

<b>TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</b>
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**APPLICANT/APPELLANT:** Alec Hurst

**AGENT:** Mary T. Killion-Hurst on behalf of Alec Hurst (Deceased)

**APPEAL REQUEST:** Reversal of Director's Decision to deny 2020 renewal application CCL-2020-046 for Hurst Family Farms.

**LOCATION:** 30 Shasta View Lane, Weaverville (APN: 024-680-32-00)

**APPROX. ACREAGE:** 4.02

**ZONING DISTRICT:** Unclassified

**ZONING DISTRICT OVERLAYS:** None

**GENERAL PLAN DESIGNATION:** Rural Residential

**STAFF RECOMMENDATION:** Deny the appeal.

**ADJACENT LAND USE AND ZONING INFORMATION:**

Direction	Land Use	Zoning	General Plan Designation
North	Residential	Unclassified	Rural Residential
South	Minor Improvements	Rural Residential 5-acre minimum	Rural Residential
East	Residential	Unclassified	Rural Residential
West	Residential/Cannabis Cultivation	Unclassified	Rural Residential

**SUMMARY:** Mr. Hurst submitted a renewal application for CCL-2019-046 on August 24, 2020. Upon review of the application and file, Director Hunter denied the renewal application. Denial was due to non-compliance with provisions of Ordinance 315-843 (TCC Chapter 17.43) which included:

1. Cultivation without a valid current state or county license;
2. Expired County Commercial Cannabis Cultivation License;
3. Failure to obtain either an Annual or Provisional Cultivation License from the CDFA CalCannabis Cultivation Licensing Division; and

4. Cultivation without an approved 350-foot cultivation setback variance from the nearest residence.

A letter of denial was sent via certified mail on September 17, 2020 to Alec Hurst detailing the reasons for the application denial. Mr. Hurst filed an appeal requesting a reversal of the Director's decision on September 18, 2020 citing issues with consultants with whom he contracted and being involved in a motorcycle accident that prevented him from performing the duties of running his business.

On August 20, 2020, a citation was issued by the Trinity County Sheriff's Office for excessive cultivation and lack of fencing at 30 Shasta View Lane.

Mr. Hurst passed away on October 30, 2020. His mother, Mary T. Killion-Hurst, is now acting as representative for Hurst Family Farms.

**ATTACHMENTS:**

- 1) Appeal application dated September 18, 2020
- 2) Denial letter dated September 17, 2020
- 3) Email correspondence from Mary Killion-Hurst dated January 5, 2021
- 4) Code Enforcement Incident Report (excerpt) from August 20, 2020
- 5) Correspondence from Teisha M. Mechetti dated August 28, 2020
- 6) Correspondence from Susan Zweck dated March 2, 2021



RECEIVED

SEP 18 2020



Received Stamp

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

Name: Alec Hurst Phone: (707) 367-9149

Email: Hurstfamilyfarms@mendbrand.com

Physical Address or APN: 024-680-32-00

Mailing Address: 18950 Porterfield Lane Fort Bragg CA, 94737

Decision of Planning Director rendered on (date): 9/17/2020

Planning Director's Decision was to: ☐ Approve ☒ Deny ☐ Continue

Request for: is for reverse in Planning Director's  
Decision. For CCL-046 I have been  
in the program since 2016 I did my  
own consulting and would like to get back together with you.

Reason for Appeal:

There is a huge error in consulting  
in my company, that cost me my life  
and as well being told I was in good  
standing by consultants, a severe dirt bike accident in June

Signature: Alec Hurst Date: September 18, 2020

Clerk's Use Only

Date Filed: 9-18-20

Fee Collected: 500-

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

Receipt No.: \_\_\_\_\_

Notice Published: \_\_\_\_\_

Notice Mailed: \_\_\_\_\_

Clear



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

**Kim Hunter, Director**

September 17, 2020

Alec John Hurst  
18990 Porterfield Lane  
Fort Bragg, CA 95437

Email: [hurstfamilyfarms@mendobrand.com](mailto:hurstfamilyfarms@mendobrand.com)

Re: Denial of Commercial Cannabis Cultivation License Renewal Application (CCL 046)  
Assessor's Parcel Number 024-680-32-00

Dear Mr. Hurst,

The Planning Department Cannabis Division received your renewal application for CCL 046 on August 24, 2020. Your application has been denied due to non-compliance with the provisions of Ordinance 315-843 (TCC Chapter 17.43). This denial of your CCL renewal application is based on the following factors:

1. **Cultivation without a valid current state or county license.** On August 20, 2020 Trinity County Code Enforcement issued a citation for cultivation of cannabis plants on Assessor's Parcel Number 024-680-32-00 in an amount exceeding the number allowed for adult recreational uses without a valid state or county license. (TCC §17.43.020(C); §17.43.020(H); §17.43.070(A)(2))
2. **Expired County Commercial Cannabis Cultivation License.** A cultivation license granting provisional permission to commercially cultivate cannabis plants has not been issued in 2020. The last extension granted for CCL 046 expired on December 1, 2019. As noted above, Trinity County Planning Department received your renewal application on August 24, 2020. (TCC §17.43.020(C))
3. **Failure to obtain either an Annual or Provisional Cultivation License from the California Department of Food and Agriculture CalCannabis Cultivation Licensing Division.** CalCannabis has confirmed that neither a provisional or annual state cultivation license has been issued for Assessor's Parcel Number 024-680-32-00 during the last three years (2018, 2019, 2020). A one-year temporary license was issued by CDFA in March of 2018. Cannabis cultivation at this site in an amount exceeding the number allowed for adult recreational uses after the temporary state license expired in March 2019, and during 2020, occurred without a state cultivation license. (TCC §17.43.020(H))
4. **Cultivation without an approved 350-foot cultivation setback variance from the nearest residence.** The designated cultivation area for CCL 046 requires an approved cultivation setback variance because it is located within 350-feet of a nearby residence. A cultivation setback variance was not approved for the 2020 cultivation season but would be required prior to cultivation for the renewal of CCL 46. (TCC §17.43.050(A)(8))



As provided by TCC §17.43.070(C), you have the right to appeal the denial of your CCL renewal application. To file an appeal, a completed appeal form ("Appeal of Planning Director's Decision to Planning Commission) must be submitted to the Planning Department with the \$500.00 appeal fee within 10 working days from today. The appeal form is online at the Planning Department website under the Applications, Documents and Forms page. Please contact Mary Beth Brinkley with any questions regarding the appeal process at (530)623-1351 ext. 6 or [mbrinkley@trinitycounty.org](mailto:mbrinkley@trinitycounty.org).

Best Regards,



Kim Hunter  
Director of Building and Planning

Cc: County Counsel

**From:** [Mary Killion Hurst](#)  
**To:** [Kim Hunter](#)  
**Subject:** Re: Recent Correspondence  
**Date:** Tuesday, January 5, 2021 1:58:33 PM

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May I please confirm that I would like to move forward with the appeal. Please let me know what I need to do to meet with them, where and what time and what I need to do.

Thank You,  
Mary Killion-Hurst  
707-357-0943

On Jan 5, 2021, at 11:22 AM, Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)> wrote:

Hi Mary,  
Just confirm that you would like move forward with the appeal. The meeting on the 28<sup>th</sup> is tentatively scheduled at this point and may change. We'll get you on the next meeting agenda if that date does not work out. K.

