96024</u>
Parcel Number(s):	250-015-07-00
Applicant Name (must match existing permit):	Tom Ballanco
Mailing Address:	Street: <u>P.O. Box 585</u> City: <u>Douglas City</u> State: <u>CA</u> Zip: <u>96024</u>
Phone Number:	650-296-9782
Email:	HarmonicEngineering@gmail.com

## 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, *if applicable*.

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

*CEQA considerations addressed in pending CUP for this site.*

- 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.

Entered 2016, copy in file with initial license application.

**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 (315-843.). 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.

  
 \_\_\_\_\_  
**Signature of Applicant(s)**

Date August 12, 2020

\_\_\_\_\_  
**Signature of Applicant(s)**  
 The Lavender Trust  
 By: Thomas J. Ballanco, Trustee

Date \_\_\_\_\_

\_\_\_\_\_  
**Signature of Property Owner(s)**  
 The Lavender Trust  
 By: Te'sa Lubans DeHaven, Trustee

Date August 12, 2020

\_\_\_\_\_  
**Signature of Property Owner(s)**

Date August 12, 2020



# TRINITY COUNTY PLANNING DEPARTMENT

Kim Hunter, Director 530-623-1351

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

Commercial Cannabis Division  
Phone: 530-623-1351  
FAX: 530-623-1353  
Info.Planning@trinitycountycal.gov

RECEIVED

AUG 13 2020

TRINITY COUNTY  
PLANNING DEPARTMENT

*For Office Use Only*

Accepted By: \_\_\_\_\_

Date: \_\_\_\_\_

Receipt number: \_\_\_\_\_

CCL number: \_\_\_\_\_

## CANNABIS CULTIVATION ANNUAL LICENSE RENEWAL APPLICATION

(Rev. 3/13/2020)

Current Trinity County Cannabis Cultivation Number (CCL-XXXX-XXX):	CCL-2019-045
Cultivation Site Address:	Street: 5468 Indian Creek Rd. City: Douglas City State: CA Zip: 96024
Parcel Number(s):	250-015-07-00
Applicant Name (must match existing permit):	Tom Ballanco
Mailing Address:	Street: P.O. Box 585 City: Douglas City State: CA Zip: 96024
Phone Number:	650-296-9782
Email:	HarmonicEngineering@gmail.com

## 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, *if applicable*.

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

CEQA considerations addressed in pending CUP for this site.

- 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>.

# Exhibit 3





Tom Ballanco &lt;harmonicengineering@gmail.com&gt;

**Re: 1 acre CUP application - CCL19-045**

1 message

**Tom Ballanco** <harmonicengineering@gmail.com>  
To: "Mary B. Brinkley" <mbrinkley@trinitycounty.org>

Thu, Sep 10, 2020 at 11:23 AM

Greetings Mary Beth,

I hope this finds you well and, if nothing else, shielded from the outside world by the work piled on your desk! I realize I still owe a bunch of fees as indicated below. How best to get them to you?

Also, by my calculations the total is \$10,730 (\$6,000 + \$3,979 + \$751), can I pay that in one check or would you prefer 3 separate checks?

Thanks!

Tom

Sent from my iPad

On Jun 25, 2020, at 12:51 PM, Kim Hunter <khunter@trinitycounty.org> wrote:

It would be helpful if you could make an appointment with Mary Beth. I've cc'd her on this message as well. Thank you! K.

**From:** Harmonic <harmonicengineering@gmail.com>  
**Sent:** Thursday, June 25, 2020 11:15 AM  
**To:** Kim Hunter <khunter@trinitycounty.org>  
**Subject:** Re: 1 acre CUP application - CCL19-045

Thank you, Kim, got it! Do I need to make an appointment to bring it in?

On Jun 23, 2020, at 5:30 PM, Kim Hunter wrote:

Tom,

Our permitting system is uncooperative when it comes to combining fees. Here's the fees that are due:

- Type 3 CUP with Environmental Review : \$3,979.00 (estimate attached)
- Type 3 500 ft. Variance: \$751
- Type 2 annual renewal: \$6,000

3/7/2021

Gmail - Re: 1 acre CUP application - CCL 19-045

Upon approval and issuance of your Type 3 CCL, you will pay the difference to upgrade from the Type 2 CCL (\$3,000).

Please let me know if you have any questions. Have a good evening, K.

-----Original Message-----

From: Tom Ballanco <harmonicengineering@gmail.com>

Sent: Monday, June 22, 2020 5:17 PM

To: Kim Hunter <khunter@trinitycounty.org>

Subject: Re: 1 acre CUP application - CCL19-045

Hi Kim,

This is for our Type 3 CUP, but I still owe for my Type 2 Renewal, so if you want to add them together that's fine too.

Thanks!

Tom

Sent from my iPad

> On Jun 22, 2020, at 5:05 PM, Kim Hunter <khunter@trinitycounty.org> wrote:

>

> Hi Tom,

> I was just emailing you back about the fees. Will this be an upgrade for an existing Type 2 or a new Type 3 CCL? K.

>

> -----Original Message-----

> From: Tom Ballanco <harmonicengineering@gmail.com>

> Sent: Monday, June 22, 2020 4:59 PM

> To: Mary Lancaster <mlancaster@trinitycounty.org>

> Cc: Kim Hunter <khunter@trinitycounty.org>

> Subject: 1 acre CUP application - CCL19-045

>

> Greetings,

>

3/7/2021

Gmail - Re: 1 acre CUP application - CCL . 045

> Attached please find the 1-acre CUP/Variance Application and Site Map for the Trinity Institute for Permaculture Farming and Restorative Forestry ("TIPFARF"), LLC. I did not include redundant materials already in my CCL file, but can provide copies if needed.

