

TRINITY COUNTY

COMMUNITY DEVELOPMENT SERVICES

BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093 PHONE (530) 623-1351 ♦ FAX (530) 623-1353

Kim Hunter, Director

MEMORANDUM

DATE:

July 2, 2021

TO:

Planning Commissioners and members of the public

FROM:

Kim Hunter, Director of Planning

SUBJECT:

Agenda Item 3 – Appeal of Planning Director's Decision (P-21-16)

Staff recommends that the Planning Commission takes one of the following actions regarding this appeal:

- 1) Continue this item to the August 12, 2021, regular meeting to allow staff time to meet with the appellant and attempt to resolve this issue; or,
- 2) Deny the appeal on the basis that a transfer application was not submitted to the Planning Department prior to the December 9, 2020 adoption of Urgency Ordinance 1355.

The appellant has not submitted a transfer application for CCL 040. As stated in Margie DeRose's email dated February 8, 2021 to the appellants authorized representative, Marie Peterson, transfers to new sites are considered as new cultivation licenses and are not currently allowed under Urgency Ordinance 1355 Section II.

The appellant had contacted staff in the Cannabis Division multiple times in 2020 by email. Unfortunately, due to COVID-19 office closures and restrictions, in addition to changes in Cannabis Division staff, a meeting did not occur per Mr. Connor's requests. While staff can provide limited assistance on the completion of planning and cannabis applications, it is ultimately the applicant's responsibility to complete the application themselves or obtain the services of a qualified professional for that purpose.

Attachments:

- 1) Appeal Application
- 2) Email Correspondence (various dates from April 30, 2020, to February 8, 2021)
- 3) Email Correspondence (dated May 11, 2021 to July 2, 2021)
- 4) Urgency Ordinance 1355 (page 6 only)
- 5) Extension denial letter for CCL 040



APPEAL OF PLANNING DIRECTOR'S DECISION TO PLANNING COMMISSION

RECEIVED

MAR 15 2021

TRINITY COUNTY
PLANNING DEPARTMENT

Received Stamp

Name: Curt M. Connor Phone: $530-510-3105$ Email: Curt M Connor & gmail. Com Physical Address or APN: 920 Toyful Land- $011-420-01-00$ $016-190-012-000$ Mailing Address: $9000000000000000000000000000000000000$	
I red noted	
Request for: Review My CCL #040 file. Transfer License to 850 Mill Gulch APN 016-190-012-000 Transfer License to 850 Mill Gulch APN 016-190-012-000 Reason for Appeal: It will become a Clear to all when reviewing my file It will become a Clear to all when reviewing my file That I've been requesting this since Last year. Starting in March 2020 with no response from phone messages, Starting in April 2020 with no response to multiple E-mails, (Shady Business) April 2020 with no response to multiple E-mails, (Shady Business)	
Control of the Contro	
Clerk's Use Only	
Fee Collected:	
Date Filed: Receipt No.:	
Hearing Date:	
Notice Published: Notice Mailed:	

Clear

Kim Hunter

From:

Margie DeRose

Sent:

Monday, February 8, 2021 12:47 PM

To:

'Marie Petersen'; Kim Hunter

Cc:

Mary B. Brinkley

Subject:

RE: Request for Meeting Re CEQA Compliance for Existing Licenses

Marie,

Transfers of licenses to a new property are currently on hold under the Urgency Ordinance. I'm not sure how I can be of help on this until that changes. I'm happy to discuss this or other questions you have on a call. I have some availability this week: on Tuesday afternoon and at 1pm on Wednesday. Let me know if either of those work for you or if you'd like to look into next week.

Thank you, Margie



Margie DeRose
Senior Planner
Trinity County Cannabis Division
mderose@trinitycounty.org
530-623-1351 x2812
530-739-8431 cell

As of Monday, February 1, 2021, the Trinity County Building, Planning, Environmental Health, and Cannabis office is open to the public on a limited basis for walk-in counter services and meetings by appointment. Masks are mandatory within the office building and social distances must be maintained to reduce the spread of COVID-19. Staff members are also available by phone or email.

