



# 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: March 6, 2021

TO: Planning Commissioners and members of the public

FROM: Kim Hunter, Director of Planning

SUBJECT: Agenda Items 8-11 Appeal of De Facto Decisions – County Counsel Memo

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At the February 11<sup>th</sup> Planning Commission meeting an opinion was requested from County Counsel Margaret Long on whether four de facto appeals (P-20-32, 33, 34 and 35) were legally appropriate. The attached memo from responds to that request.

The February 11<sup>th</sup> staff reports for these appeals are also attached for review.



A LAW FIRM FOUNDED ON THE  
PRINCIPLE OF SERVICE

## MEMORANDUM

TO: Kim Hunter, Planning Director  
FROM: Margaret Long, County Counsel  
Date: February 26, 2021  
Re: De Facto Appeals Pursuant to TCC 17.30E.020

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This memorandum is in response to your request for an opinion on whether it is legally appropriate to move forward on the appeal of the “de facto denial” of several licenses. The argument is that these licenses were “denied” because of failure to comply with Trinity County Code 17.30E.020(C).

As background, Trinity County Code 17.30E.020(C) states: “Within thirty days after the submittal of an application and payment of initial filing fees, the planning director shall determine if additional information is necessary and shall provide, or attempt to provide, written notice to the applicant of the requirement for such additional information or shall inform the applicant that the application is complete. Should the planning director not attempt to provide the applicant with notice of incompleteness or completeness of the application, then the application shall be deemed complete.”

The section mirrors the Permit Streamlining Act, which relates to development projects and is enumerated in Government Code § 65920 et seq. It is clear that the intent of Trinity County Code 17.30E.020 is to only apply to development projects, and that when the Cannabis Regulations got included in Title 17, this should have been changed to make it clear. It is recommended that the Trinity County Code 17.30E.020 be amended to make it clear that it only applies to development projects.

However, this is irrelevant to the cases at hand because even if assumed that this section applies, the applications cannot be deemed de facto approved or denied. This section only states that the applications are deemed complete after 30-days, which is very different than an approval or denial. There is nothing in the Code that requires the County to act on a completed application within a specified time frame. In addition, and as we see with the Permit Streamlining Act, these time limits may not be used to compel an agency to make a CEQA determination. CEQA's time limits are directory, not mandatory. *Eller Media v. Community Redevelopment Agency* (2003) 133 Cal. Rptr. 2d 324, see also *Riverwatch v. San Diego County (Palomar Aggregates)* (1999) 76 Cal. App. 4th 1428. These applications require CEQA to be performed prior to rendering a decision on whether they should be approved or denied. This has not been done yet.

As a result, it is my legal opinion that these requests for appeals should be denied as there have been no appealable issues. The Planning Commission has no authority to hear this matter, and it should be taken off calendar.

Please let me know if you have any questions or concerns.

<b>TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</b>
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**APPLICANT/APPELLANT:** Zachary Jakubowski / North State Creations, LLC

**AGENT:** Ana Wright / Flowra

**REQUEST:** Appeal the De-Facto denial of 2019 Cannabis Cultivation License Renewal

**LOCATION:** 110 Southridge Ct. Post Mountain (APN: 019-420-30-00)

**APPROX. ACREAGE:** 1.62

**ZONING DISTRICT:** Unclassified (UNC)

**ZONING DISTRICT OVERLAYS:** None

**GENERAL PLAN DESIGNATION:** Rural Residential (RR)

**STAFF RECOMMENDATION:** Deny the Appeal

**ADJACENT LAND USE AND ZONING INFORMATION:**

Direction	Land Use	Zoning	General Plan Designation
North	Residential / Cannabis Cultivation	UNC	RR
South	Residential / Cannabis Cultivation	UNC	RR
East	Residential / Cannabis Cultivation & Roadway	UNC	RR
West	Residential / Cannabis Cultivation	UNC	RR

**SUMMARY:** A de facto appeal of a denial of the 2019 Cannabis cultivation renewal of Commercial Cannabis Cultivation License (CCL) was filed on August 7, 2020, by the designated authorized agent, Ana Wright (Flowra). In the appeal, Ms. Wright stresses that as of July 27, 2020 no action has been taken on the issuance of the license and submitted an Appeal of the De-Facto denial on August 7, 2020. (Attachment 1)