>

> I also do not know the current applicable fee. I will bring the fee, along with the stamped letters to Planning as soon as I hear back. Let me know if you need anything else.

>

> Thank you,

>

> Tom Ballanco, Manager

> TIPFARF, LLC

>

> Sent from my iPad

<EST-20-0206 APN 015-250-07-00.pdf>

This message is being sent by or on behalf of a lawyer.  
It is intended exclusively for the individual or entity to which it is addressed. This communication may contain information that is proprietary, privileged or confidential or otherwise legally exempt from disclosure. If you are not the named addressee, you are not authorized to read, print, retain, copy or disseminate this message or any part of it. If you have received this message in error, please notify the sender immediately by e-mail and delete all copies of the message.

# Exhibit 4



Tom Ballanco &lt;harmonicengineering@gmail.com&gt;

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**Cannabis License #045**

1 message

---

**Raymond Merolla-DiSanza** <rmerolla-disanza@trinitycounty.org>  
To: "harmonicengineering@gmail.com" <harmonicengineering@gmail.com>

Thu, Oct 8, 2020 at 8:23 AM

Good morning.

Your cannabis cultivation site needs to be inspected. Please contact Daniel Marvel at (530) 623-1354 ext. 2819 to schedule an inspection.

Also, a project description of your operation needs to be submitted. See attached instructions.

Thank You,

Raymond Merolla-DiSanza



*Raymond M. Merolla-DiSanza*

Administrative Coordinator

Trinity County Planning Department-Cannabis Division

61 Airport Road

Weaverville, CA 96093

(530) 623-1351 Ext 2828 or Ext 7

[rmerolla-disanza@trinitycounty.org](mailto:rmerolla-disanza@trinitycounty.org)



**Cannabis Project Description Guidance\_2020.pdf**  
205K

# Exhibit 5

3:48



# Phone



October 27, 2020



**AW (2)**

↩ Mobile

12:45 PM



**1 530-623-1354**

↩ Weaverville, CA

11:41 AM



**(530) 879-4240**

↩ Chico, CA

10:00 AM

October 23, 2020



**(707) 496-4045**

↩ California

12:37 PM



**(518) 963-3167**

↩ Willsboro, NY

12:23 PM



**(650) 296-6296**

↩ California

11:56 AM

Keypad

**Recents**

Contacts



**ORDINANCE NO. 1355**

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS  
OF TRINITY COUNTY  
EXTENDING THE TERMS OF PREVIOUSLY ISSUED CANNABIS CULTIVATION  
LICENSES AND PROHIBITING THE ISSUANCE OF LICENSES FOR NEW  
CANNABIS CULTIVATION OPERATIONS PENDING THE CREATION OF A  
TRANSITION PROGRAM IMPLEMENTING THE PROVISIONS AND MITIGATION  
MEASURES OF AN AMENDED CANNABIS PROGRAM ORDINANCE**

The Board of Supervisors of the County of Trinity State of California, ordains as follows:

**SECTION I:** In enacting this Urgency Ordinance, the Board of Supervisors finds as follows:

WHEREAS, the County of Trinity administers a Commercial Cannabis Program (“Program”) that includes the licensing of cannabis cultivation sites throughout the County.

WHEREAS, the County first began licensing commercial cannabis cultivation in 2016.

WHEREAS, the Cannabis Cultivation Ordinance was enacted by Ordinance 815-823 and was amended by Ordinances 315-829, 315-830, 315-841, and 315-843, with the latter amendment occurring on February 20, 2019 (collectively, these ordinances are referred to within as the “Cultivation Ordinance”).

WHEREAS, approximately 490 cannabis cultivation licenses have been issued since the adoption of the Cultivation Ordinance.

WHEREAS, licenses issued under the Cultivation Ordinance are generally issued for a period of one year from issuance, and applicants must apply to renew their licenses for each subsequent year.

WHEREAS, as of the effective date of this Ordinance, approximately 185 cannabis cultivation renewal license applications remained to be processed for the 2020 cultivation year.

WHEREAS, because of the effect of state- and locally-mandated orders concerning the COVID-19 pandemic, and because of a lack of sufficient Program staffing to handle the volume of applications, the County has not been able to timely process all 2020 cannabis cultivation renewal licenses.

WHEREAS, in order to obtain a renewal license in 2020, an applicant for a cultivation license had to have received a license for the 2018 and/or 2019 cultivation years.

WHEREAS in addition to having had to secure licenses for 2018 and/or 2019, applicants for 2020 cultivation license renewals had to have enrolled by 2016 in California Regional Water Quality Board, North Coast Order No. 2015-0023, the Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation



and Associated Activities or Operations with Similar Effects in the North Coast Region, dated August 13, 2015 (“Regional Board Order”).

WHEREAS, the securing of a County cannabis cultivation license is, under California Business and Professions Code section 19322(a)(2), necessary to demonstrate local compliance for purpose of obtaining the required state license from a California licensing authority.

WHEREAS, in having enrolled in the Regional Board Order by 2016 and obtained County cultivation licenses in 2018 and/or 2019, cannabis cultivation licensees have been required to expend significant time, money, and resources in maintaining licensed and legally compliant cultivation operations.

WHEREAS, a cannabis “black market” continues to exist locally and statewide, and this unregulated, illegal market continues to compete with the regulated, legal market.

WHEREAS, the objective of the Cultivation Ordinance and California state law, specifically the Medicinal and Adult-Use Cannabis Regulation and Safety Act (“MAUCRSA”), is to provide a path to legal cannabis cultivation.

