

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

APPLICANT/APPELLANT: Colby Ford

AUTHORIZED AGENT: The Flowra Platform

REQUEST: Appeal of Planning Director's Decision to revoke Commercial Cannabis License CCL 624.

LOCATION: 240 Oliva Drive, Hayfork (APN: 014-290-01-00)

APPROX. ACREAGE: 2.93 acres

ZONING DISTRICT: Rural Residential-10 Acre Minimum

ZONING DISTRICT OVERLAYS: None

GENERAL PLAN DESIGNATION: Rural Residential-Low Density

STAFF RECOMMENDATION: Deny the appeal

ADJACENT LAND USE AND ZONING INFORMATION:

Direction	Land Use	Zoning	General Plan Designation
North	Residential	RR-10	RR-L
South	Residential	RR-10/RR-10	RR-L/RR-10
East	Residential	RR-10	RR-L
West	Residential	RR-20	RR-L

SUMMARY: The application for CCL 624 was submitted on November 11, 2019. Staff began processing the CCL application. The following timeline outlines the events following application submittal which ultimately resulted in the revocation of the CCL:

- On May 27, 2020, prior to the issuance of the CCL an inspection of the site was performed by Cannabis Division staff. During the inspection, illegal cultivation beyond the scale allowed by the Personal Use Ordinance (Zoning Ordinance No. 315-797) or for personal adult use in accordance with State law (AUMA) was discovered. Mr. Ford was

warned by the Compliance Specialist conducting the inspections that both a County and State Cannabis cultivation license were required before legal cultivation could occur.

- On June 5, 2020 Code Enforcement Officer Rob Barcelona issued a citation for the parcel due to Cannabis cultivation without a County or State License. (Attachment B)
- On June 18, 2020, following the issuance of the citation, the Cannabis cultivation application was denied by the Planning Director (Attachment C). Denial was based on violations of Trinity County Zoning Code section 17.43.060(A).
- On July 9, 2020 the decision to deny the application was reversed and the license issued due to the fact that the applicant "...had abated the plants which satisfied the seven-day time frame to abate as stated in the citation and also meets the guidelines of the Trinity County Cannabis Ordinance." (Attachment D)
- On July 15, 2020 the issuance of the CCL was legal noticed to adjacent property owners for issuance as a provision license. The CCL was to be issued on or after August 6, 2020. (Attachment E)
- On July 20, 2020, illegal cultivation was once again identified on the site on prior to issuance of the CCL. Based on this information, Commercial Cannabis License (application) 624 was revoked by the Planning Director on July 21, 2020. (Attachment F)
- Upon receipt of the Revocation Letter dated July 21, 2020, the applicant filed an appeal on August 4, 2020 citing "lack of administrative timeliness" as the basis for the appeal. (Attachment A)

ATTACHMENTS:

- A. Appeal Application
- B. Code Enforcement Photos from June 5, 2020
- C. Cultivation application denial dated June 18, 2020
- D. Email correspondence regarding the reinstatement of the CCL application
- E. Legal Notice for CCL 624 dated July 15, 2020
- F. Cultivation License Revocation dated July 21, 2020



COUNTY OF TRINITY

APPEAL OF PLANNING DIRECTOR'S
DECISION TO PLANNING COMMISSION



Received Stamp

Name: Colby Ford Phone: 713-363-0007

Email: executivedecisionsusa@gmail.com

Physical Address or APN: 240 Oliva Drive, Hayfork, CA 96041

Mailing Address: PO Box 219, Weaverville, CA 96093

Decision of Planning Director rendered on (date): 7/21/20

Planning Director's Decision was to: Approve Deny Continue

Request for: Appeal to denied commercial cannabis cultivation application, CCL-2019-624

Reason for Appeal:
Main reason due to lack of administrative timeliness.

Signature: Date: 8/3/2020

Clerk's Use Only

P-20-30

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

Clear

20-00534



20-00 534



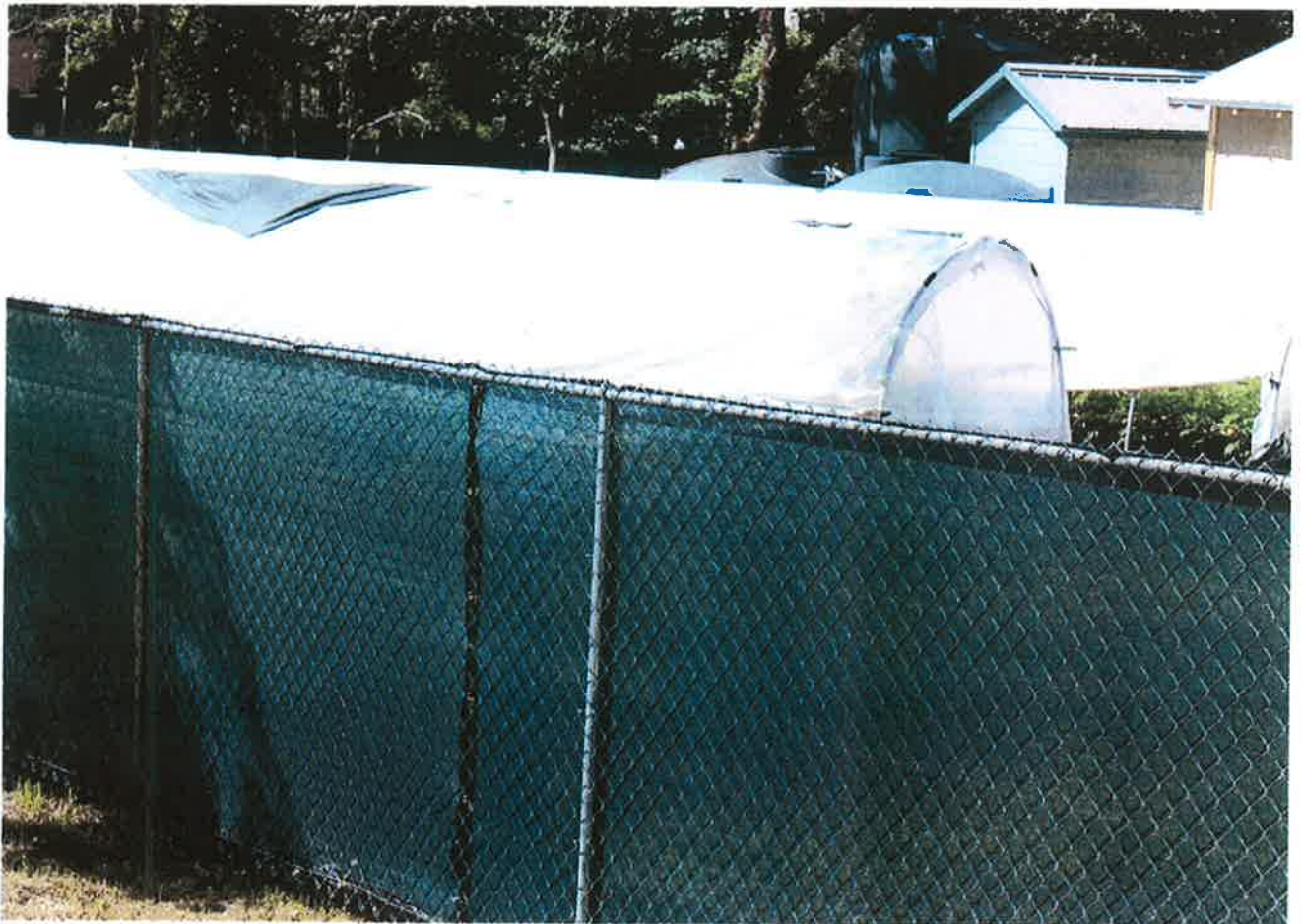
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COUNTY OF TRINITY
COMMERCIAL CANNABIS

CULTIVATION APPLICATION DENIAL

APPLICATION NUMBER: CCL-2019-624
PARCEL NUMBER: 014-290-01-00
APPLICANT: Colby Ford and Leslie Eaton

Denial withdrawn

*ket
1/9/2020*

June 18, 2020

P.O. Box 219
Weaverville, CA 96093

Re: Premises located at 240 Oliva Drive, Hayfork

The Trinity County Planning Department has determined that there is a violation of Trinity County Code associated with Trinity County Commercial Cannabis License application CCL-2019-624. The violation(s) are listed below:

17.43.070 - Denial/revocation of Application.

A. Applicant shall be denied a license or the approval of a license shall be revoked if the county becomes aware that:

- 1. The applicant has provided materially false documents or testimony;
- 2. The applicant has not complied fully with the provisions of this chapter, including any of the requirements of NCRWQCB Order #2015-0023, SWRCB, or CDFW; or
- 3. 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 chapter and with all applicable laws including zoning and county ordinances.

B. Applicant shall be given up to seven business days after date of written notification to correct deficiencies prior to denying or revoking the license; if the deficiencies are deemed an immediate threat to environmental and/or public health and safety, they shall be corrected immediately.

C. Applicant shall have the right to appeal any denials of the Planning Director. Any person dissatisfied with a decision of the planning director may appeal to the planning commission at any time within ten working days after notice of the decision is given. Such appeal is taken by filing a notice of appeal with the Planning Director and paying the required appeal fee. Upon filing of a

notice of appeal, the Planning Director shall within ten days transmit to the secretary of the Planning Commission all papers and documents on file with the Planning Director relating to the appeal and schedule the appeal for the hearing.

D. Registrant shall have the right to appeal any rescissions as prescribed in [Section 8.90.130](#) of the Trinity County Code.

Specifically, the County finds that you are in violation of the following:

17.43.060 (A) - 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) and/or AUMA.

The County has determined that your application for a license will be denied due to violations of 17.43.070 (1), (2) and (3). The owner of the parcel included in the application for CCL 624 (014-290-01-00) had in excess of an amount allowed for medical or personal use before a license was issued to the site. Therefore, the application does not comply fully with the provisions of County Code.

You have the right to appeal this decision, any time within ten (10) working days from the date of this notice as prescribed in Chapter 8.90-130 of Trinity County Code.

If any questions, comments or concerns arise please contact the Trinity County Planning Department at (530) 623-1351 ext. 6 or by email at planning.cannabis@trinitycounty.org


 Kim Hunter
 Trinity County Building & Planning Director

7017 3380 0000 8065 1287

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Total Postage and Fees	\$ _____
Sent To Colby Ford and Leslie Eaton	
Street and Apt. No., or PO Box No. Box 219	
City, State, ZIP+4® Weaverville, CA 96093	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

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- Print your name and address on the reverse so that we can return the card to you.
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1. Article Addressed to:

Colby Ford and Leslie Eaton
Box 219
Weaverville, CA 96093



9590 9402 5399 9189 2270 66

2. Transfer from service label

7017 3380 0000 8065 1287

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

- D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type

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- Registered Mail™
- Registered Mail Restricted Delivery
- Return Receipt for Merchandise
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

Jeff Dickey

To: executivedecisionsusa@gmail.com
Cc: Lisa Wright
Subject: License Denial

Colby,

This is to inform you that the decision to deny your cannabis license application has been reversed. You had received a citation from the Sherriff's Department for cultivating without a County or State license.

This was a violation of Trinity Counties Commercial Cannabis Ordinance. Because you abated within the 7 days allowed with the citation which reflects the 7 days required in the ordinance to achieve compliance

It has been determined that your application will move forward in the process. The next step will be noticing which will take place in a timely manner.

If you have any questions please contact me.

Jeff Dickey
Lead Compliance Specialist
Trinity County Planning Dept.
530-623-1354 Ext.5



TRINITY COUNTY PLANNING DEPARTMENT

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

July 15, 2020

NOTICE OF APPLICATIONS FOR COMMERCIAL CANNABIS CULTIVATION LICENSE

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

APN
014-290-01-00

CCL
2020-624

Locate at: **24 Oliva Dr, Hayfork, CA 96041**

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

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

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

COUNTY OF TRINITY
COMMERCIAL CANNABIS

CULTIVATION LICENSE REVOCATION

APPLICATION NUMBER:	CCL-2019-624
PARCEL NUMBER:	014-290-01-00
APPLICANT:	Colby Ford-Leslie Eaton

July 21st, 2020

Colby Ford
P.O. Box 219
Weaverville, CA 96093

Re: Premises Located at 240 Oliva Drive, Hayfork

The Trinity County Planning Department has determined that there is a violation of Trinity County Ordinance 315-843 associated with Trinity County Commercial Cannabis License CCL-2019-624. The violation(s) are listed below:

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.

Specifically, the County finds that you are in violation of 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) and/or AUMA.

The County has determined that your license will be revoked immediately, July 21st 2020, due to violations of subsections ii. and iii. of Section 7, as outlined above, by cultivating in an unlawful manner as restricted by Section 6(a) without a County and State license on parcel 014-290-01 at 240 Oliva Drive, Hayfork.

You have the right to appeal this decision, any time within ten (10) working days from the date of this notice as prescribed in Chapter 8.90-130 of Trinity County Code.

If any questions, comments or concerns arise please contact the Trinity County Planning Department at (530) 623-1351 ext. 6 or by email at planning.cannabis@trinitycounty.org

The determination to revoke your license was made after taking into consideration the following sequence of events:

1. On May 27th Code Compliance Specialist Daniel Marvel completed a site inspection during which he made it very clear that you would not be able to cultivate until a valid County and State cannabis license had been issued.
2. On June 5th 2020 Code Enforcement Officer Rob Barcelona with the Trinity County Sherriff's Department issued you a citation for cultivating without a County or State cannabis license.
3. On June 18th 2020 the Trinity County Planning Department issued a cultivation application denial letter based on the fact that a citation had been issued.
4. On July 9th 2020 the decision to deny the license application was reversed due to the fact that you had abated the plants which satisfied the 7 day time frame to abate as stated in the citation and also meets the guidelines of the Trinity County cannabis ordinance.
5. On July 20th 2020 Lead Code Compliance Specialist Jeff Dickey acting on information that you were actively cultivating again drove by the premises and verified that this was valid information.



Kim Hunter
Director
Trinity County Planning/Building Department

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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
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Send To
 Colby Ford
 Street and Apt. No., or PO Box No.
 PO Box 219
 City, State, ZIP+4®
 Weaverville, CA 96093

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

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- ☐ Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Colby Ford
 PO Box 219
 Weaverville CA
 96093

9590 9402 5399 9189 2348 28

2. Article Number (Transfer from service label)

7017 3380 0000 8065 0518

COMPLETE THIS SECTION ON DELIVERY

A. Signature
 Agent
 Addressee

X *Justine McClure*

B. Received by (Printed Name)
 Justine McClure

C. Date of Delivery
 8/13/20

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 If YES, enter delivery address below: No

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