Background

The following establishes a timeline and general information regarding CCL #201:

- March 28, 2018 – CCL #201 was ready to issue to Zachary Jakubowski (North State Creations, LLC) with an expiration date of March 31, 2019. However, the applicant signed and picked up the license on June 11, 2018.
- March 20, 2018 & August 22, 2018 -- Two separate site inspections were performed on both site inspections it was noted that a dwelling was required and plans needed to be submitted by 12/2018. Also noted in both site inspections a Director's Use Permit was required as the licensee was living in an R.V.
- March 28, 2019 -- CCL renewal application for 2019 was received by the Planning Department (no payment).
- October 29, 2019 – Ana Wright was notified by email that Dwelling Permits had still not been submitted.
- September 5, 2019 – Flowra was notified in a meeting of the outstanding deficiencies of no Building plans submitted, no DUP submitted, and confirmation that power had been removed in the sheds was required.
- August 8, 2020 -- A mobile home permit was issued to Mr. Jakubowski which was finalized on December 20, 2020.
- November 6, 2020 – CCL Renewal application for 2020 was received by the Planning Department (no payment).

**Current Status**

As of February 5, 2021, CCL #201 is considered inactive. While a renewal application was received, according to the Planning Department's records, no fees were paid for the 2019 renewal. Since fees were not paid prior to December 9, 2020 per the Urgency Ordinance passed by the Board of Supervisors and the December 8, 2020 Director's Policy memo.

**ATTACHMENTS:**

1. Appeal Application
2. Payment Record



COUNTY OF TRINITY

APPEAL OF PLANNING DIRECTOR'S  
DECISION TO PLANNING COMMISSION

RECEIVED

AUG 07 2020

TRINITY COUNTY  
PLANNING DEPARTMENT

Received Stamp

Name: Zachary Jakubowski/North State Creations LLC Phone: 303-596-3875

Email: nortstatecreations@gmail.com

Physical Address or APN: 110 Southridge Ct, Hayfork, CA 96041

Mailing Address: PO Box 1317, Hayfork, CA 96041

Decision of Planning Director rendered on (date): 7/27/20

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

Request for: Appeal to the defacto-denial of the 2019 Cannabis Cultivation Renewal.

Reason for Appeal:

Please see attached reason.

Signature: Zach Jakubowski Date: 8/4/20

Clerk's Use Only

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

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

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

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

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

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

August 4, 2020

Chair Fraiser and Planning Commissioners,

We are appealing the defacto-denial of CCL 201's 2019 Renewal Application for licensee Zachary Jakubowski/North State Creations LLC.

### **FACTS OF THE CASE**

On March 28, 2019, a renewal was submitted for this licensee's commercial cannabis cultivation site (Attachment A).

Deficiencies for this renewal were issued to the licensee's consultant on October 29, 2019. Deficiencies noted included lack of a dwelling permit and Director's Use Permit on file with the Trinity County Planning Department.

Since the deficiency was issued in October of 2019, this licensee has submitted both a Director's Use Permit to the Trinity County Planning Department and a dwelling permit to the Trinity County Building Department in early 2020.

During an April 15, 2020 meeting with Director Hunter, it was deemed this application could be noticed and issued provisionally, despite the deficiencies noted in 2019.

On July 13, a letter of intent announcing our treating of this inaction as a defacto-denial was sent to Director Hunter, giving her one week to respond (Attachment B). The week passed and due to her absence in office, we extended this to July 27.

No action has been taken to issue this license and it has been over two years since the 2019 renewal was submitted. Additionally, no response was received on July 27, prompting us to move forward with this appeal.

### **ARGUMENT**

As noted in the Facts of the case, this licensee's renewal was submitted in March of 2019, with a deficiency notice not issued until October of 2019. This timeline exceeds the 30-day requirement of the county to deem an application complete or incomplete (Trinity County Code 17.30E.020).

The deficiencies that have held this license up were cleared earlier this year, and multiple follow-ups from the April 15 meeting to Director Hunter have been made – all unanswered. There are no other deficiencies to address.

This licensee has been a part of this program since 2017 (Attachment C), holds a valid state license with the California Department of Food and Agriculture (Attachment D), a Non-Agreement Certification from the California Department of Fish and Wildlife (Attachment E), and a Notice of Applicability from the State Water Resources Control Board's Cannabis General Order (Attachment F).

