

Item No. 10  
April 27, 2017



## TRINITY COUNTY

PLANNING DEPARTMENT

61 Airport Road, PO Box 2819

Weaverville, CA 96093

(530) 623-1351 FAX (530) 623-1353

April 27, 2017

**TO:** MEMBERS IN SESSION

**SUBJECT:** Agenda Item 10, 4/27/17 PC meeting;  
Request for “annual variance” from the required 350’ cannabis cultivation setback from neighboring residential dwelling [Ord. 315-816, Sec 32.IV (5)(b)], located at 1299 State Highway 299, Salyer. (APN: 008-570-16. Applicant: Klock. (P-17-13)

### **BACKGROUND:**

The urgency ordinance for “Commercial Marijuana Cultivation Regulation” includes a provision reading in part: “Cultivation will not be allowed within 350 feet of a residential structure on any adjoining parcels. Applications for a variance from this provision will be considered by the Trinity County Planning Commission.” (Ord. 315-816; Sec. 32.O.IV (5) (b))

The urgency ordinance defines the term “variance” as: “Variance” is defined as Trinity County Ordinance 315 section 31.” During its November 17, 2016 meeting the Commission spent time discussing both the state and county requirements for issuing a variance.

The applicant, Ron Klock, has submitted a variance application to reduce the dwelling setback from his cultivation area on his parcel (APN: 8-57-16) to the neighboring dwelling on APN: 8-57-0 from 350 feet to 138 feet (See Exhibits “A” & “B”), provided by the applicant, showing development on the applicants property and the distance to the neighboring dwelling.) No other documentation was provided.

### **DISCUSSION:**

Staff is unable to process this application with the information available. There are several other factors that need to be addressed that could affect the location of the cultivation area. These issues were revealed during the routing of the variance request.

The applicant has not applied for a cannabis cultivation license, therefore, the additional information from that file is unavailable. Jeff Dickey, Code Enforcement Officer, who is familiar with all of the license application has not visited the site and cannot provide any comments or recommendations.

The following comments have been received from agency review:

Caltrans advises that an encroachment permit is necessary (Exhibit "C"). This comment would not affect the variance directly, but does affect the cannabis license.

The Water Quality Control Board advises that the applicant has not enrolled with this water board (Exhibit "D"). It appears that no action has been taken to begin the process for obtaining a license with the State or with the County.

The applicant's site plan (Exhibit "B") shows a flood plain line; however, this appears to conflict with the most recent mapping (Exhibit "E"). It is possible that the GIS layers are off slightly, but comparing the parcel layer with the road layer, they seem to be fairly close. Additional review by our floodplain management staff will be necessary prior to determining the impacts associated with the floodplain, although in many cases a cultivation site can be allowed a flood plain with conditions. This issue is relevant to the variance because it could affect the resulting distance between the cultivation site for the license and the cultivation site to be used for the variance.

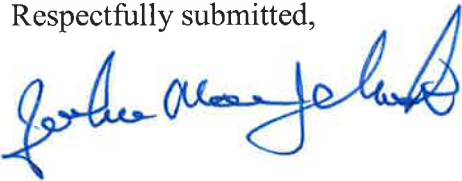
No comments have been received from neighboring property owners.

**RECOMMENDATION:**

Continue the variance request for up to 90 days to provide the applicant with sufficient time to complete his license application. If the applicant finds that additional time is needed, then the Planning Director may extend the continuance and report the status to the Commission. If the applicant has not submitted his application for a commercial cannabis license within the allowed time extension, then the application shall be deemed withdrawn.

[Note: Staff will probably need to re-notice this agenda item because the actual hearing date may not be known.]