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**From:** Mary Killion Hurst <[marykillionhurst@gmail.com](mailto:marykillionhurst@gmail.com)>  
**Sent:** Tuesday, December 29, 2020 12:27 PM  
**To:** Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)>  
**Subject:** Re: Recent Correspondence

Hi Kim,  
How do I go about getting an appointment/meeting with the Planning commission on January 28, 2021?  
Mary Killion-Hurst

On Dec 28, 2020, at 1:37 PM, Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)> wrote:

Hi Mary,  
Attached is the recent correspondence and information regarding current status of CCL 046. The denial of the application renewal was issued on September 17, 2020. Alec filed an appeal to the Planning Commission of the denial of the application which is still pending. If you choose to proceed with the appeal, the next Planning Commission meeting is tentatively scheduled for January 28, 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](http://www.trinitycounty.org/Building-Environmental-Health)

[www.trinitycounty.org/Planning](http://www.trinitycounty.org/Planning)

[www.trinitycounty.org/Commercial-Cannabis](http://www.trinitycounty.org/Commercial-Cannabis)

**Until further notice, the Trinity County Planning, Building, Environmental Health, and Cannabis Offices are currently closed for walk-in services and appointments in order to reduce the spread of COVID-19. County staff are available by phone or email for assistance.**

<Hurst 2020-046 DENIAL of License.pdf>

<Hurst 2020-046 Appeal Application.pdf>

# Incident Report

## # 20-00933

Page 2 of 3

**HURST, ALEC J**  
**Offender**

Address  
30 SHASTA VIEW LN  
WEAVERVILLE California 96093

**BARCELONA, DEPUTY R**  
**Complainant**

Address  
101 MEMORIAL DR  
WEAVERVILLE California 96093

Phone

DOB

Race

Sex

Ethnicity

Height

Weight  
0

## Narratives

### Original Narrative

**08/27/2020 09:52:33**

TRINITY COUNTY SHERIFF'S OFFICE

#### NARRATIVE

On 8/19/20 I was in contact with the Trinity County Cannabis Department regarding APN 024-680-032, address 30 Shasta View Lane in Weaverville. I am familiar with the property because of numerous complaints over the past two years regarding illegal cultivation of cannabis. When I had previously checked with the Cannabis department, I was advised there was a provisional license pending, so Code Enforcement took no action.

After multiple other complaints this year I went to the cannabis department and spoke with Planning Director Kim Hunter. She told me that she had received notification from the State regarding this parcel and that there was not a valid State Cannabis license at for the property. After doing research on the parcel, Hunter found that no licenses were issued for County or State, however the property had been continuing to cultivate cannabis without those licenses. Hunter told me that the application was being denied based on numerous deficiencies in the application process.

On 8/20/20 I went to the address of 30 Shasta View Lane, APN 024-680-032, the assessors office confirmed the property owner of Mary T Killionhurst. I have been to the property multiple times and contacted the person responsible for the cultivation and know him to be Alec Hurst.

From the entrance to the driveway I could see a large quantity of cannabis being cultivated in white colored smart pots and black plastic pots in front and all around the sides of the mobile home located on the property.

Down the hillside from Shasta View Drive I was also able to observe and photograph a large quantity of growing cannabis being supported by steel poles with white plastic netting. The cannabis continued down the hillside and around the corner. On the lower sections of the property I was able to observe and photograph cannabis being cultivated with wire cages around them. I conservatively counted approximately five hundred (500) growing cannabis plants on the property. This property is a 4.019 acre

with a residence and would be able to cultivate a maximum of six (6) cannabis plants without a commercial cannabis license which it did not have.

After completing my photographs I issued and posted NOV 0836, Case # 20-00933 for the following violations:

- 17.42.060(E) Fence required
- 17.42.070(C) Excessive Cultivation

After leaving the property I was flagged down on the roadway by Hurst. He stated he had been called by a friend because he had seen me at his property. I advised him of the violations and that he was cultivating without a commercial cannabis permit. He asked me how much the fines would be and how long before we came to cut his cannabis. I advised him of the civil process and Court before an abatement could be ordered. He stated he would try to sort things out with the Cannabis Department and would continue to cultivate while getting his commercial license.

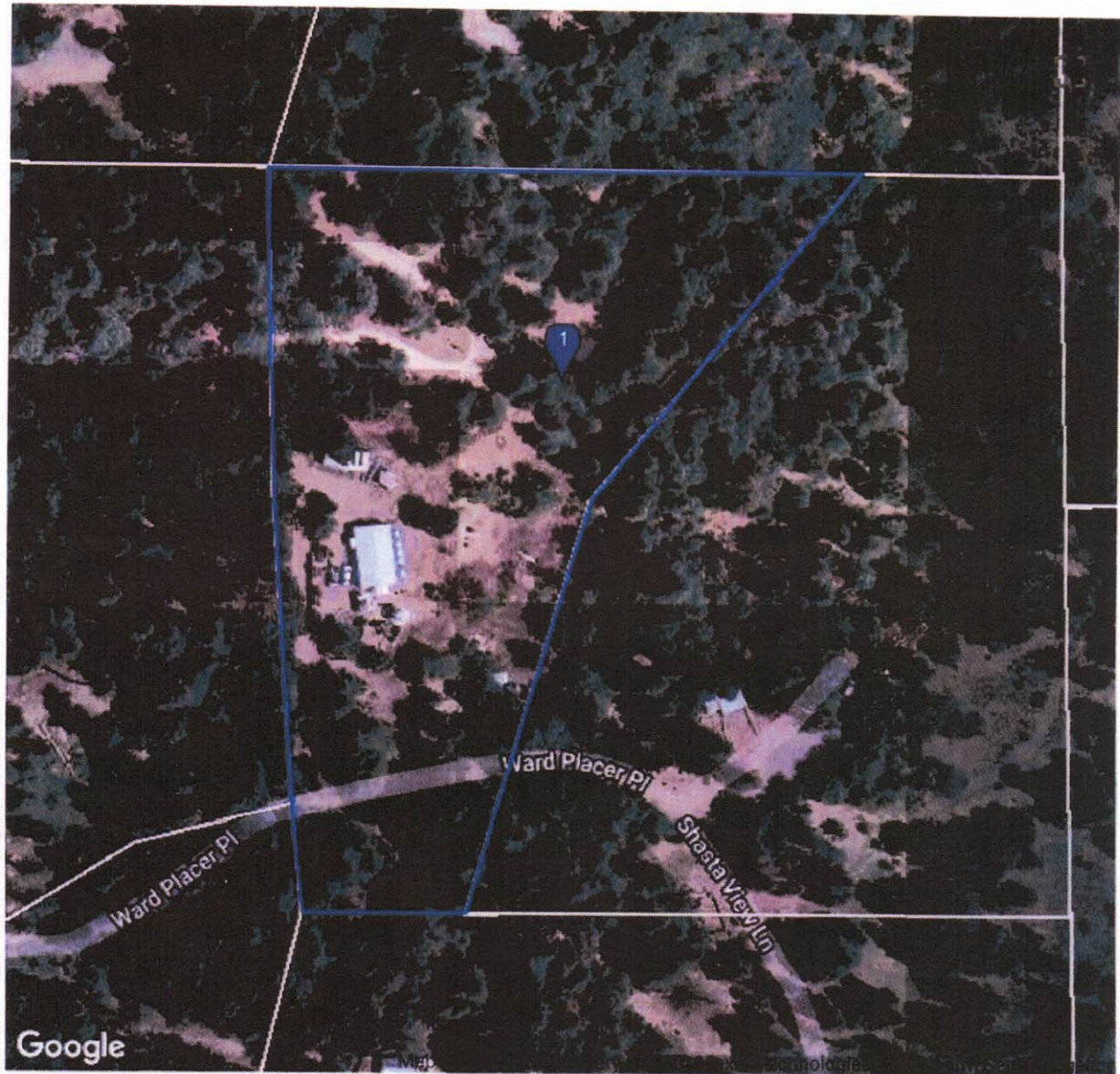
#### DISPOSITION

Active Pending

#### ROUTING

County Counsel





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20-00933







## TRINITY COUNTY CODE REFERENCE

17.42.070 - Maximum number of plants per acre footage.