## **CONCLUSION**

All applicable licensing has been obtained that is necessary to cultivate commercially, with the exception of the county license. There are no other deficiencies to address, and none that would hold up the issuance of this license provisionally.

Additionally, enough time has passed for the Trinity County Planning Department to officially clear deficiencies that have been addressed and issue this license provisionally.

Our appeal of this defacto-denial should be granted based on the argument outlined above. We ask for this license to be noticed immediately in the paper to be issued as soon as possible.

We thank the Planning Commission for their time and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ana Wright', with a stylized, cursive script.

**Ana Wright**

Executive Vice President, Flowra

[ana@theflowraplatform.com](mailto:ana@theflowraplatform.com)

M: (530) 739-9908

O: (800) 811-4356, ext 502



## ATTACHMENT A

RECEIVED

MAR 28 2019

TRINITY COUNTY  
BUILDING DEPARTMENTTrinity County  
Planning and Building Department  
Commercial Cannabis Cultivation

## Cannabis License Renewal

TRINITY COUNTY  
PLANNING AND BUILDING DEPARTMENT

Previous CCL Number	CCL-2018-201
Proposed Job Address	110 Southridge Ct, Hayfork, CA 96041
APN	019-420-30-00
Project Type (select one)	<input type="checkbox"/> Type 1: Up to 5,000 square feet outdoor or 50 plants, \$5000 Fee <input type="checkbox"/> Type 1B: Up to 5,000 square feet mixed light or 50 plants, \$5000 Fee <input type="checkbox"/> Type 1C: Cottage up to 2,500 square feet or 25 plants, \$2250 Fee <input checked="" type="checkbox"/> Type 2: Up to 10,000 square feet outdoor, \$6000 Fee <input type="checkbox"/> Type 2B: Up to 10,000 square feet mixed light, \$6000 Fee

Applicant Name	Zachary Jakubowki
Applicant Phone Number	303-596-3875
Applicant Email	northstatecreations@gmail.com
Applicant Mailing Address	PO Box 1317, Hayfork, CA 96041
Applicant Signature:	<i>Zachary Jakubowki</i> 3/26/2019

Please fill out even if the owner is the same as the applicant

Owner Name	Zachary Jakubowki
Owner Phone Number	303-596-3875
Owner Email	northstatecreations@gmail.com
Owner Mailing Address	PO Box 1317, Hayfork, CA 96041
Owner Signature:	<i>Zachary Jakubowki</i> 3/26/2019

Consultant Name	Flowra
Consultant Phone Number	319-371-5248
Consultant Email	ana@theflowraplatform.com

Business Name	North State Creations LLC
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Zone	Unclassified (UNC)
Parcel Size (Acres)	1.62 Acres
Water Source	Groundwater Well
Water Board Number	1A1712016 CTRI (SGO still in process)

Disclaimer: You have a responsibility to know if your property is restricted by Ordinance No. 315-823, 315-829, 315-830 and 315-841. We will not issue a refund if your parcel is in violation of the ordinances.



July 13, 2020

Re: Pending 2019 County Renewals

Director Hunter,

On April 15, 2020, a meeting was held with yourself and Flowra to discuss Client's renewals pending since 2019. During this meeting, it was discussed that all pending renewals would move forward and be issued provisional licenses as property and building permit issues are cleaned up.

Today is July 13, 2020, and only 3% of our outstanding 2019 county renewals have been issued. The following list constitutes the remaining renewals awaiting issuance with their expiration dates:

- [REDACTED]
  - [REDACTED]
- ❖ CCL 201 – Zachary Jakubowski, **expired 3/28/2019**
- [REDACTED]
  - [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
  - [REDACTED]

As the 30-day timeline for deeming these applications complete or deficient has well passed, we ask of the issuance of these licenses as provisional, and to do so immediately. Additionally, we ask that the licenses are issued through 2021 as previous practice has shown with the outstanding 2019 renewals that have received their licenses so far this year.

Please respond with an estimated date as to when these licenses will be noticed and later issued no later than **Monday, July 20<sup>th</sup>**. If we do not receive a response by this date, these licensees are prepared to treat the non-responsiveness as a de-facto denial and move forward with an appeal of the denied license to the Planning Commission.