From: Marie Petersen [mailto:stellaria.sftr@gmail.com]

Sent: Friday, January 29, 2021 9:39 AM

To: Kim Hunter < khunter@trinitycounty.org>

Cc: Mary B. Brinkley <mbrinkley@trinitycounty.org>; Margie DeRose <mderose@trinitycounty.org>

Subject: Re: Request for Meeting Re CEQA Compliance for Existing Licenses

Hi Margie,

Curt Connor is a current license holder and needs to transfer his license to a different property. He has sent a total of 9 emails and been reaching out to Planning staff since May of last year, but has not received a response. I sent my first email regarding this project on January 7th. Please let me know when we can talk or meet virtually regarding license CCL-2020-040. Mr Connor can not afford to allow his license to sit fallow. I have started working through the steps for this site, but would really appreciate a pre application meeting or phone call.

I look forward to hearing from you.

Carpe Diem,

Marie Petersen Environmental Permitting Specialist Down River Solutions

Attachment 2

(530) 999-8501 PO Box 714 Weaverville CA 96093

On Fri, Jan 22, 2021 at 9:54 PM Marie Petersen < stellaria.sftr@gmail.com wrote: Hi Kim,

Thank you for your prompt response. I Zoom regularly with other agency partners and should have suggested that instead.

Margie I am open for a Zoom meeting or phone call. I also have Teams and Google meet. My availability next week includes Tuesday and Wednesday afternoon as well as Friday morning. Tuesday and Wednesday of the following week are open as well. My immediate need is an electronic copy of the file contents for CCL-2020-040, Connor

Family Farms (Curt Connor) applicant. I sent an email request to Mary Beth on January 7th and have not heard back yet.

I understand that you are all busy and appreciate your time. I look forward to discussing this license and several others with you at your earliest convenience.

Carpe Diem,

Marie Petersen
Environmental Permitting Specialist
Down River Solutions
(530) 999-8501
PO Box 714
Weaverville CA
96093

On Fri, Jan 22, 2021 at 4:02 PM Kim Hunter < khunter@trinitycounty.org > wrote:

Hi Marie,

Margie DeRose is now managing the Cannabis Division and is the staff contact for Cannabis licensing. (I've cc'd her on this message as well.)

Unfortunately, our office remains closed to the public due to COVID so we are unable to set up meeting at this time. K.

From: Marie Petersen < stellaria.sftr@gmail.com >

Sent: Friday, January 22, 2021 3:17 PM

To: Kim Hunter < khunter@trinitycounty.org >; Mary B. Brinkley < mbrinkley@trinitycounty.org > Subject: Request for Meeting Re CEQA Compliance for Existing Licenses

Hi Kim and Mary,

Please let me know when I can come in for a meeting to discuss existing licenses. My availability next week includes Tuesday and Wednesday afternoon as well as Friday morning. Tuesday and Wednesday of the following week are open as well.

Carpe Diem,

Marie Petersen

Environmental Permitting Specialist

Down River Solutions

(530) 999-8501

PO Box 714

Weaverville CA

96093

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To:

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Cc:

Mary B. Brinkley; Margie DeRose

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Carpe Diem,
Marie Petersen
Environmental Permitting Specialist
Down River Solutions
(530) 999-8501
PO Box 714
Weaverville CA

(530) 999-8501 PO Box 714 Weaverville CA From: Curt Connor curtmconnor@gmail.com
Subject: Move license 040 to another property
Date: October 12, 2020 at 6:30 AM

To: Mary Lancaster mlancaster@trinitycounty.org

Good morning Mary,

Need to move License #040 to another property.