The maximum number of plants on any parcel shall not exceed the following number of plants or square footage as stated:

- 1. For any parcel of less than 2 acres: 2 marijuana plants or 500 square feet.
- 2. For any parcel of 2 acres or more: 2 marijuana plants or one hundred square feet.

NOV 1 0836  
NOTICE OF VIOLATION, ORDER TO CORRECT, AND NOTICE OF ASSESSMENT OF CIVIL FINES AND PENALTIES

Case # 20-00933 Citation Date 8/20/20  
Property Address 30 Shasta View Lane  
Woodville, CA 96097  
Owner Mary F. Kullerhusst  
Tenant/Spouse/Decedent Alber Hurst

**VIOLATIONS**  
The following violations of Trinity County Code ("TCC") exist on the above-referenced property:

- § 17.42.060(A) - Single-Family Residence. Activities shall be conducted exclusively on a legal parcel of property on which a single-family residence is located.
- § 17.42.060(C) - Retained Letter. If the person conducting activities is not the lawful owner of the parcel, such person shall maintain a retained letter of consent from the legal owner(s).
- § 17.42.060(D) - Fence. All outdoor cultivation shall be located behind a fully enclosed opaque fence at least 6 feet in height, and may not be constructed or covered with plastic or cloth.
- § 17.42.070(C) - Excessive Cultivation. For 500 square plants observed on the parcel, in excess of the 2 plants allowed on a 4.019 acre parcel with a permitted single-family residence.

**TIME TO CURE**  
The time period for curing the violation(s) shall be the date you receive this Notice of Violation ("Notice") to cure the violation(s) herein. Date of personal service by the appropriate County representative. If the violation(s) occur beyond the 17 calendar day cure period, the person notified of the violation(s) shall be subject to administrative fines and penalties as described herein. Additional code enforcement officer.

**CONSEQUENCES FOR FAILING TO CURE**  
You must immediately act to correct the violations and/or file an administrative appeal. Please note, you must request reinspection of the property once the violations have been corrected to prevent accrual of administrative fines and/or commencement of enforcement proceedings by the County. The County will not (choose option B) or at code enforcement@trinitycounty.org, to request a reinspection.

Additional consequences may occur if the violation(s) cited within this Notice continue after expiration of the 17 calendar day cure period, including, but not limited to: criminal prosecution, civil penalties, recordation of Notice, and withholding of future County permits.

NOV 1 20-00933

The determination final. Appeal forms are available at the County Administration Office and online at [www.trinitycounty.org](http://www.trinitycounty.org). Contents of Appeal: The appeal must include: (1) a brief statement setting forth the appellant's interest in the matter relating to imposition of the penalty; (2) a brief statement of material facts supporting the appellant's claim no administrative penalty should be imposed, or the appellant agrees to receive notice of any further proceedings and/or orders by first-class mail; and (3) payment of any fee established under TCC § 6.40.150, or a request for exemption as provided in § 6.40.170. Hearing on Appeal: The appeal hearing process shall be conducted in the manner outlined in TCC § 6.40.150.

### DETERMINATION OF FINES AND ADMINISTRATIVE FEES

TCC § 6.40.080. For any violation of the County Code, the Director may impose an administrative fine within the amounts set forth below:

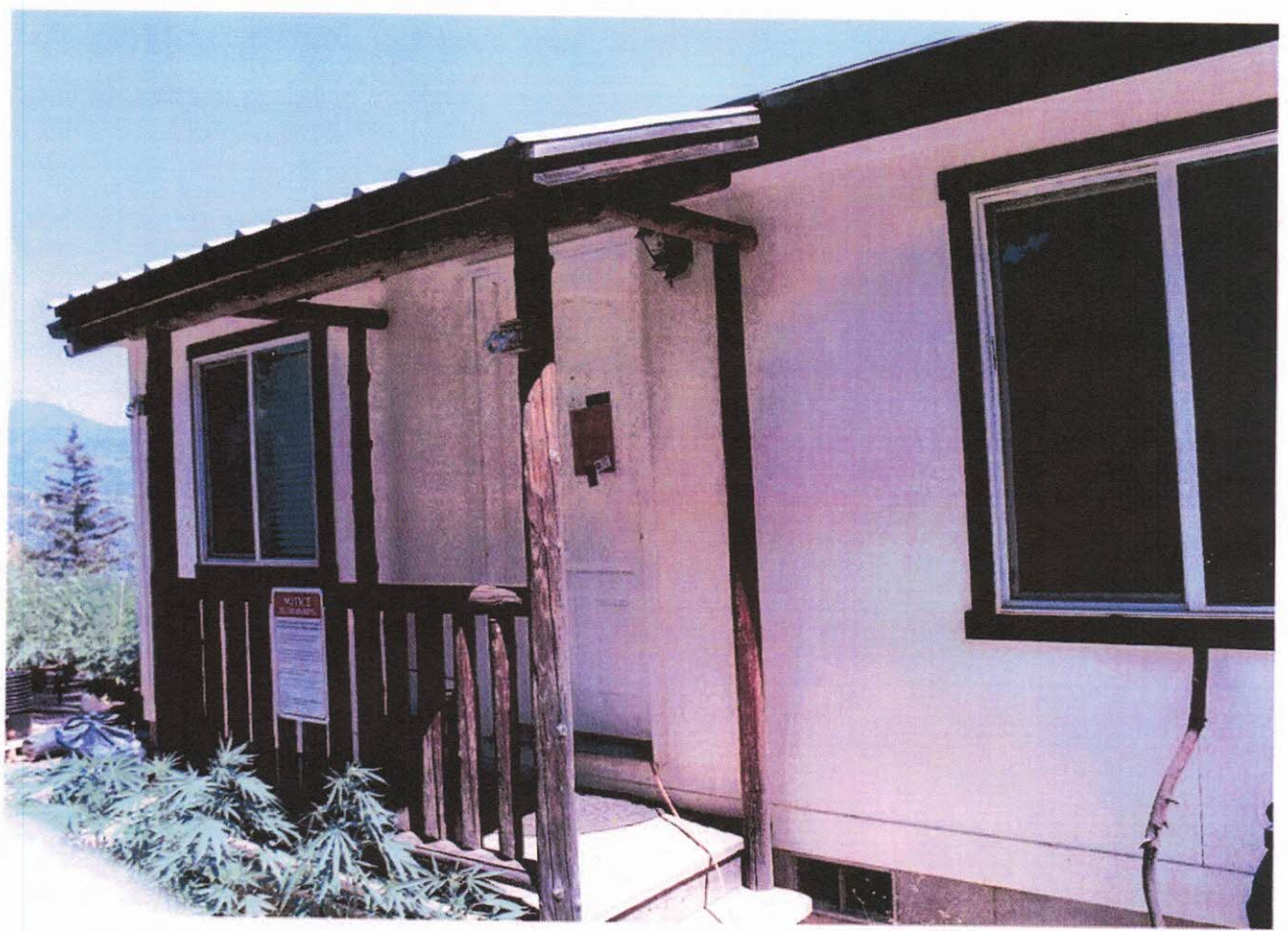
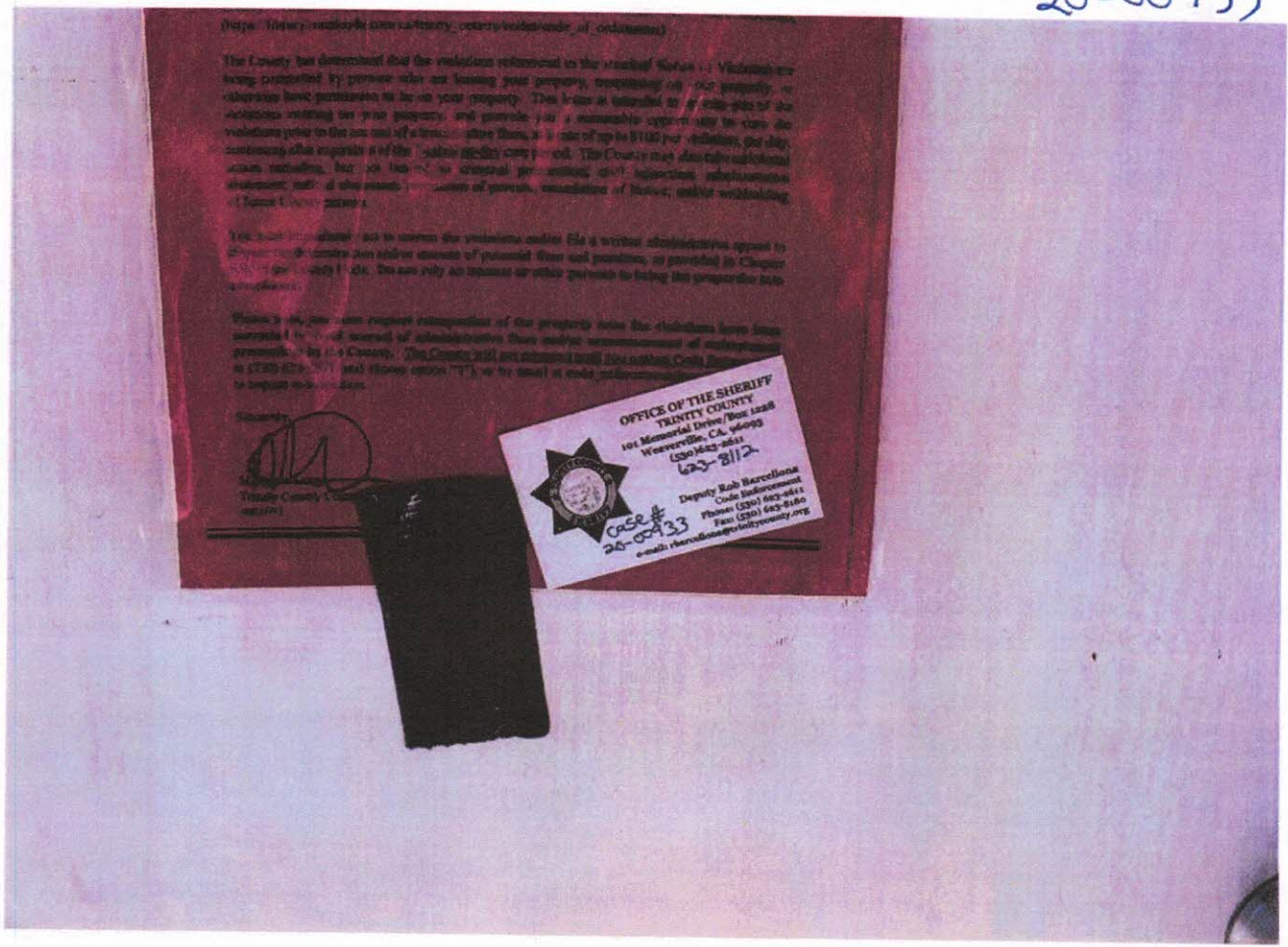
1. If the violation arises from unlawful commercial, industrial, rental (residential or non-residential), owner-occupied residential, or similar structure on the property, the Director has discretion to impose a fine in one of the following terms:
  - a. The fair market value of the land or structure in violation for the period of time elapsed from the date of transmittal of the notice of violation through to the abatement of the violation by whatever means;
  - b. Up to \$100 from the date of transmittal of the notice of violation, and up to \$100 for each calendar day thereafter that the violation exists on the property, through the effective date of the notice of violation;
  - c. In the event use of a structure in violation is permitted with an appropriate permit, up to a maximum of five (5) times the amount of the standard fee for such a permit.