We look forward to working with you on solving this matter and for your understanding of the timeliness of this. Please do not hesitate to contact me if you have any questions that I may be able to help you with.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Ana Wright', with a stylized flourish at the end.

Ana Wright

Executive Vice President, Flowra

[ana@theflowraplatform.com](mailto:ana@theflowraplatform.com)

M: (530) 739-9908

O: (800) 811-4356, ext 502



**TRINITY COUNTY  
CANNABIS CULTIVATION  
2017/2018 LICENSE**



LICENSE NUMBER:	CCL-2017-201
PARCEL NUMBER:	019-420-30-00
LICENSE HOLDER:	Zachary Jakubowski

DATE ISSUED: March 28, 2018

110 Southridge Court, Post Mountain  
Type 2: Outdoor 10,000 square feet

Valid April 1, 2018 until March 31, 2019

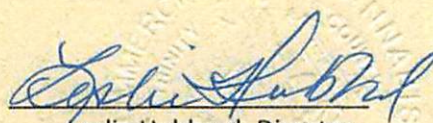
**NOTE TO LICENSE HOLDER**

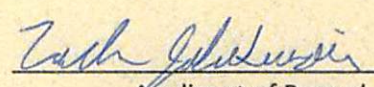
As the undersigned license holder, you are agreeing to abide by all terms, conditions and regulations set forth within the Trinity County Ordinance No. 315-823 and reaffirm the Indemnification Form and Acknowledgment Form as agreed upon as part of this license application.

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. 315-823 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.

  
Leslie Hubbard, Director  
Trinity County Planning Department

 06/11/2018  
Applicant of Record



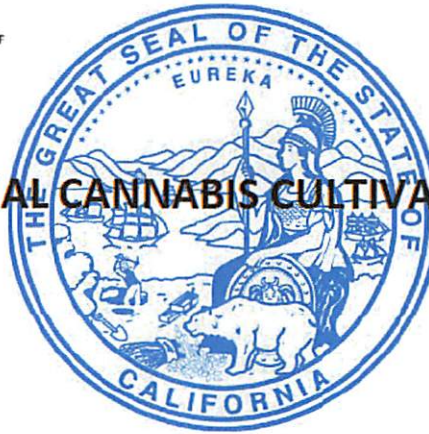


CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

California Department of Food and Agriculture

1220 N Street

Sacramento, CA 95814



## PROVISIONAL CANNABIS CULTIVATION LICENSE

**Legal Business Name:**

North State Creations LLC

**Premises APN:**

Trinity County - 019-420-30-00

**Premises Address:**

110 Southridge Court  
Unincorporated, CA 96041

**Valid:**

10/30/2019 to 10/30/2020

**License Number:**

CCL19-0000166

**License Type:**

Adult-Use-Small Outdoor

--- NON-TRANSFERABLE ---

--- POST IN PUBLIC VIEW ---



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 – Northern  
601 Locust Street  
Redding, CA 96001  
(530) 225-2300  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director

## ATTACHMENT E



March 7, 2019

Mr. Zachary Jakubowski  
Post Office Box 1317  
Hayfork, CA 96041

Dear Mr. Jakubowski:

**Subject: Refund for Notification of Lake or Streambed Alteration, Notification No. 1600-2018-0859-R1, Trinity County APN 019-420-30-00**

The California Department of Fish and Wildlife (Department) has reviewed your Lake or Streambed Alteration Notification (Notification), dated December 31, 2018. Your Notification includes, but is not limited to, the following information: small outdoor cannabis cultivation, irrigated by a 300-foot deep groundwater well yielding 20 gallons per minute. Your Notification indicates there are no activities subject to the notification requirements of Fish and Game Code (FGC) section 1602 on the parcel.

The Department has determined that your project as proposed is not subject to the notification requirement in FGC section 1602. For that reason the Department will be issuing you a refund for \$577.25 mailed to the applicant address provided in your Notification.