WHEREAS, a person or entity must possess a state cultivation license to lawfully supply cultivated cannabis to a cannabis processor, manufacturing facility, distributor, or retail operation.

WHEREAS, the County’s delay in processing and issuing 2020 cannabis-cultivation renewal licenses places applicants whose licenses have not been processed for this calendar year in jeopardy of losing, or not obtaining, their required state cultivation licenses.

WHEREAS, the loss of the ability to lawfully supply cultivated cannabis within the regulated, legal state system would, through no fault of their own, expose applicants for 2020 cannabis cultivation renewal application to significant losses on the considerable investments they have made to maintain lawful cultivation operations in a still-developing and highly competitive market.

WHEREAS, it would be inequitable to expose applicants for cannabis cultivation licenses to these consequences due to circumstances beyond their control, including the effect of the COVID-19 pandemic and shortages in County staffing.

WHEREAS, in addition to the need to relieve 2020 cannabis cultivation license applicants from these potential inequities, the Program will shortly be undergoing a significant change in nature and scope due to the potential and imminent certification of a programmatic Environmental Impact Report.

WHEREAS, the County published a Notice of Preparation of an Environmental Impact regarding the Program on December 21, 2018.

WHEREAS, on January 16, 2019, the County held a scoping meeting to elicit public input and comment regarding the preparation of the intended environmental impact report for the Program.

WHEREAS, following the preparation of a Draft Environmental Impact Report (“DEIR”) regarding the Program, the County published Notice of Availability of the DEIR on May 29, 2019.

WHEREAS, on September 26, 2019, the Planning Commission held a workshop to receive public input regarding the DEIR.

WHEREAS, on November 19, 2019, December 11, 2019, and February 11, 2020, the Board of Supervisors held special meetings to receive further public input regarding the DEIR.

WHEREAS, a Final Environmental Impact Report (“FEIR”) has been prepared, which includes written responses to all comments received during the formal comment period on the DEIR.

WHEREAS, to incorporate the mitigations identified in the FEIR into the Program, an amended ordinance has been prepared repealing and amending Chapter 17.43 of the County Code; enacting new sections to Chapters 17.43A, 17.43B, 17.43C, 17.43D, 17.43E, and 17.43F; and enacting new Chapter 17.43G (the “Amended Program Ordinance”).

WHEREAS, a public hearing was held before the Planning Commission on November 19, 2020 and December 3, 2020, following the conclusion of which, the Planning Commission recommended, with suggested modifications, that the Board of Supervisors certify the FEIR and adopt the Amended Program Ordinance.

WHEREAS, the Board of Supervisors is scheduled to hold a public hearing on December 21, 2020 to consider and act upon the Planning Commission’s recommendations concerning certification of the FEIR and adoption of the Amended Program Ordinance.

WHEREAS, if the Amended Program Ordinance is adopted, the amended ordinance would include the mitigation measures recommended by the FEIR, resulting in significant changes being made to the Program, including existing and new cannabis cultivation operations.

WHEREAS, County Staff is presently developing a transition plan to implement the new requirements of the Amended Program Ordinance by, among other things, creating application checklists, informational material (FAQs, advisements, etc.), guidance documents, and other review and compliance resources.

WHEREAS, it is in the best interest of the public, the environment, and the Program that County Staff devote its time, resources, and efforts toward implementing the requirements of the Amended Program Ordinance as promptly as possible.

WHEREAS, to allow County Staff to properly focus its efforts on developing and effecting a transition plan regarding the Amended Program Ordinance, and at the same time to avoid the inequities to applicants for 2020 cannabis cultivation licenses, as described above, the Board of Supervisors finds there is a compelling and immediate public need to extend the dates of previously issued cannabis cultivation licenses, as provided in Section II of this Ordinance.

WHEREAS, in addition to the pending applications for renewal cannabis cultivation licenses, the County received 69 applications in 2019 and 2020 for new cannabis cultivation licenses.

WHEREAS, in March 2020, the Planning Director issued a directive advising that the County would not accept applications for new cannabis cultivation licenses due to the impact of the existing Program's need to process applications for renewal cannabis cultivation licenses.

WHEREAS, the Board of Supervisors finds that the basis for the Planning Director's directive continues to exist; and more specifically, the Board of Supervisors finds that to ensure proper implementation of the Amended Program Ordinance, it is continues to be necessary to preclude issuance of licenses for new cannabis cultivation licenses as provided in Section II of this Urgency Ordinance.

WHEREAS, this suspension of review of new license applications is necessary because it would be infeasible to meaningfully and properly consider the approval of such applications under the standards of the Amended Program Ordinance until the forthcoming transition program is developed, adopted by the Board of Supervisors, and fully implemented.

WHEREAS, for all of the above reasons, the Board of Supervisors finds that the adoption of this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety in that enactment of the provisions within will ensure that licensed cultivation operations may remain in the regulated, legal cannabis market, achieving the objectives of the Program and MAUCRSA.

WHEREAS, the Board of Supervisors further finds that the adoption of this Urgency Ordinance is necessary for the immediate preservation of the public peace, health, and safety in that the provisions within will ensure that the County may as promptly as possible implement the new requirements of the Amended Program Ordinance, thereby ensuring that the Program implements recommended environmental mitigation measures as expeditiously as possible.

WHEREAS, the adoption of this ordinance as a non-urgency ordinance would not allow the provisions stated in Section II to take effect until late January at the earliest, resulting in many of the adverse consequences described above—which are already occurring and having detrimental effects—being continued for several more weeks.

WHEREAS, nothing in this urgency ordinance is intended to address, or shall address, the license for any Type 3/Medium Cultivation Licenses.