For any other violation, the Director may impose a fine of up to \$100 from the date of transmittal of the Notice, and up to \$100 for each calendar day thereafter that the violation exists on the property, through the effective date of the violation.

Although this section amounts of up to \$100 per day a violation exists, supervisors in enforcing this Code be not sufficient to meet the needs of individuals and entities writing the Code.

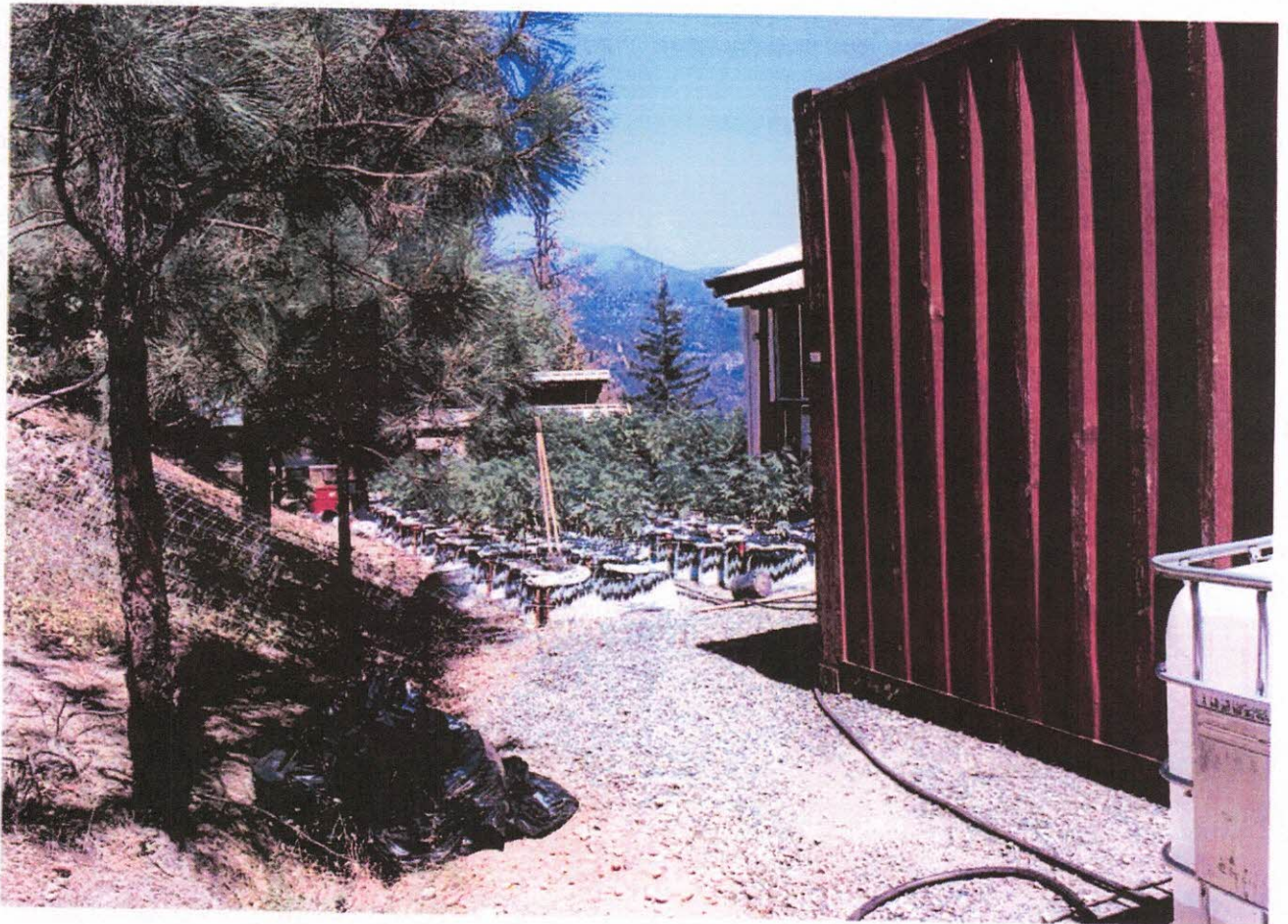
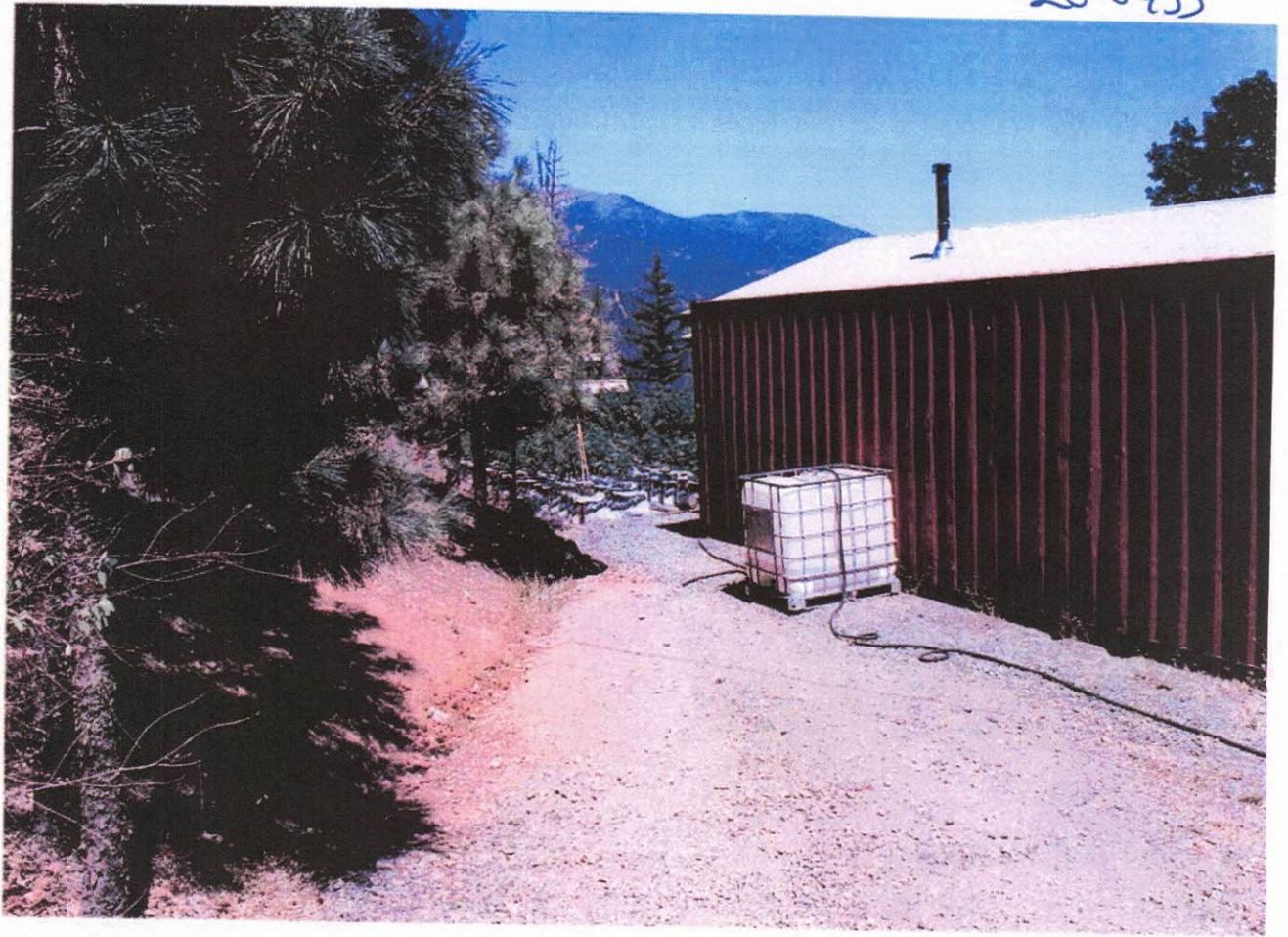


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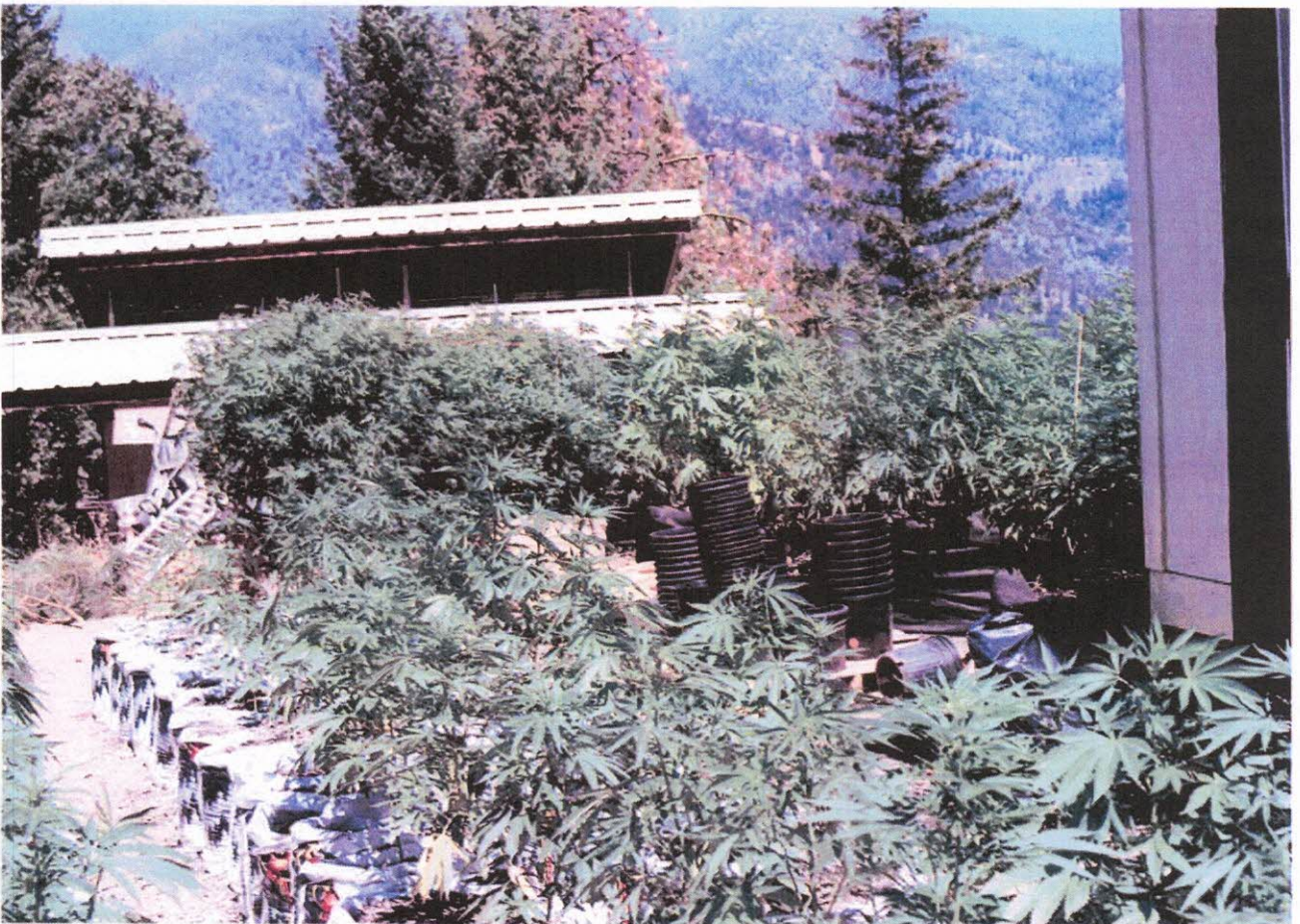


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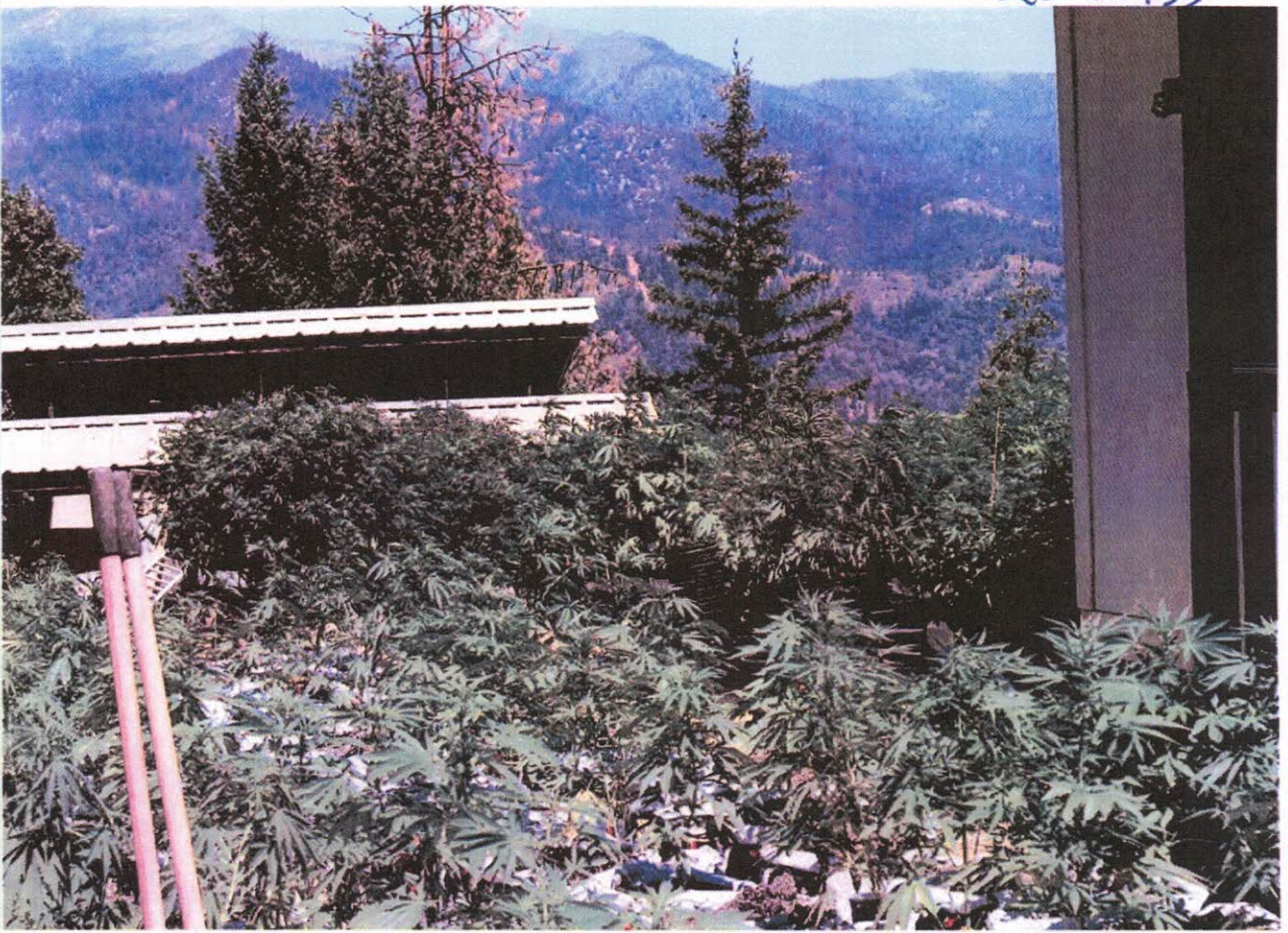


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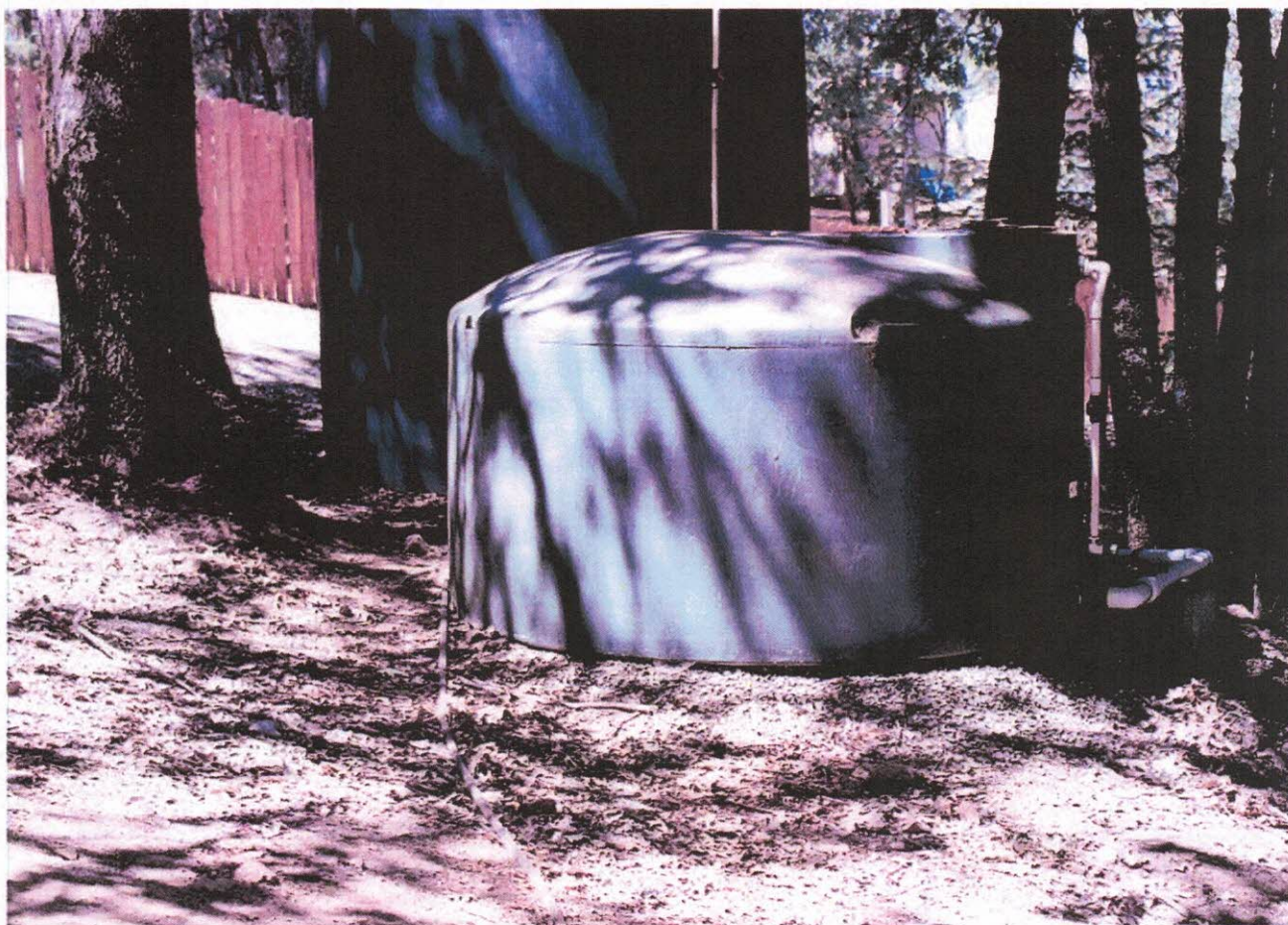


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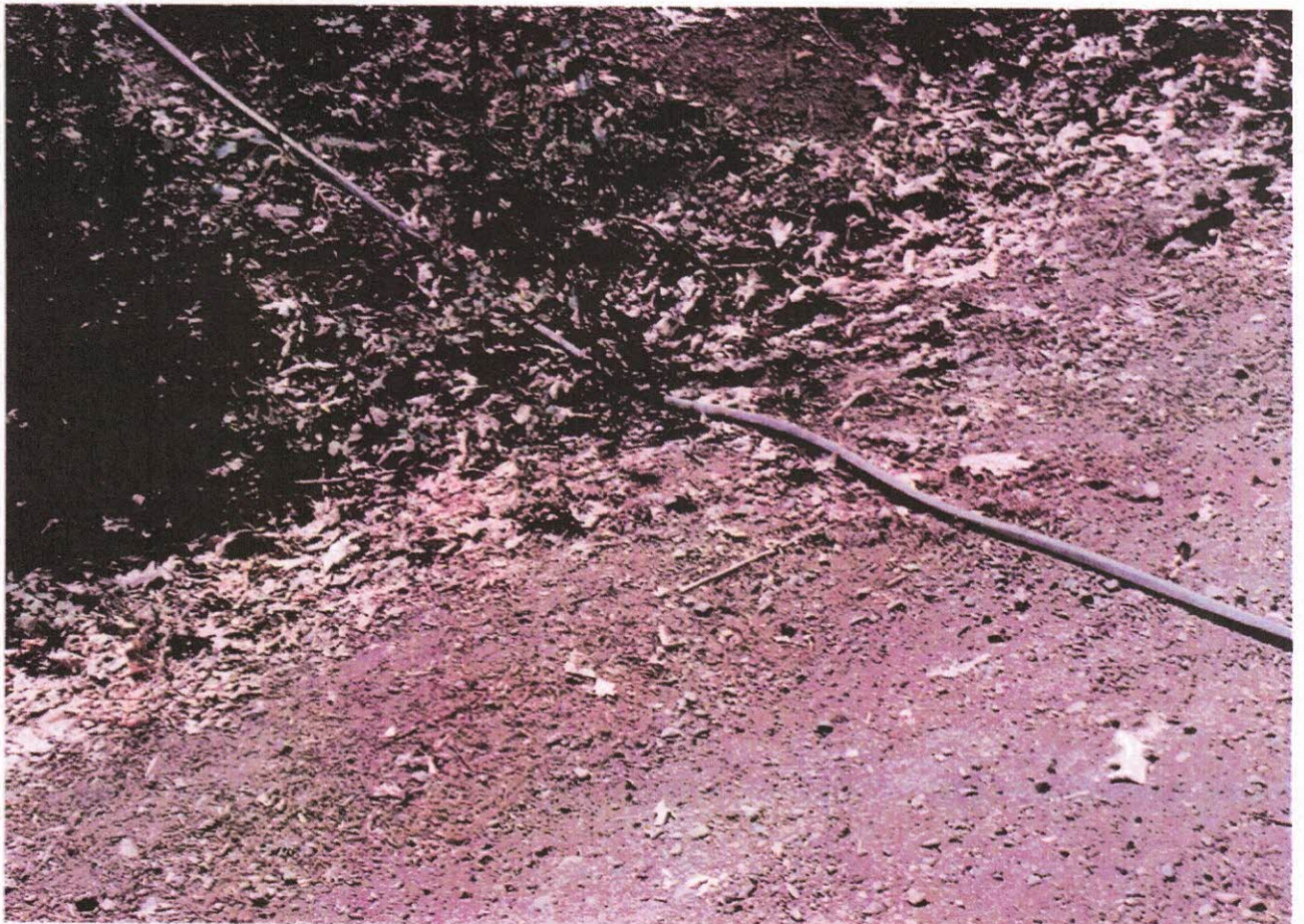
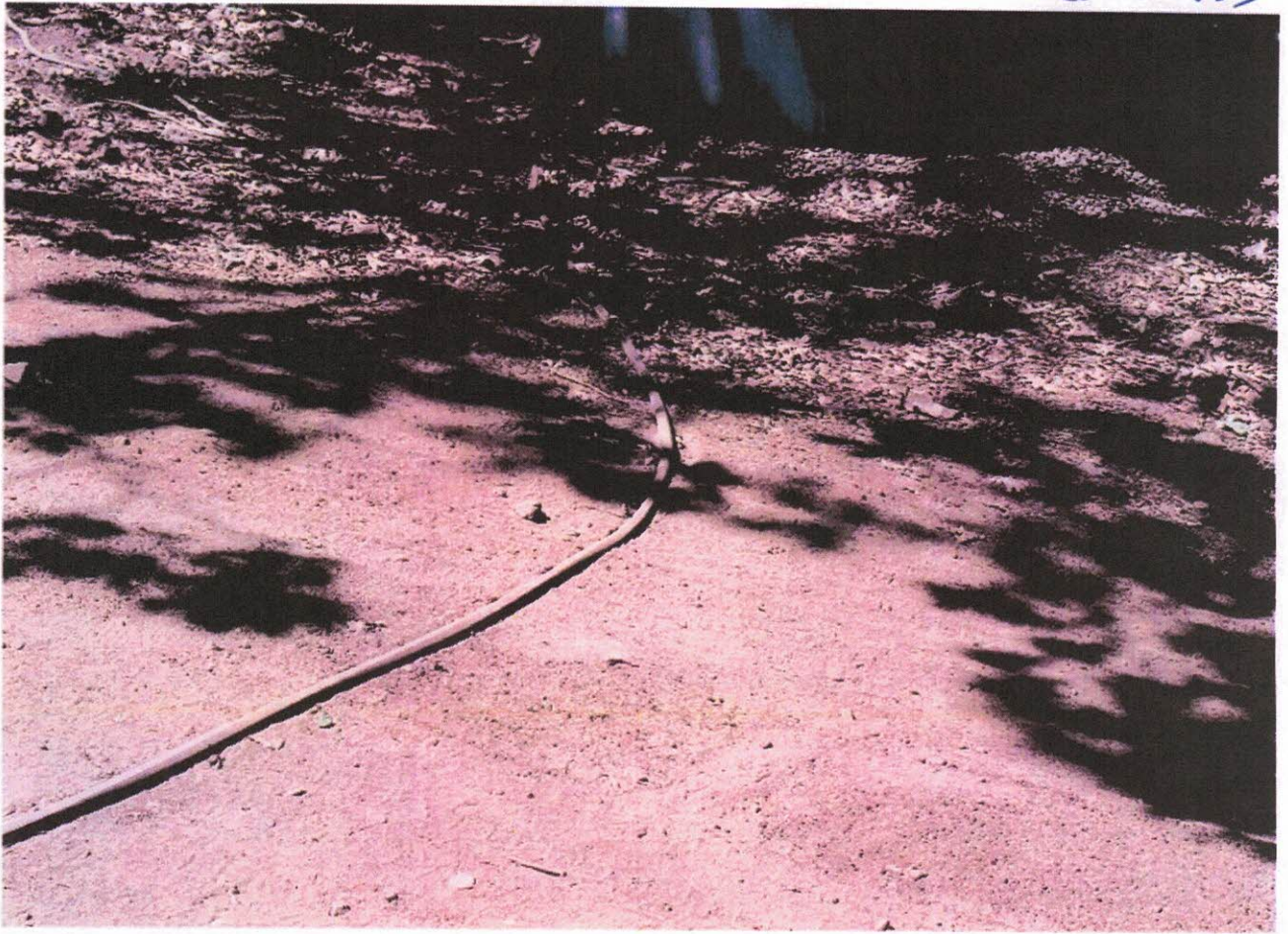


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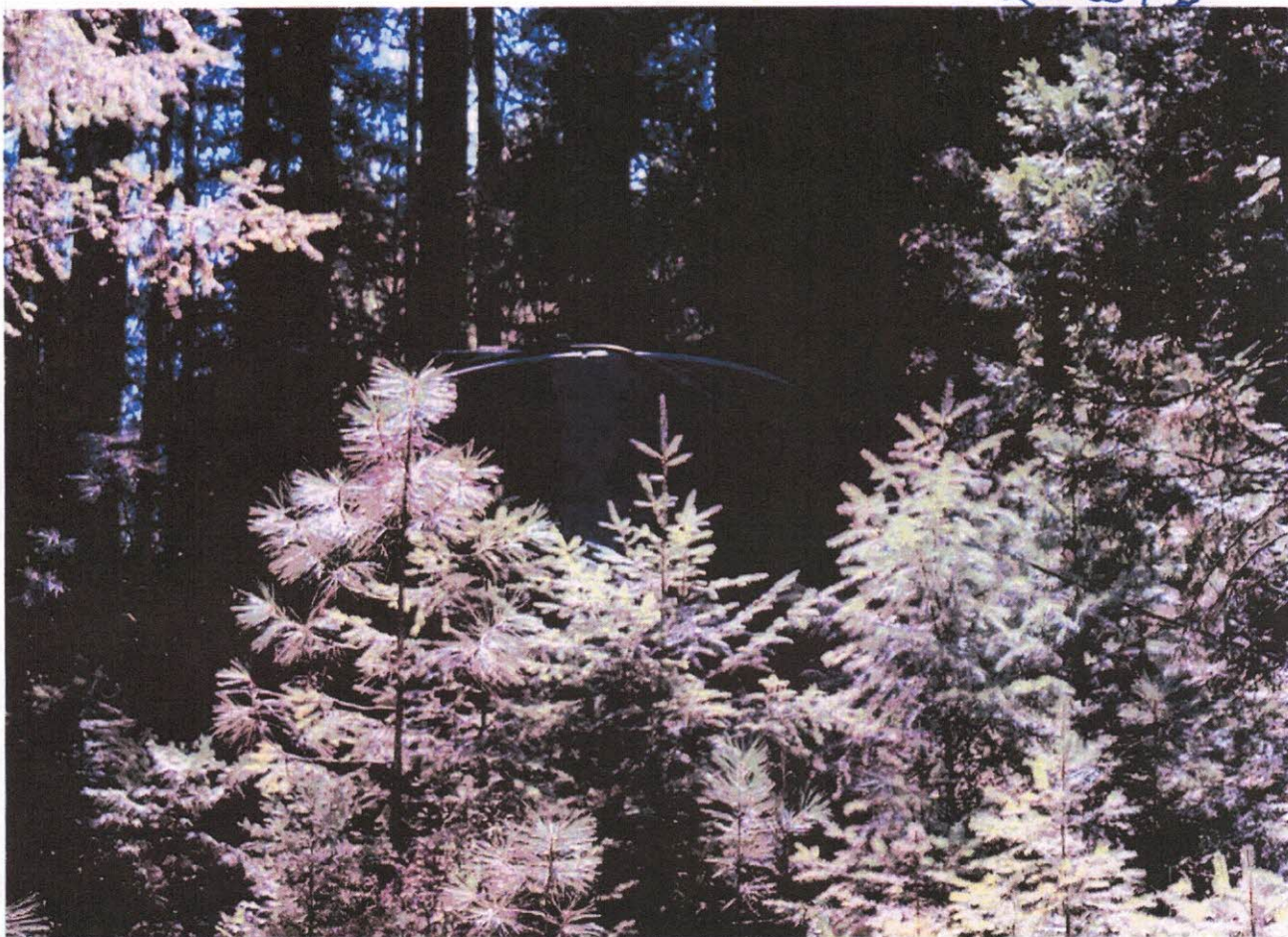




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20-00933





20-00933







512 I St. Eureka, CA, 95501 ° 707-798-6199 ° [teishamechetti.com](http://teishamechetti.com) ° teisha@agdynamix.com

Trinity County Planning Commission

61 Airport Road

Weaverville, CA 96093

August 28, 2020

Re: Alec Hurst, Hurst Family Farms, APN: 024-680-32-00

To Whom It May Concern,

Alec Hurst contacted our office in June 2020, following a motorcycle accident which left him unable to maintain self-compliance, and again on August 25, 2020 to inquire as to whether our office could assist him with an appeal. Due to our work load we were unable to assist him at the time of contact.

As the original Agent for this application, there is a good likelihood that we may be able to assist Mr. Hurst in achieving compliance once his appeal has been approved and a set of compliance terms has been issued. We have advised Mr. Hurst of this. We would also like to indicate that his decision to leave our agency as a client several years ago was due to a commuting issue to our office located in Eureka, CA.

Over the years, Mr. Hurst has stayed in communication with us and we were aware that he was making ample progress in achieving compliance. We do recall a multitude of conversations in which Mr. Hurst expressed discontentment with his choice of subsequent agents. We ask that you consider this appeal on the basis that Mr. Hurst secure appropriate representation to ensure delinquent compliance factors are met.

Signed,

Teisha Mechetti

Compliance Specialist

Cc: Trinity County Board of Supervisors



COUNTY OF TRINITY

APPEAL OF PLANNING DIRECTOR'S  
DECISION TO PLANNING COMMISSION

RECEIVED

MAR 5 2021

TRINITY COUNTY  
PLANNING DEPARTMENT

Received Stamp

Name: Susan Zweck Phone: (530) 227-2809

Email: szweck@tausd.org

Physical Address or APN: 451 Ward Placer Pl Weaverville CA 96093

Mailing Address: P.O. Box 3116 Weaverville CA 96093

Decision of Planning Director rendered on (date): \_\_\_\_\_

Planning Director's Decision was to: ☐ Approve ☒ Deny ☐ Continue

Request for: The Commercial Cannabis License to be renewed for 30 Shasta Lane Weaverville

Reason for Appeal:

Hurst Family Farms are courteous, and have never been a problem (unlike) other growers on our road. They are very helpful and go out of their way to assist me when I need it.

Signature: Susan Zweck Date: 3/2/2021

Clerk's Use Only

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

Fee Collected: \_\_\_\_\_

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

Receipt No.: \_\_\_\_\_

Notice Published: \_\_\_\_\_

Notice Mailed: \_\_\_\_\_

RECEIVED

NOV 6 1964

UNITED STATES DEPARTMENT OF JUSTICE  
FEDERAL BUREAU OF INVESTIGATION

WASHINGTON, D. C. 20535

TO : DIRECTOR, FBI (100-388610)  
FROM : SAC, NEW YORK (100-100000) (P)  
SUBJECT: [Illegible]  
RE: [Illegible]