Please note that if you change your project you will need to submit a new Notification and corresponding fee to the Department if your modified project will do any of the following:

- Divert or obstruct the natural flow of any river, stream, or lake
- Change the bed, channel, or bank of any river, stream, or lake
- Use material from any river, stream, or lake
- Deposit or dispose of material into any river, stream, or lake

In addition, while your project as proposed in your Notification is not subject to the notification requirements of FGC sections 1602, you are still responsible for complying with other applicable local, state, and federal laws. These include FGC sections 5650 and 5652 which make it unlawful to pollute waters of the state. FGC section 5650 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state any substance or material deleterious to fish, plant life, mammals, or bird life, including, but not limited to gasoline and oil, as well as sediment. FGC section 5652 makes it unlawful to deposit in, permit to pass into, or place where it can pass into waters of the state, or to abandon, dispose of, or throw away, within 150 feet of the high water mark of the waters of the state, any garbage, refuse, or waste, among other

*Conserving California's Wildlife Since 1870*



## ATTACHMENT F



EDMUND G. BROWN JR.  
GOVERNOR



MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

### North Coast Regional Water Quality Control Board

September 20, 2018

WDID:1\_53CC404077

ZACHARY JAKUBOWSKI  
PO BOX 1317  
HAYFORK, CA 96041

Subject: Notice of Applicability - Waste Discharge Requirements Water  
Quality Order WQ-2017-0023-DWQ

The attached Notice of Applicability provides notice that the requirements of the State Water Board *Cannabis Cultivation Policy- Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order) are applicable to the site as described below. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board Policy and General Order.

Please direct all submittals, discharge notifications, and questions regarding compliance and enforcement to the North Coast Regional Water Quality Control Board Cannabis Program at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov).

Sincerely,

Matthias St. John  
Executive Officer  
North Coast Regional Water Quality Control Board

180917\_1L\_1\_53CC404077\_1A171206CTRL\_Zachary Jakubowski\_NOA\_TW

**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, ZACHARY JAKUBOWSKI, TRINITY COUNTY APN(s) 019-420-30-00**

Zachary Jakubowski (hereafter “Discharger”) submitted information through the State Water Resources Control Board’s (State Water Board’s) online portal on August 22, 2018, for discharges of waste associated with cannabis cultivation related activities. Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the State Water Board *Cannabis Cultivation Policy-Principles and Guidelines for Cannabis Cultivation* (Policy), and the *General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Waste Associated with Cannabis Cultivation Activities*, Order No. WQ-2017-0023-DWQ (General Order). This letter provides notice that the Policy and General Order are applicable to the site as described below. You are hereby assigned waste discharge identification (WDID) number **1\_53CC404077**. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1A171206CTRI.

The Discharger is responsible for all the applicable requirements in the Policy, General Order, and this Notice of Applicability (NOA). This includes making any necessary changes to the enrollment, and the Discharger is the sole person with legal authority to make those changes. The Discharger will be held liable for any noncompliance with the Policy, General Order, and the NOA.

**1. FACILITY AND DISCHARGE DESCRIPTION**

All dischargers enrolled under the North Coast Regional Water Board’s Order (R1-2015-0023) or the Central Valley Regional Water Board’s Order (R5-2015-0113) as of October 17, 2017, (the adoption date of the General Order) may retain the reduced setbacks applicable under the appropriate Regional Water Board order unless the Executive Officer for the appropriate Regional Board determines that the reduced setbacks applicable under their regional order are not protective of water quality. However, sites that expand their cannabis cultivation area or other cannabis related activities must comply with the riparian setbacks in the General Order.

The information submitted by the Discharger states the disturbed area is equal to or greater than 2,000 square feet and less than 1 acre (43,560 square feet) no portion of the disturbed area is within the setback requirements, no portion of the disturbed area is located on a slope greater than 30 percent, and the cannabis cultivation area is less than or equal to 1 acre.

Based on the information submitted by the Discharger, the cannabis cultivation activities are classified as Tier 1 Low Risk.

**2. SITE-SPECIFIC REQUIREMENTS**



The Policy and General Order are available on the Internet at <http://www.waterboards.ca.gov/cannabis>. The Discharger shall ensure that all site operating personnel know, understand, and comply with the requirements contained in the Policy, General Order, this NOA, and the Monitoring and Reporting Program (MRP, Attachment B of the General Order). Note that the General Order contains standard provisions, general requirements, and prohibitions that apply to all cannabis cultivation activities.