Respectfully submitted,



John Alan Jelichich,  
Interim Planner

# PROJECT LOCATION MAP

## Klock CC Variance P-17-13

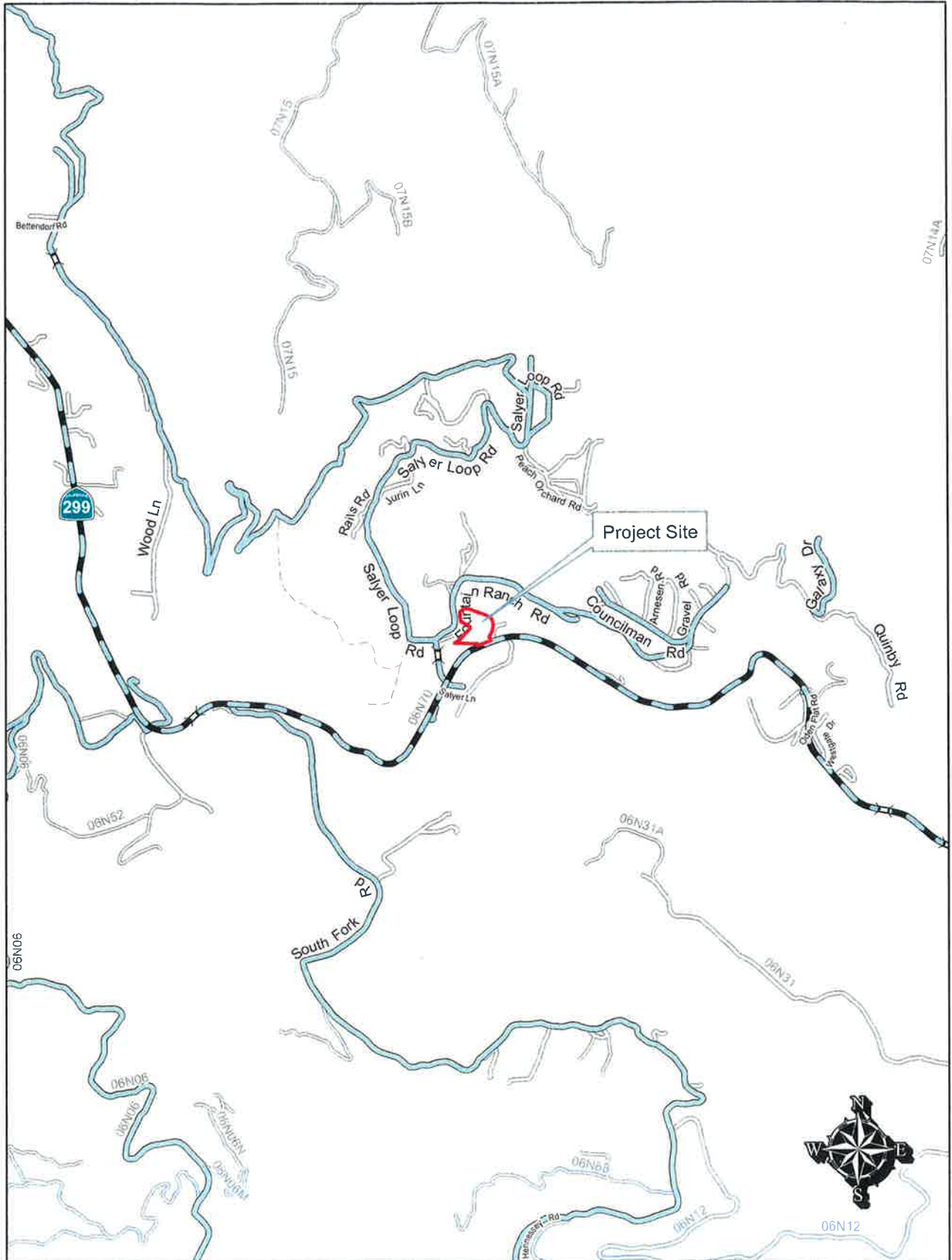
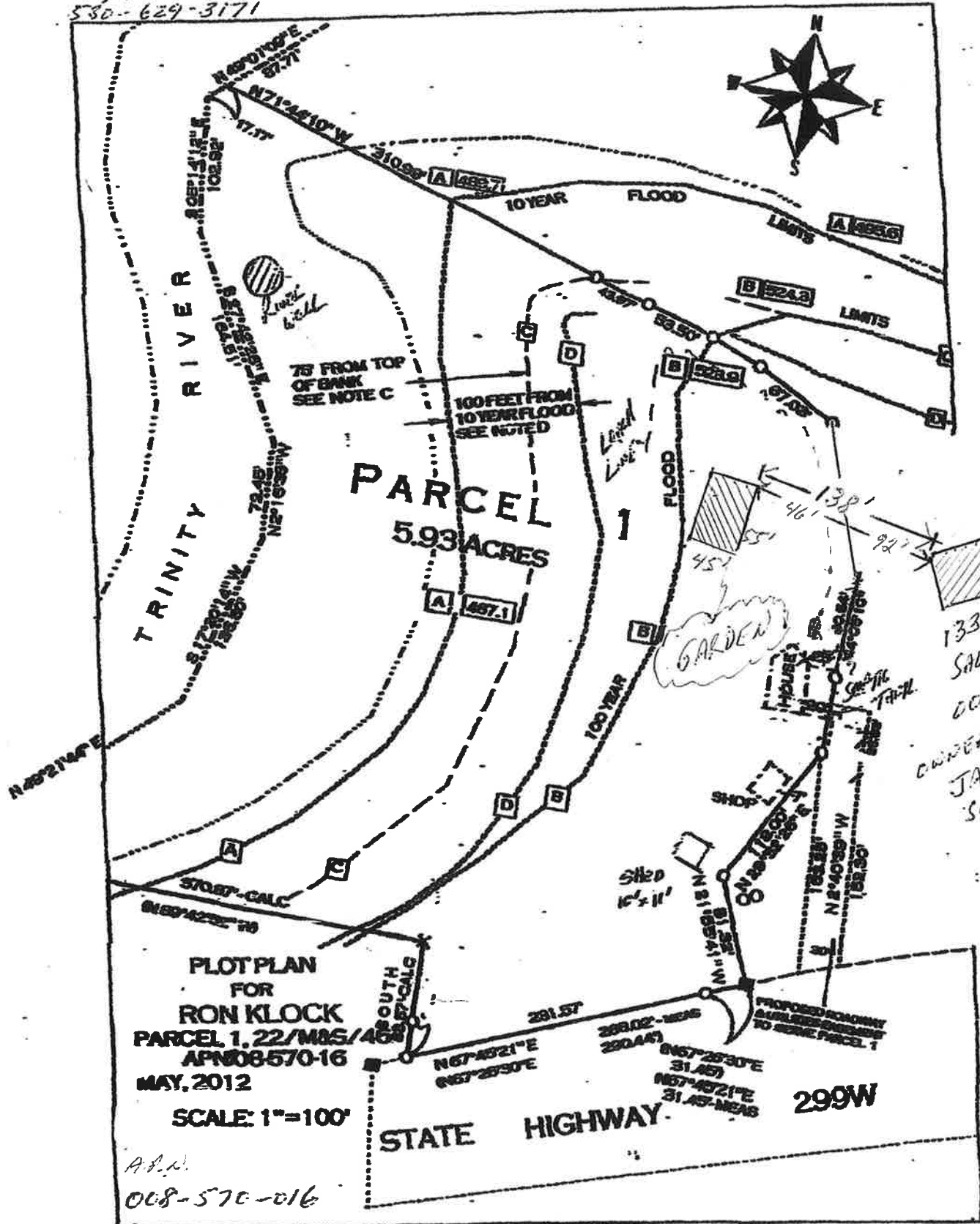