**SECTION II:** Based on the above findings, the Board of Supervisors ordains the following measures be immediately implemented:

A. Extension of Previously Issued Cannabis Cultivation Licenses.

1. The term of any cannabis cultivation license issued on or after January 1, 2019, and for which an application to renew such license had been submitted to the County on the effective date of this Urgency Ordinance,

shall be deemed to be extended for the term of this Urgency Ordinance, as provided in Paragraph (C) of this Section.

2. Should any cannabis cultivation license in effect as of the date of this Urgency Ordinance be scheduled to expire after the effective date of this Urgency Ordinance, the term of such license shall be extended for the term of this Urgency Ordinance, as provided in Paragraph (C) of this Section.
  3. Applicants for licensees under Sub-Paragraph (1) and (2) of this Paragraph must pay the applicable renewal application fees and submit a renewal application as a condition for receiving the extension of their licenses for the term of this Urgency Ordinance.
  4. The County shall take all actions reasonable and prudent to advise California state licensing authorities of the extensions of their local authorities as evidenced by the licenses as provided under this Urgency Ordinance.
  5. Nothing in this Urgency Ordinance shall be interpreted to allow any licensee to violate any term or condition of any issued cannabis cultivation license or any provision of the Trinity County Code or state law. Nor shall anything in this Urgency Ordinance be interpreted to abridge or preclude the County's authority to suspend, revoke, or modify any license or seek any remedy authorized by law.
  6. Transfer of an existing license to a new property shall be treated as a new application, and shall be subject to the prohibition to the Urgency Ordinance as stated in Paragraph B.
- B. Prohibition on Issuance of New Cannabis Cultivation Licenses. The County may not accept, approve, or issue any application for a new cannabis cultivation license for the term of this Urgency Ordinance, as provided in Paragraph (C) of this Section.
- C. Term of this Urgency Ordinance. This Urgency Ordinance shall take effect immediately and shall expire on the earlier of (1) 270 days from the effective date of this ordinance, as stated in Paragraph (D), or (2) the effective date of any further or subsequent ordinance suspending, repealing, amending, or superseding this Urgency Ordinance.
- D. Effective Date. The effective date of this Urgency Ordinance is December 9, 2020.

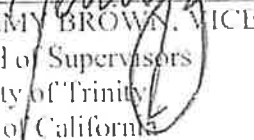
**SECTION III:** This Ordinance is an urgency ordinance necessary for the immediate preservation of the public peace, health and safety. Pursuant to Government Code section 25123, subdivision (d), this ordinance shall take effect immediately upon adoption by four-fifths of the Board of Supervisors, and prior to the expiration of fifteen (15) days from the adoption thereof shall be

published at least one time in the *Trinity Journal*, a newspaper of general circulation in Trinity County.

**SECTION IV.** This ordinance is exempt from CEQA under the general rule that it can be seen with certainty that the temporary extension of existing cannabis cultivation licenses and prohibition on approval of new cultivation licenses have no possibility of having a significant effect on the environment, as set forth in California Code of regulations, title 14, section 15061, subdivision (b)(3). Further, this ordinance is exempt from CEQA pursuant to the provisions of Public Resources Code section 21080, subdivision (b)(4) and California Code of regulations, title 14, sections 15307 and 15308, in that the measures provided within are intended to protect natural resources and the environment. In addition, the extension of the duration of existing licenses under the terms provided within does not constitute a CEQA project under applicable case authorities, including *Moss v. County of Humboldt* (2008) 162 Cal.App.4th 1041, 1049, and *Latinos Unidos de Napa v. City of Napa* (2013) 221 Cal.App.4th 192, 202.

Introduced, passed and enacted at a special meeting of the Board of Supervisors held on the 9<sup>th</sup> day of December 2020 by the Board of Supervisors of the County of Trinity by motion, second (Morris/Brown), and the following vote:

AYES: Supervisors Brown, Morris, Groves, Fenley and Chadwick  
NOES: None  
ABSENT: None  
ABSTAIN: None  
RECUSE: None

  
\_\_\_\_\_  
JEREMY BROWN, VICE-CHAIRMAN  
Board of Supervisors  
County of Trinity  
State of California


ATTEST:

RICHARD KUHNS, Psy.D  
Clerk of the Board of Supervisors

By:   
\_\_\_\_\_

Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

  
\_\_\_\_\_  
Margaret E. Long, County Counsel

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



Kim Hunter, Director

1/6/2021

Thomas Ballanco  
PO Box 585  
Douglas City, CA 96024

Re: CCL-045  
5468 Indian Creek

Dear Thomas.

The Board of Supervisors passed an Urgency Ordinance (No. 1355) on December 9, 2020 to extend previously issued Cannabis Cultivation Licenses if a licensee meets all requirements under the Urgency Ordinance. After a review of your file, it was determined that your expired License CCL-045 on Parcel Number 015-250-07-00, does not qualify for an extension under Trinity County Ordinance No. 1355 for the following reason(s) as indicated by an "X":

- 1) After a State records search, there is no record of a current or pending State Cultivation License
- 2) No renewal application was received by 12/9/2020
- X 3) No renewal fee was received by 12/9/2020

- 1) If your County License did not qualify for an extension due to no record of a pending or valid State License, and you have proof that you applied or hold a State License on or before 12/9/2020, please provide this documentation in electronic form along with your County CCL number to [planning.cannabis@trinitycounty.org](mailto:planning.cannabis@trinitycounty.org). Your County License may be considered for an extension under the Urgency Ordinance.
- 2) If your expired County License did not qualify for an extension due to lack of a renewal application on or before 12/9/2020; or
- 3) If your expired County License did not qualify for an extension due to lack of a renewal payment on or before 12/9/2020, please do not submit these items at this time. Check the Commercial Cannabis website regularly at <https://www.trinitycounty.org/Commercial-Cannabis>. Your license may be considered for inclusion in the Transition Plan for the Amended Cannabis Program. Information will be posted on the website soon regarding the Transition Plan.

As a reminder, without a valid Trinity County Commercial Cannabis Cultivation License, or an extension of a previously issued License, you are not authorized to conduct Commercial Cannabis operations including but not limited to cultivation, processing, wholesale, etc. You must also maintain the existing site conditions as agreed to in the "Acknowledgement if Maintaining Existing Site Conditions" form you signed and submitted to the County.

KIM HUNTER  
Trinity County Planning Director



**TRINITY COUNTY**  
**COMMUNITY DEVELOPMENT SERVICES**  
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH  
CANNABIS DIVISION  
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093  
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

**Kim Hunter, Director**

4/14/2021

Thomas Ballanco  
PO Box 585  
Douglas City, CA 96024

Re: CCL-045  
5468 Indian Creek Rd.

Dear Thomas,

The Board of Supervisors passed an urgency ordinance on December 9, 2020 to extend previously issued Cannabis Cultivation Licenses if licensee met all requirements in Ordinance No. 1355.

After a review of your file, it was determined that your License CCL-2019-045 on Parcel Number 015-250-07-00, does not qualify for an extension under Trinity County Ordinance No. 1355 for the following reasons:

	Inability to meet permitted dwelling and/or permitted septic requirement while ignoring deadlines issued by Compliance staff.
	Unresolved Non-Compliance Violations
X	Unresolved Violations with TC Bldg. Dept. (Unpermitted structures on property)
X	Other (Expired Bldg. Permit for storage building. Reinstatement and Inspection required)

If you feel the department has made a mistake and would like to discuss the decision of your eligibility for extension please contact the Trinity County Cannabis Department via e-mail at [planning.cannabis@trinitycounty.org](mailto:planning.cannabis@trinitycounty.org) or via telephone at 530-623-1351.

KIM HUNTER  
Trinity County Planning Director

Tom Ballanco  
Trinity Institute for  
Permaculture Farming &  
Restorative Forestry, LL  
5468 Indian Creek, Rd.  
Douglas City, CA 96024

April 28, 2021

Trinity County Planning Department  
61 Airport Rd.  
Weaverville, CA 96093

**Addendum to Appeal PL 2021-00017 of Trinity County Planning Director's Denial of  
Renewal Extension for CCL-045**

Greetings Commissioners,

This Addendum adds to, and hereby incorporates by reference, my appeal [File PL 2021-00017] of the Planning Director's Denial of my Renewal Extension for CCL-045.

As stated in my original Appeal, on Friday March 5, 2021 I received a letter from Trinity County Planning Director Kim Hunter denying my Renewal extension because: "No renewal fee was received by 12/9/2020." No other reasons for the denial were listed.

After the Board of Supervisors adopted the Urgency Ordinance Amendment, on April 12, 2021 I again tendered my Renewal payment for 2020 and included my payment for 2021 for a total of \$12,000. The Director did not accept the tendered payment, saying that I only owed \$6,000. I prepared another check for the specified amount which the Director accepted on April 14, 2021. On Monday, April 19, 2021, I received a second denial letter from the Director (incidentally dated April 14, 2021 the same day my Renewal payment was accepted), asserting new reasons for the denial (Exhibit A). The new reasons asserted by the Director are:

"Unresolved Violations with TC Bldg. Dept. (Unpermitted structures on property)"

and

"Other (Expired Bldg. Permit for storage building. Reinstatement and Inspection required.)"



As mentioned in my original appeal, these issues, like countless others, could have been addressed had the Director not abridged the procedures afforded Licensees/Applicants in T.C. Code § 17.43.070 (B). Nothing in either the Urgency Ordinance, nor the Urgency Ordinance Amendment alters these due process rights. Instead, it seems that rather than objectively assessing my Renewal Application for the CCL I have maintained since 2016, the Director resolved to deny my Renewal Extension and dedicated her presumably limited time to scouring my file looking for reasons to support her decision.

The reasons asserted by the Director are more than 2 years out of date. Specifically, as regards the “Expired Building Permit for storage building,” previous landowners had begun the permitting process for a small dwelling on the property. Since the Trinity County Zoning Code only allows one Single Family Dwelling on this 82 acre parcel, I was hesitant to complete the permitting of this structure while working with my architect on a more appropriately sized Single Family Dwelling.

From late 2018, into 2019, I worked with then-Director Rick Tippett and Chief Building Inspector Jim Santiago to develop a workable strategy. At Mr. Santiago’s suggestion, we resolved to extinguish the Storage Building Permit and add the small building to my existing building permit as an Additional Dwelling Unit (“ADU”). Per our agreement, I would add Residential Fire Sprinklers to the small dwelling and permit it first as the initial Single Family Dwelling. Then, when the larger house was completed the small dwelling would transfer to be the authorized ADU.

My existing Building Permit was amended to reflect those changes sometime in the Spring of 2019, but in sufficient time to allow my 2019/20 License to be issued without Conditions (Exhibit B). I subsequently submitted plans and calculations for fire sprinklers in the small dwelling. When the fire sprinkler plan was approved, I proceeded to install the sprinkler system and make the requisite adjustments to the plumbing system in the small dwelling. While this process was somewhat delayed due to the pandemic, the sprinkler system was completed during the Summer of 2020 and the small dwelling had its Final Inspection on October 1, 2020.