Curt M Connor Connor Cannabis Company



From: Mary Lancaster mlancaster@trinitycounty.org
Subject: Automatic reply: Move license 040 to another property

Date: October 12, 2020 at 6:31 AM

To: Curt Connor curtmconnor@gmail.com

Due to the high volume of correspondence, please allow 3 to 4 days for a response. We apologize for an inconvenience this may cause.

Thank you, Mary Lancaster



From: Raymond Merolla-DiSanza rmerolla-disanza@trinitycounty.org &

Subject: RE: Cannabis License # 040 Date: October 9, 2020 at 8:18 AM

To: Curt Connor curtmconnor@gmail.com

Good morning Curt.

Mary Lancaster handles all issues concerning transfers. You can reach her at: mlancaster@trinitycounty.org or (530) 623-1351 ext. 8 or ext. 2838

Enjoy the long weekend!!

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

FUNITY COUNTY PLANT OF OFFARTMENT

From: Curt Connor < curtmconnor@gmail.com>

Sent: Friday, October 9, 2020 7:10 AM

To: Raymond Merolla-DiSanza <rmerolla-disanza@trinitycounty.org>

Subject: Re: Cannabis License # 040

Greetings,

Thank you for reaching out. Can I schedule a sit down, or phone meeting to discuss the proper way to transfer this license to a new location?

Curt M Connor Connor Cannabis Company

> On Oct 8, 2020, at 8:31 AM, Raymond Merolla-DiSanza < rmerolladisanza@trinitycounty.org> wrote:

Subject: Re: Cannabis License # 040 Date: October 9, 2020 at 7:09 AM

To: Raymond Merolla-DiSanza rmerolla-disanza@trinitycounty.org

0.10

Greetings,

Thank you for reaching out. Can I schedule a sit down, or phone meeting to discuss the proper way to transfer this license to a new leasting?

Curt M Connor Connor Cannabis Company

On Oct 8, 2020, at 8:31 AM, Raymond Merolla-DiSanza < rmerolla-disanza@trinitycounty.org> wrote:

Good morning.

Your cannabis cultivation site is in need of an inspection. Please contact Daniel Marvel at (530) 623-1354 ext. 2819 to schedule an inspection.

Also, a Project Description needs to be submitted for your operation. Attached are instructions for the Project Description.

Thank You.

Raymond Merolla-DiSanza

<image001.png>
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

RECEIVED

FEB 04 2021

TRINITY COUNTY
PLANNING DEPARTMENT

<_Cannabis Project Description Guidance_2020.pdf>

From: Daniel Marvel dmarvel@trinitycounty.org

Subject: RE: CCL # 040

Date: June 24, 2020 at 3:27 PM

To: Curt Connor curtmconnor@gmail.com

Good afternoon Curt,

I have forwarded your message to our admin personnel. Hopefully they will reach out and have this issue resolved in a timely manner.

Sorry for missing your calls earlier, I was in the field on Site Inspections.

All the best,

Daniel Marvel Code Compliance Specialist Trinity County Cannabis Dept. 61 Airport Rd. Weaverville, CA. 96093 530-215-8645

----Original Message---From: Curt Connor <curtmconnor@gmail.com>
Sent: Wednesday, June 24, 2020 10:16 AM
To: Daniel Marvel <dmarvel@trinitycounty.org>
Subject: CCL # 040

Good morning,

Thank you for contacting me. I have been sending e-mails requesting info on transferring the license to another property. My son and his wife decided to keep the property at 220 Joyful Lane. I will be filing for a land conversion and develop my property at 850 Mill Gulch. APN 016-190-012-000. This development will take several months for permitting. Also will not start the excavation until this fall. E-mails or phone calls for contact. Phone # 530-510-3105.

Curt M Connor Connor Cannabis Company

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FER Q A

Subject: CCL#040

Date: June 18, 2020 at 9:07 AM

To: planning.cannabis@trinitycounty.org

Good morning,

Please advise me on how to transfer my License from 220 Joyful Lane, APN# 011-420-01-00, to my property at 850 Mill Gulch, APN# 016-190-012-00. Thank you.