EXHIBIT "A"

Relocated 45' x 5' CANNABIS GARDEN 2475 #  
 COTTAGE Show Title, 1C

Owned - Ron Klock  
 P.O. Box 551  
 SALYER, CA 95563  
 530-629-3171



**PLOT PLAN FOR RON KLOCK**  
**PARCEL 1, 22/M&S/468**  
**APN 08570-16**  
**MAY, 2012**  
**SCALE: 1"=100'**

EXHIBIT "B"

## Ruth Hanover

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**From:** Ruth Hanover  
**Sent:** Wednesday, March 15, 2017 9:08 AM  
**To:** 'Gonzalez, Marcelino@DOT'  
**Subject:** RE: Tri-299-1.32 Request for Comments Klock P-17-13

Thank you.

*Ruth Hanover*  
*Trinity County Planning Department*  
(530) 623-1351, Ext. 4 ~ Fax (530) 623-1351

**RECEIVED**

**MAR 15 2017**

TRINITY COUNTY  
PLANNING DEPARTMENT

**From:** Gonzalez, Marcelino@DOT [mailto:marcelino.gonzalez@dot.ca.gov]  
**Sent:** Wednesday, March 15, 2017 8:55 AM  
**To:** Ruth Hanover <ruhanover@trinitycounty.org>  
**Cc:** Grah, Kathy M@DOT <kathy.grah@dot.ca.gov>; Pascal, Anthony C@DOT <anthony.pascal@dot.ca.gov>  
**Subject:** Tri-299-1.32 Request for Comments Klock P-17-13

A review of encroachment permits did not locate a permit for the current owner. We suggest that the owner be advised of the following:

The property owner should be advised that Caltrans encroachment permits are non-transferable. A Caltrans encroachment permit is required to utilize and maintain the driveway connection. The encroachment permit records the change in ownership and assigns the maintenance responsibilities for the connection to the current owner. For more information regarding encroachment permit fees or the encroachment permit process, the owner/applicant may contact the District 2 Permits Office located at 1657 Riverside Drive in Redding. The telephone number is (530) 225-3400. Encroachment permit applications are also available from the Caltrans website at [www.dot.ca.gov](http://www.dot.ca.gov).

Thank you for the opportunity to review and comment.

Marcelino "Marci" Gonzalez  
Local Development Review  
& Regional Transportation Planner  
(530)225-3369

**From:** Ruth Hanover [mailto:ruhanover@trinitycounty.org]  
**Sent:** Tuesday, March 14, 2017 3:30 PM  
**To:** Gonzalez, Marcelino@DOT <marcelino.gonzalez@dot.ca.gov>  
**Subject:** Request for Comments (Klock P-17-13)

Hi Marci,

I've attached a Request for Comments on a Commercial Cannabis Variance from the required 350' setback from neighboring dwelling. I inadvertently failed to include Caltrans on the request when sent out. Since this is on Highway 299 I wanted to be sure you had an opportunity to comment. The due date on the Request is tomorrow; however, since I messed up in not including Caltrans, you may take the full two weeks to respond.

Thank you.

1 EXHIBIT "C"

5

Klock

**Ruth Hanover**

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**From:** Tommi Morgenthal  
**Sent:** Friday, April 07, 2017 1:29 PM  
**To:** 'Henriouille, Diana@Waterboards'  
**Cc:** Leslie Hubbard; Jeff Dickey; Ruth Hanover  
**Subject:** RE: Enrollment for APN License Issue

Thank you ☺

Tommi Morgenthal  
Administrative Coordinator  
Trinity County Building Department  
61 Airport Road  
PO Box 476  
Weaverville, CA 96093  
Phone (530) 623-1354 ext 3  
Fax (530) 623-1353

**From:** Henriouille, Diana@Waterboards [mailto:Diana.Henriouille@waterboards.ca.gov]  
**Sent:** Friday, April 07, 2017 1:20 PM  
**To:** Tommi Morgenthal <tmorgenthal@trinitycounty.org>; Grady, Kason@Waterboards <Kason.Grady@waterboards.ca.gov>; Mcintee, Connor@Waterboards <Connor.Mcintee@waterboards.ca.gov>  
**Subject:** RE: Enrollment for APN License Issue

I am not seeing either the name or the parcel in our records.

**From:** Tommi Morgenthal [mailto:tmorgenthal@trinitycounty.org]  
**Sent:** Friday, April 07, 2017 12:19 PM  
**To:** Henriouille, Diana@Waterboards; Grady, Kason@Waterboards; Mcintee, Connor@Waterboards  
**Subject:** Enrollment for APN License Issue

Good Afternoon,

The below parcel, has he enrolled with the water board? We have not received an application packet for him yet however he submitted a variance to be located closer than allowed to the neighboring property:

APN: 008-570-16-00  
Ron Klock

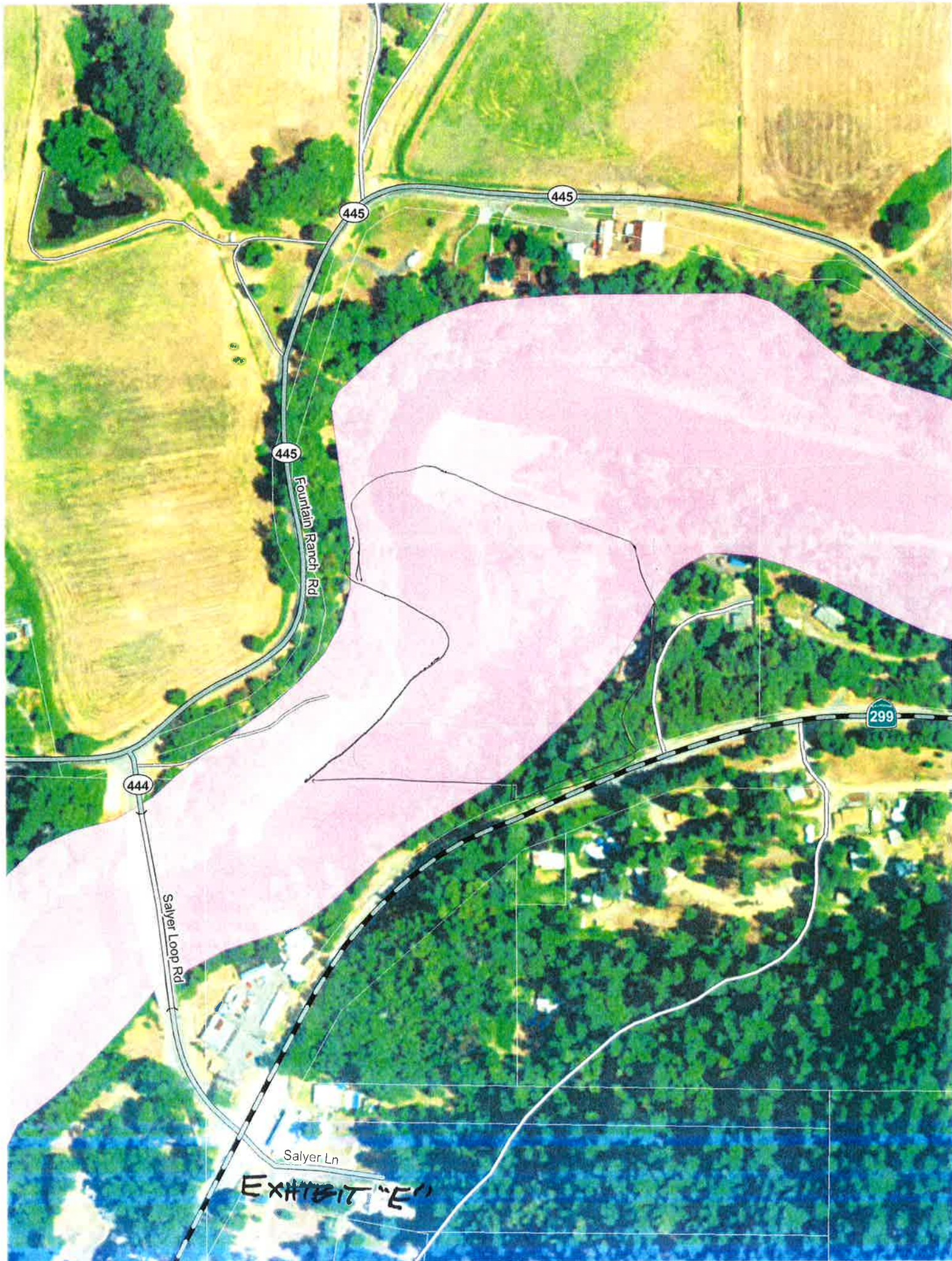
Thank you,

Tommi Morgenthal  
Administrative Coordinator  
Trinity County Building Department  
61 Airport Road  
PO Box 476  
Weaverville, CA 96093  
Phone (530) 623-1354 ext 3

1 EXHIBIT "D"

6





445

445

445

Fountain Ranch Rd

444

Salyer Loop Rd

299

Salyer Ln

EXHIBIT "E"