Regarding “Unpermitted Structures on Property,” which the Director presents as some apparently new revelation, the parcel maps I have submitted since initial licensing in 2016 have reflected the structures on the property. Starting with then-Director Tippett and continuing with

then-Deputy Director Hubbard, I have worked with Trinity County Planning to implement a strategy for the removal of these structures. One pre-existing unused structure not on the licensed Premises was removed in the Fall of 2018, the only structure that was on the licensed Premises was removed in the Fall of 2020. After the permitting of my initial Single Family Dwelling/ADU, I arranged for the purchase of a steel storage structure. The plans for this storage building have been submitted to the Trinity County Building Department. Per my earlier agreements with the previous Planning & Building Officials, once this storage building is constructed, I will have sufficient covered space to relocate all of the valuable items currently being stored in the unpermitted structure.

Incidentally, there are unresolved questions about whether this unpermitted structure, a yurt, can actually be permitted. I have opinions from two civil engineers licensed in California that such a structure is covered by the current version of the Uniform Building Code. In my previous discussions with then-Director Tippett, we agreed to defer these questions and proceed on the agreed schedule described above. In any case, the unpermitted structure is not on the licensed Premises and is not involved in "the operation" as described in TC Code § 17.43.070 (A)(3).

For these reasons, and those in my initial appeal that are again incorporated by reference, I respectfully request the Planning Commission to overturn the Director's denial and authorize my renewal extension. Thank you again for your time and consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tom Ballanco", with a horizontal line extending to the right.

Tom Ballanco  
CCL - 045

# Exhibit A



**TRINITY COUNTY**  
**COMMUNITY DEVELOPMENT SERVICES**  
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH  
CANNABIS DIVISION  
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093  
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

**Kim Hunter, Director**

4/14/2021

Thomas Ballanco  
PO Box 585  
Douglas City, CA 96024

Re: CCL-045  
5468 Indian Creek Rd.

Dear Thomas,

The Board of Supervisors passed an urgency ordinance on December 9, 2020 to extend previously issued Cannabis Cultivation Licenses if licensee met all requirements in Ordinance No. 1355.

After a review of your file, it was determined that your License CCL-2019-045 on Parcel Number 015-250-07-00, does not qualify for an extension under Trinity County Ordinance No. 1355 for the following reasons:

	Inability to meet permitted dwelling and/or permitted septic requirement while ignoring deadlines issued by Compliance staff.
	Unresolved Non-Compliance Violations
X	Unresolved Violations with TC Bldg. Dept. (Unpermitted structures on property)
X	Other (Expired Bldg. Permit for storage building. Reinstatement and Inspection required)

If you feel the department has made a mistake and would like to discuss the decision of your eligibility for extension please contact the Trinity County Cannabis Department via e-mail at [planning.cannabis@trinitycounty.org](mailto:planning.cannabis@trinitycounty.org) or via telephone at 530-623-1351.

A handwritten signature in black ink, appearing to read 'Kim Hunter', is written over a horizontal line.

KIM HUNTER  
Trinity County Planning Director

# Exhibit B

**TRINITY COUNTY  
CANNABIS CULTIVATION  
PROVISIONAL  
LICENSE**



LICENSE NUMBER:	CCL-2019-045
PARCEL NUMBER:	015-250-07-00
LICENSE HOLDER:	Tom Ballanco

Trinity Institute for Permaculture Farming and  
Restorative Forestry, LLC

DATE ISSUED: April 1, 2019

5468 Indian Creek Rd. , Douglas City  
Small Outdoor Cultivation

Valid until March 31, 2020

**NOTE TO LICENSE HOLDER**

As the undersigned license holder, you are agreeing to abide by all terms, conditions and regulations set forth within the Trinity County Ordinance No. 315-843 and reaffirm the Indemnification Form and Acknowledgment Form as agreed upon as part of this license application.

Any changes to the project or property affecting your project must be reported to the Trinity County Planning Department in written form prior to any revisions taking place. Any changes not reported will be subject to a Notice of Correction where action can be take up to and including the revocation of license.

This license is subject to all applicable codes as set forth in Trinity County Ordinance No. 315-843 and shall be subject to code requirements and securing all necessary permits, licenses, and approvals for the proposed cannabis cultivation operation from all County and State agencies having jurisdiction over any aspect the operation.

This license shall be maintained on property and available for review upon demand by a public official.

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

Leslie Hubbard, Director  
Trinity County Planning Department

A handwritten signature in blue ink is written over a horizontal line.

Applicant of Record

## Timeline and Inspection Reports for Thomas Ballanco CCL 045

- 12/28/2020 CCL 045 was screened for a License Extension under the Urgency Ordinance.

This screening showed that while Mr. Ballanco submitted a Renewal Application on 8/12/2020 he did not submit renewal payment. (CCL 045 expired 6/30/2020; original exp date 3/31/2020 + 90-day Covid License. Extension)

- On April 6<sup>th</sup> 2021 the Trinity County Board of Supervisors passed an amendment to Urgency Ordinance No. 1355, granting a 30-day window for licensees to submit renewal applications and renewal fees for licenses that have previously expired in the 2019-2020 cycle.

- On 4/14/2021 the renewal payment for CCL 045 was submitted via Mr. Ballanco's consultant Flowra.

This payment allowed CCL 045 to be further screened for extension. This secondary screening revealed that CCL 045 would be denied extension due to unresolved violations/non-compliance with Trinity County Building Department due to unpermitted structures on the property. Additionally, an expired bldg. permit for an existing storage bldg. on the property would need to be reinstated.

In reviewing Mr. Ballanco's past inspection reports, Cannabis Division compliance staff found that he had been asked to permit or remove the unpermitted structures on his property for multiple years and by multiple departments. (See attached 2017-2018 Inspection Reports).

The removal or permitting of the existing unpermitted structures on the property was an initial condition set for the license issuance of CCL 045 on 3/21/2017.

- As of 5/8/2021 Mr. Ballanco has failed to meet the initial condition(s) established in 2017 for the issuance of CCL 045. The unpermitted yurt-like structures remain on the property. No permits for these structures have been issued yet alone applied for.

Additionally, the existing storage buildings on property that Mr. Ballanco has been asked to permit/make progress towards remain unpermitted.

- As of 5/8/2021 the record of permits for Mr. Ballanco's property list two Storage Bldg. Permits:

BP-2008-148 – STORAGE BUILDING – Expired 9/19/2018

BLDG2021-00229 – STORAGE BUILDING – Pending payment: \$2231.82 due

Due to the initial conditions for CCL 045 not being met and the continued existence of unpermitted structures on Mr. Ballanco's property, it is the Cannabis Division staffs' recommendation that CCL 045 be denied License Extension under Urgency Ordinance No. 1355





TRINITY COUNTY  
BUILDING AND DEVELOPMENT SERVICES  
61 AIRPORT ROAD, P.O. BOX 476  
WEAVERVILLE, CALIFORNIA 96093

**REVIEW NOTES AND COMMENTS**  
**COMMERCIAL CANNABIS APPLICATION**

**FROM:**

- |  |  |
|--|--|
| <input type="checkbox"/> County Environmental Health | <input type="checkbox"/> Planning Director |
| <input type="checkbox"/> County DOT/Environmentalist | <input type="checkbox"/> Admin             |
| <input type="checkbox"/> County Building Department  | <input type="checkbox"/> Other:            |
| <input type="checkbox"/> Pre-Site Inspection         | <input type="checkbox"/>                   |

The following Commercial Cannabis Application has been submitted to the Trinity County Planning Department. An assessment for issuance of a Commercial Cannabis Permit to be made. Please review and submit with comments:

**Project:** Commercial Cannabis Cultivation Project NO. CCL-2016-045

<b>APN:</b> <u>015-250-07-00</u>	<b>Location:</b> <u>5468 Indian Creek Rd. Junction City, CA</u>
<b>Zone:</b> <u>UNC</u>	<b>Applicant:</b> <u>Ballanco, Tom</u>
<b>GPD:</b> <u>RE</u>	<b>Mailing Address:</b> <u>PO BOX 585 Douglas City, CA 96024</u>
<b>Phone:</b> <u>530-510-2594</u>	<b>Email:</b> <u>harmonicengineering@gmail.com</u>

For questions or information regarding this project: Tommi Morgenthal (530-623-1354 ext. 3)

Comments:

No comment

See Attached Comments

Reviewed Following Comments:

Illegally occupying Property. Living in Yurt. Notice of Non Compliance on property - must be cleared before issue License. No Dwelling - Permitted Septic.

Using River/creek as Water source.

Violations: Yurt, Bldg No BP, Camping/Illegally occupying Property!

Review Agency: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: 2/16/17

A handwritten signature in cursive, appearing to be "Tommi Morgenthal".



TRINITY COUNTY  
BUILDING AND DEVELOPMENT SERVICES  
61 AIRPORT ROAD, P.O. BOX 476  
WEAVERVILLE, CALIFORNIA 96093  
(530) 623-1354

March 10, 2017

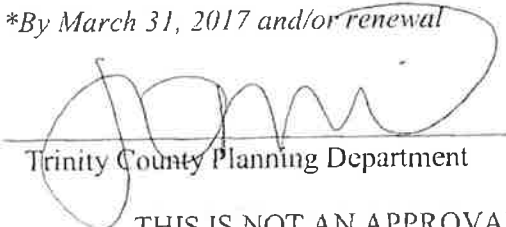
## **COMMERCIAL CANNABIS** **PRE-SITE INSPECTION OVERVIEW**

**Pre-Site Visit:** 3/10/17  
**Compliance Inspector:** Jeff Dickey  
**APN:** 015-250-07-00  
**Address:** 5468 Indian Creek Road, Junction City  
**Owner/Applicant:** Tom Ballanco

The Pre-Site Inspection performed March 10, 2017 was deemed complete with the below listed conditions:

- Note: pesticides, herbicides and oils have not been approved by the State of California for use of cannabis.
- Indian Creek Diversion registered with the Department of Fish and Wildlife and the State Water Board are the only approved of water for your proposed cannabis cultivation.
- At least a 6 foot wildlife exclusionary/security fence with a locked gate is required around all 3-cultivation areas, (not to exceed 15,000 square feet in total), by *March 31, 2017\**.
- Must remove or permit the 3-yurts, platforms that are over 30 inches in height, and covered porch attached to storage building. Progress towards compliancy must be made by *March 31, 2017\**.
- Any structures over 120 square feet must also be permitted or removed, progress towards compliancy must be made by *March 31, 2017*.
- A permitted dwelling must be established on the property. Progress towards compliancy must be made, as a condition before a Cannabis License can be issued.