Curt M Connor

Connor Cannabis Company

RECEIVED

FEB OA

Subject: Ccl 040

Date: June 13, 2020 at 1:10 PM

To: Mary Lancaster mlancaster@trinitycounty.org

Mary,

Confusing situation. Mitchell and Germaine decided to keep their property at 220 Joyful Lane. I have the License [040] already transferred into my name. Need to transfer the License to my property. ???? What next? Thank you for your help.

Curt M Connor

RECEIVED

FEB OA

Subject: Fwd: CCL 040

Date: May 27, 2020 at 3:30 PM

To: Mary B. Brinkley mbrinkley@trinitycounty.org



Begin forwarded message:

From: Curt Connor < curtmconnor@gmail.com > Subject: Fwd: CCL 040

Date: May 6, 2020 at 8:28:49 AM PDT

To: Mary Lancaster < mlancaster@trinitycounty.org >

Begin forwarded message:

From: Curt Connor < curtmconnor@gmail.com>

Subject: CCL 040

Date: May 4, 2020 at 2:40:07 PM PDT To: "Mary B. Brinkley" <mbr/>mbrinkley@trinitycounty.org>

Mary.

Which form would I need to transfer this License to a different property that I own? Also have the applicant release form signed and notarized. Should I just mail that? Thank you!

Curt

RECEIVED

FEB 0 4 2021

Previous to 4-30-2020, were afferents to get this into by phone message

From: Curt Connor curtmconnor@gmail.com

Subject: Re: Inspection

Date: April 30, 2020 at 5:40 AM

To: Jeff Maze jmaze@trinitycounty.org

Jeff,

Thank you for reaching out. However, I will be working on moving my County License to a different location. I have property at Mill

Garden area not developed yet.

Curt

On Apr 29, 2020, at 9:06 AM, Jeff Maze < imaze@trinitycounty.org > wrote;

Mr. Connor,

Jeff Dickey and I are performing inspections in Hayfork on Monday May 4th. We would like to arrange an inspection time at your site for noon or shortly thereafter. Please contact me at your earliest convenience by email or phone. The number here is 530-623-1354 Ext: 2837. Thanks,

Jeff Maze

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FEB NA 1

Kim Hunter

From:

Kim Hunter

Sent:

Friday, July 2, 2021 11:00 AM

To:

'Curt Connor'; Marie Petersen

Cc:

Daniel Marvel

Subject:

RE: CCL 040

Importance:

High

Curt & Marie,

I just called (Curt) and left a message to see if there is any interest in postponing the appeal hearing and move forward with working on the transfer application? If the item is continued to August 12th then the appeal is still valid but we should be able to make progress. If you'd like to meet and we are able to resolve this issue prior to the August 12th meeting, we can avoid a trip to the Planning Commission a refund of the appeal fee can be requested.

At the end of the day, the transfer was not denied because it was never received. I recommend that we attempt to resolve this issue first. Please let me know as soon as possible. Thanks, K.

From: Curt Connor < curtmconnor@gmail.com>
Sent: Wednesday, May 12, 2021 7:15 AM
To: Kim Hunter < khunter@trinitycounty.org>

Cc: Marie Petersen <stellaria.sftr@gmail.com>; Daniel Marvel <dmarvel@trinitycounty.org>

Subject: Re: CCL 040

Kim,

Thank you for finally reaching out. I've been asking about this transfer for over a year, [Before the Urgency Ordinance] Three times last year there were requests for site inspections at 220 Joyful Lane. [Jeff Maze, Daniel Marvel, Raymond Merolla-DiSanza]

I responded each time with a request for information on how to transfer to another property. The requests were forwarded to Mary Lancaster. Out of the three requests, one time I received an automated response that she would contact me within 3-4 days. Never happened.