The application requires the Discharger to self-certify that all applicable Best Practicable Treatment or Control (BPTC) measures are being implemented, or will be implemented by the onset of the winter period (November 15 - April 1), following the enrollment date. Landowners of the cultivation site in the North Coast Region are required to submit and implement Site Management Plans that describes how BPTC measures are implemented property-wide, including BPTC measures implemented to address discharges from legacy activities (e.g. former timber harvest, road building, mining, etc.) at the site per Provision C.1.a. of the General Order. Dischargers that cannot implement all applicable BPTC measures by the onset of the winter period, following their enrollment date, shall submit to the appropriate Regional Water Board a *Site Management Plan* that includes a time schedule and scope of work for use by the Regional Water Board in developing a compliance schedule as described in Attachment A of the General Order.

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water Quality Control Board (collectively Water Boards), California Department of Fish and Wildlife, CAL FIRE, and any other authorized representatives of the Water Boards upon presentation of a badge, employee identification card, or similar credentials, to:

- i. enter premises and facilities where cannabis is cultivated; where water is diverted, stored, or used; where wastes are treated, stored, or disposed; or in which any records are kept;
- i. access and copy, any records required to be kept under the terms and conditions of the Policy and General Order;
- ii. inspect, photograph, and record audio and video, any cannabis cultivation sites, and associated premises, facilities, monitoring equipment or device, practices, or operations regulated or required by the Policy and General Order; and
- iii. sample, monitor, photograph, and record audio and video of site conditions, any discharge, waste material substances, or water quality parameters at any location for the purpose of assuring compliance with the Policy and General Order.

### **3. TECHNICAL REPORT REQUIREMENTS**

The following technical report(s) shall be submitted by the Discharger as described below:

A Site Management Plan, by November 19, 2018, consistent with the requirements of General Order Provision C.1.a., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the Site Management Plan.

A *Site Closure Report* must be submitted 90 days prior to permanently ending cannabis cultivation activities and seeking to rescind coverage under the General Order. The *Site Closure Report* must be consistent with the requirements of General Order Provision C.1.e., and Attachment A, Section 5. Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

#### **4. MONITORING AND REPORTING PROGRAM**

The Discharger shall comply with the Monitoring and Reporting Program (MRP). Attachment B of the General Order provides guidance on the contents for the annual reporting requirement. Annual reports shall be submitted to the Regional Water Board by March 1 following the year being monitored. The Discharger shall not implement any changes to this MRP unless and until a revised MRP is issued by the Regional Water Board Executive Officer or the State Water Board Division of Water Quality Deputy Director, or the State Water Board Chief Deputy Director.

#### **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 1 Low Risk with the current annual fee assessed at \$600. The fee is due and payable on an annual basis until coverage under this General Order is formally rescinded. To rescind coverage, the Discharger must submit a Notice of Termination, including a *Site Closure Report* at least 90 days prior to termination of activities and include a final MRP report.

#### **6. TERMINATION OF COVERAGE UNDER THE GENERAL ORDER & REGIONAL WATER BOARD CONTACT INFORMATION**

Cannabis cultivators that propose to terminate coverage under the Conditional Waiver or General Order must submit a Notice of Termination (NOT). The NOT must include a *Site Closure Report* (see Technical Report Requirements above), and Dischargers enrolled under the General Order must also submit a final monitoring report. The Regional Water Board reserves the right to inspect the site before approving a NOT. Attachment C of the General Order includes the NOT form and Attachment D of the General Order provides guidance on the contents of the *Site Closure Report*.

If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or [northcoast.cannabis@waterboards.ca.gov](mailto:northcoast.cannabis@waterboards.ca.gov) so that a site-specific compliance schedule can be developed.

Notice of Applicability  
WQ 2017-0023-DWQ-R1  
WDID #1\_53CC404077

- 5 -

September 20, 2018

Adam McKinney, California Department of Fish and Wildlife, adam.mckinnay@wildlife.ca.gov  
Cheri Sanville, California Department of Fish and Wildlife, cheri.sanville@wildlife.ca.gov  
Leslie Hubbard, Trinity County Planning Department, lhubbard@trinitycounty.org  
Kristy Anderson, Trinity County Environmental Health, kanderson@trinitycounty.org

Mr. Zachary Jakubowski  
March 7, 2019  
Page 2 of 2

materials. A person who violates FGC sections 1602, 5650, and 5652 in conjunction with the cultivation or production of cannabis is subject to significant penalties or fines. Specifically, the Department may impose civil penalties administratively against any person found by the Department to have violated these FGC sections in connection with the production or cultivation of cannabis following a complaint and, if requested, a hearing.

Other statutes in the FGC that might apply to your activity, include, but not limited to the following sections: 2080 et seq. (species listed as threatened or endangered, or a candidate for listing under the California Endangered Species Act); 1908 (rare native plants); 3511, 4700, 5050, and 5515 (fully protected species); 3503 (bird nests and eggs); 3503.5 (birds of prey); 5901 (fish passage); 5937 (sufficient water for fish); and 5948 (obstruction of stream), and the requirements set forth in the Forest Practice Act (Pub. Resources Code, § 4511 et seq.) for projects on private timberlands.

If you have questions regarding this letter, please contact Kate Blanchard, Senior Environmental Scientist, Specialist at (530) 225-2239 or by email at [Katherine.Blanchard@wildlife.ca.gov](mailto:Katherine.Blanchard@wildlife.ca.gov).

Sincerely,

A handwritten signature in black ink, appearing to read 'Adam McKannay', with a long horizontal flourish extending to the right.

Adam McKannay  
Interior Cannabis and LSA Permitting Supervisor

ec: Justin Hawkins  
[justin@theflowraplatform.com](mailto:justin@theflowraplatform.com)



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

Receipt Number: PL2020-00070

**Payer/Payee:** FLOWRA  
790 MAIN ST, BLDG 620 SUITE 172  
WEAVERVILLE CA 96093


**Cashier:** Mary Beth Brinkley

**Date:** 08/07/2020

P-20-34 PLANNING COMMISSION APPEALS 110 Southridge Court, PMTN			
Fee Description	Fee Amount	Amount Paid	Fee Balance
Planing Commission Appeal Fee	\$500.00	\$500.00	\$0.00
	<b>\$500.00</b>	<b>\$500.00</b>	<b>\$0.00</b>


Payment Method	Reference Number	Payment Amount
CHECK	1684	\$500.00
<b>Total Paid:</b>		<b>\$500.00</b>

License Number: CCL-2019-201 License Type: CAN - SMALL OUTDOOR CULTIVATION License Status: PENDING Expires On  
Doing Business As: Jakubowski, Zachary First Issue

Renewal Status: \* **PENDING**  **ADD NOTE**

Last Activity: 04/08/2020 15:17

Process State: Pending

Submitted: \* 11/30/2018 

 Cannabis License is 800 days old


Assigned To: User  

Completed: 

 0 of 11 submittals received.

Licensee: Jakubowski, Zachary 


Approved: 


 0 of 4 (0%) steps approved.

Primary Contact: Jakubowski, Zachary 

Issued: 

 0 of 1 inspections completed.

 \$0.00 paid (0%), \$6,000.00 due.

Effective: 11/30/2018 

Expires: 

Exp Override: ☐

License Address

Site Address: 110 Southridge Ct. 

**VERIFY ADDRESS AP**

Site City: HAYFORK


Latitude:

State: CA Zip Code: 96041

Longitude:

Inspection Area: 

Zone: 

Primary Parcel: 019-420-30-00 



# SmartGov Payment Record

License Number: CCL-2019-201    License Type: CAN - SMALL OUTDOOR CULTIVATION    License Status: PENDING  
Doing Business As: Jakubowski, Zachary    Renewal Status: PENDING    Site Address: 110 Southridge Ct, HAYWARD, CA 94541

Fee Code	Portal Pay State	Based On
SMALL CULTIVATION FEE	PENDING	
SMALL GENERAL PLAN UPDATE FEE	PENDING	

[ADD](#)

**Permit Receipt List** ✕

Receipt	Payer	Address	Total Paid	Receipt Date	Receipt Posted Date	Cancel Date	Cancel Posted Date	Cashier
No Records								

[CLOSE](#)

License Number: CCL-2019-201    License Type: CAN - SMALL OUTDOOR CULTIVATION    License Status: PENDING  
Doing Business As: Jakubowski, Zachary    Renewal Status: PENDING    Site Address: 110 Southridge Ct, HAYWARD, CA 94541

	Fee Code	Portal Pay State
	SMALL CULTIVATION FEE	PENDING
	SMALL GENERAL PLAN UPDATE FEE	PENDING

Total Paid: \$0.00    Total Fees: \$6,000.00  
Total Due: \$6,000.00