*\*By March 31, 2017 and/or renewal*

  
Trinity County Planning Department

THIS IS NOT AN APPROVAL FOR AN ACTIVE CANNABIS LICENSE



TRINITY COUNTY  
BUILDING AND DEVELOPMENT SERVICES  
61 AIRPORT ROAD, P.O. BOX 476  
WEAVERVILLE, CALIFORNIA 96093

**REVIEW NOTES AND COMMENTS**  
**COMMERCIAL CANNABIS APPLICATION**

**FROM:**

- |  |  |
|--|--|
| <input type="checkbox"/> County Environmental Health | <input type="checkbox"/> Planning Director |
| <input type="checkbox"/> County DOT/Environmentalist | <input type="checkbox"/> Admin             |
| <input type="checkbox"/> County Building Department  | <input type="checkbox"/> Other:            |
| <input type="checkbox"/> Pre-Site Inspection         | <input type="checkbox"/>                   |

The following Commercial Cannabis Application has been submitted to the Trinity County Planning Department. An assessment for issuance of a Commercial Cannabis Permit to be made. Please review and submit with comments:

**Project:** Commercial Cannabis Cultivation Project NO. CCL-2016-045

**APN:** 015-250-07-00  
**Zone:** UNC  
**GPD** RE  
**Phone:** 530-510-2594

**Location:** 5468 Indian Creek Rd. Junction City, CA  
**Applicant:** Ballanco, Tom  
**Mailing Address:** PO BOX 585 Douglas City, CA 96024  
**Email:** harmonicengineering@gmail.com

For questions or information regarding this project: Tommi Morgenthal (530-623-1354 ext. 3)

**Comments:**

No comment       See Attached Comments       Reviewed Following Comments:

3/21/17 Conditions:

- ① Notice of Non-Comp: Clear before Issue.
- ② Yurts and Sheds Need Bp progress.
- ③ any Culvert work Requires permit
- ④ site map: setbacks cultivation area to creek
- ⑤ Fence all 3-cultivation areas.
- ⑥ Point of Diversion? location?
- ⑦ DUP. RV.

Review Agency: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: 3/11/17

# Cannabis Division On Site Inspection



Inspector: Cody Smith

Date Sep 5, 2018 Applicant Name Thomas Ballanco  
 License Number CCL2018-045 Applicant Phone 530-510-2594  
 APN 015-250-07 Number Project Type Type II  
 Job Address 5468 Indian Creek Rd. Douglas City

Setbacks	<input checked="" type="checkbox"/> 30' from Property Line <input checked="" type="checkbox"/> Neighbors <input checked="" type="checkbox"/> Bus Stop <input checked="" type="checkbox"/> Schools <input checked="" type="checkbox"/> Churches <input checked="" type="checkbox"/> Daycare
Variance Required?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES – How many dwellings for the variance:
Cultivation Area Defined	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
Cultivation Fenced	<input type="checkbox"/> % Complete North <input type="checkbox"/> % South <input type="checkbox"/> % East <input type="checkbox"/> % West <input type="checkbox"/> % <input type="checkbox"/> Fence is 6' in height <input checked="" type="checkbox"/> Fence is less than 6' in height <input type="checkbox"/> Fence is more than 6' in height
Total Cultivation Area (sq. ft)	<u>6,850</u>
Lockable Gate	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
Hoop Houses	<input checked="" type="checkbox"/> Existing and Permitted <input type="checkbox"/> Existing and Unpermitted <input type="checkbox"/> Proposed
Greenhouses	<input checked="" type="checkbox"/> Permitted <input type="checkbox"/> Unpermitted <input type="checkbox"/> Proposed
Permitted Structures	<u>building in process</u>
Unpermitted Structures	<u>Permit or remove yurt, tent structure,</u>
Proposed Structures	
Septic Installed	<input type="checkbox"/> NO <input type="checkbox"/> IN PROGRESS <input checked="" type="checkbox"/> YES
Dwelling	<input type="checkbox"/> NO <input checked="" type="checkbox"/> IN PROGRESS <input type="checkbox"/> YES
Director's Use Permit	<input checked="" type="checkbox"/> Complete <input type="checkbox"/> Required <input type="checkbox"/> Not Required
Distance from Waterways	<input type="checkbox"/> Class I (150ft) <input checked="" type="checkbox"/> Class II (100 ft) <input checked="" type="checkbox"/> Class III (50 ft)
In a flood zone?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
Water Storage	<input type="checkbox"/> NO <input type="checkbox"/> YES – How much: <u>45,000, 1,2500</u>
Update Plot Plan Required	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES <u>We submitted on 8/30/18</u>
Currently Cultivating?	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES

Other Comments:

- Waf Bridge falling apart
- remove tent structure
- Permit or remove yurts
- continue progress on dwellings
- complete fencing



**TRINITY COUNTY  
PLANNING DEPARTMENT  
CANNABIS DIVISION**

November 7, 2018

Thomas Ballanco

PO Box 585, Douglas City, CA, 96024

Thomas Ballanco,

This letter is in regards to CCL-2018-045 located at APN 015-250-07-00, 5468 Indian Creek Rd, Douglas City. On October 2, 2018, you were issued a letter denying your Trinity County Commercial Cannabis Cultivation License. This correspondence confirms that your license has not been denied and that you are hereby issued a Provisional license with the understanding that the following items must be addressed as described to maintain your Provisional license in good standing until December 31, 2018:

1. Consult with the Building Department to confirm the course of action necessary to render the existing yellow building onsite to a permitted dwelling.
2. Provide sprinkler calculations and any other missing documents for dwelling permit BP2017-354 to the Building Department by December 31, 2018. Failure to provide calculations by this date will result in license revocation.

Please address these items and/or provide proof of resolution to the Trinity County Planning Department before November 16, 2018, or you will be non-compliant with the terms of your license, and may subject to enforcement action.

If you have any questions feel free to email me at [rtippett@trinitycounty.org](mailto:rtippett@trinitycounty.org)

Please note that the Planning Department is open 8am-2pm Monday through Thursday at 61 Airport Road, Weaverville. We are closed on Fridays to the public, although staff is available by appointment upon request.

Sincerely,

Rick Tippett  
Planning Director  
Trinity County Planning Department