There were other requests for help with this issue with no response. I know last year was crazy with Covid happening, and the development of the Cannabis Program has been challenging. You put out a memorandum on December 8th 2020 making us aware of NEW

Polices. In the same memorandum, it states, This policy does not apply to applications where progress had been made to resolve deficiencies or where there has been a delay in processing on the County's part. The fact that there was never a response to any of my

requests last year makes me feel that I should be able to move forward 100% with my transfer. This should have happened before the new Urgency Ordinance.

About the Appeal. The Appeal was filed due to a letter I received stating you were denying me a license due to the fact I had not yet filed for the State License. [moot point. Trying to transfer to different property then I could apply for the State License.] As for the appeal fee,

it was paid. Personal check #290 on 3-15-2021.

Thank you for the renewal fee carry-over.

I would like to come out of this situation, shake your hand, and move forward in a positive way.

Curt M Connor Connor Cannabis Company

Attachment 3

On May 11, 2021, at 6:17 PM, Kim Hunter < khunter@trinitycounty.org wrote:

Hi Curt,

I left you a voicemail this afternoon in hopes of discussing CCL 040, the transfer of the license application and the appeal application that was submitted on March 15, 2021. Here's what I wanted to discuss:

Transfer Application: The paperwork to transfer CCL 040 to 850 Mill Gulch, along with the \$1500 transfer fee, has never been submitted to our office. Once that paperwork is submitted, we will not be able to issue a license on the new site under the Urgency Ordinance as transfers to new sites are considered new licenses and the issuance of new licenses is prohibited under the Urgency Ordinance. However, the environmental review and transfer application processing can begin.

Appeal: The appeal form submitted appears to be an appeal of my denial of a transfer of CCL 040, but we since we have never received the transfer paperwork and fee, I have not denied the transfer. This appeal is not valid. Also, we can find no record of the appeal fee of \$500 being paid (which is fine since there is no denial to appeal, but just in case you want to submit an appeal in the future you will need to also pay the fee).

Return of Renewal Fees: Since CCL 040 was not issued in 2020, we did not accept your renewal fees and returned them to your authorized representative. Your renewal application was accepted and your 2020 fees will carry over into 2021.

K.

<image001.png>
Kim Hunter
Director of Building & Planning

Building/Planning/Environmental Health/Cannabis (530)623-1351 Ext. 2
61 Airport Road PO Box 2819
Weaverville CA. 96093-2819
www.trinitycounty.org/Building-Environmental-Health
www.trinitycounty.org/Planning
www.trinitycounty.org/Commercial-Cannabis

The Trinity County Building, Planning, Environmental Health Departments and Cannabis Division offices are open on a limited basis. Only one person/party is permitted at the lobby counter at one time and masks must be worn in the building to prevent the spread of COVID-19.

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.
- 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. <u>Term of this Urgency Ordinance</u>. 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. <u>Effective Date</u>. 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

A Hachment 4

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

1/5/2021

Curt Connor PO Box 1394 Hayfork, CA 96041

Re: CCL-040 220 Joyful Lane

Dear Curt,

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-040 on Parcel Number 011-420-01-00, does not qualify for an extension under Trinity County Ordinance No. 1355 for the following reason(s) as indicated by an "X":

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
- 3) No renewal fee was received by 12/9/2020
- 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. 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

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

Attachment5

Reviewed by : Mary C Date: 12 15 20 File Number: 040
Search in: Smart.gov, Master Data Sheet, License Doc's, and Physical File
Did they have an Issued license and a Renewal Application submitted after January 1, 2019
Yes: (Do not pass go) TRANSFER, CUERENT DWNER HAS NEVER BEEN LICENSED.
Any NOV's, Non-Comp, Violations the have not been resolved (CDFA, CDFW, County, and State) No: Yes: (Do not pass go) Reserved Contractor must Pump b Verify Storic File Penewal
☐ State License Yes: No License #: