



# 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:** Chengway Yang

**AGENT:** Ana Wright, Flowra

**REQUEST:** Appeal of the de-facto denial of CCL-2019-19 renewal

**LOCATION:** 520 Pine Forest Drive, Post Mountain (APN: 019-340-16-00)

**APPROX. ACREAGE:** 2.02

**ZONING DISTRICT:** Unclassified (UNC)

**ZONING DISTRICT OVERLAYS:** None

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

**STAFF RECOMMENDATION:** Continue the appeal to February 25, 2021.

**ADJACENT LAND USE AND ZONING INFORMATION:**

Direction	Land Use	Zoning	General Plan Designation
North	Residential / Cannabis Cultivation	UNC	RR
South	Vacant / Roadway	UNC	RR
	Residential / Cannabis Cultivation	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) #199 was filed on August 7, 2020, by the designated authorized agent, Ana Wright (Flowra). In the appeal, Ms. Wright stresses that 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)

It is unclear to current staff on why this license was not issued in 2019. However, the file for CCL #199 reflects confusion regarding in the record between the licensed parcel and another parcel in the area. While the CCL #199 application is for 520 Pine Forest Drive, Post Mountain (APN 019-340-16-00), some correspondence, well permit information and the local verification process reference the licensed site being 631 Bear Rock Road, Post Mountain (APN 019-340-

01-00) for CCL #199. These are non-contiguous parcels located about a quarter of a mile apart in Trinity Pines. (Attachments 2, 3 and 4)

The 631 Bear Rock Road site has an issued license (CCL #376) in good standing. File records for CCL #376 lists well (WP2015-138-1) as the water source for that property as does CCL #199.

Staff requests more time to research this matter and to confirm a water source for 520 Pine Forest Drive (APN 019-340-16-00).

**ATTACHMENTS:**

1. Appeal Application
2. Satellite view of both parcels
3. CCL #199 file records
4. CCL #199 CDFA local authorization email dated March 3, 2019

P-20-35



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



Received Stamp

Name: Chengway Yang Phone: 916-813-6830

Email: chengway92@yahoo.com

Physical Address or APN: 019-340-16-00

Mailing Address: PO Box 1895, 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 for the defacto-denial of the 2019 Cannabis Cultivation Renewal.

Reason for Appeal:

Please see attached reason.

Signature: 

Date: 8/4/20

**Clerk's Use Only**

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

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

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

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

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

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

Clear



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

Receipt Number: PL2020-00071

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

**Cashier:** Mary Beth Brinkley

**Date:** 08/07/2020

**P-20-35 PLANNING COMMISSION APPEALS 520 Pine Forest Drive PMTN**

<u>Fee Description</u>	<u>Fee Amount</u>	<u>Amount Paid</u>	<u>Fee Balance</u>
Planing Commission Appeal Fee	\$500.00	\$500.00	\$0.00
	<b>\$500.00</b>	<b>\$500.00</b>	<b>\$0.00</b>

<u>Payment Method</u>	<u>Reference Number</u>	<u>Payment Amount</u>
CHECK	1685	\$500.00
<b>Total Paid:</b>		<b>\$500.00</b>

August 4, 2020

Chair Fraiser and Planning Commissioners,

We are appealing the defacto-denial of CCL 199's 2019 Renewal Application for licensee Chengway Yang.

### **FACTS OF THE CASE**

On May 23, 2019, a renewal application was submitted to the Trinity County Planning Department (TCPD) (Attachment A).

On September 18, 2019, deficiencies were issued by TCPD that were holding up the issuance of this license. Deficiencies noted included finalizing the dwelling permit and cancelling the greenhouse permits. The licensee cleared these deficiencies in early 2020.

From September 2019 to this day, Flowra staff have continued to follow up on the status of this license.

During an April 15, 2020 meeting with Director Hunter, it was deemed this application could be noticed and issued provisionally.

On July 13, with no action since the April 15 meeting, 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 2018 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 May of 2019, with no deficiencies issued until September 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).

This licensee has been in the program since 2018 (Attachment C), holds a valid state cultivation license with California Department of Food and Agriculture (Attachment D), holds a self-



certification through EPIMS with 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).

Trinity County Planning Department has long passed the 30-day window of deeming this renewal application complete. Director Hunter has also had plenty of time since the April 15 meeting to move forward as she verbally said she would in issuing this license.

## **CONCLUSION**

This licensee holds valid and current licenses with all applicable agencies other than Trinity County, which is due only to their inactivity and unresponsiveness. The licensee will continue to abide by all local and state laws surrounding commercial cannabis.

Our appeal of this defacto-denial should be granted based on the argument outlined above. We ask for the license to be issued with a Notice of Exemption to CEQA and 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,



**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

Trinity County  
Planning and Building Department  
Commercial Cannabis Cultivation

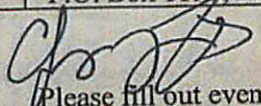
MAY 23 2019

TRINITY COUNTY  
PLANNING DEPARTMENT

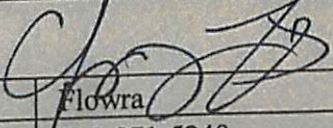
## Cannabis License Renewal

### TRINITY COUNTY PLANNING AND BUILDING DEPARTMENT

Previous CCL Number	CCL-2018-199
Proposed Job Address	520 Pine Forest Dr., Post Mountain, CA 96041
APN	019-340-16-00
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 type="checkbox"/> Type 2: Up to 10,000 square feet outdoor, \$6000 Fee <input checked="" type="checkbox"/> Type 2B: Up to 10,000 square feet mixed light, \$6000 Fee

Applicant Name	Chengway Yang
Applicant Phone Number	916-813-6830
Applicant Email	chengway92@yahoo.com
Applicant Mailing Address	P.O. Box 1895, Hayfork, CA 96041
Applicant Signature:	

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

Owner Name	Chengway Yang
Owner Phone Number	916-813-6830
Owner Email	chengway92@yahoo.com
Owner Mailing Address	P.O. Box 1895, Hayfork, CA 96041
Owner Signature:	

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

Business Name	<del>Trinity Exclusive Inc</del>
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Zone	Unclassified (UNC)
Parcel Size (Acres)	2.02 Acres
Water Source	Groundwater Well
Water Board Number	1 53CC403878

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.



## ATTACHMENT B

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]
- [REDACTED]
- [REDACTED]
  - [REDACTED]
- [REDACTED]
- [REDACTED]
- ❖ CCL 199 – Chengway Yang, **expired 5/23/2019**
- [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

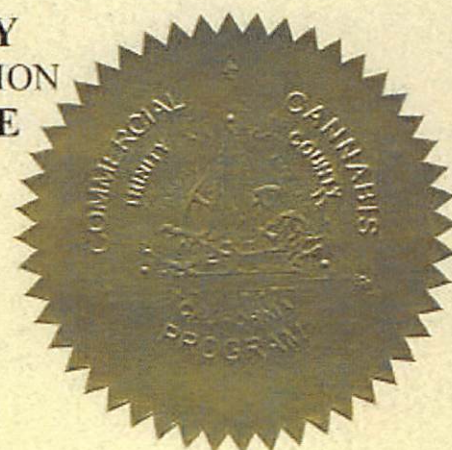
[ana@theflowraplatform.com](mailto:ana@theflowraplatform.com)

M: (530) 739-9908

O: (800) 811-4356, ext 502



**TRINITY COUNTY  
CANNABIS CULTIVATION  
2018/2019 LICENSE**



LICENSE NUMBER:	CCL-2018-199
PARCEL NUMBER:	019-340-16-00
LICENSE HOLDER:	Chengway Yang

DATE ISSUED: November 20, 2018

520 Pine Forest Drive, Post Mountain  
Small Mixed-Light Cultivation  
Adult Use

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, Deputy Director  
Trinity County Planning Department

Amanda Preece  
Applicant of Record or  
Authorized Agent

## ATTACHMENT D



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

California Department of Food and Agriculture

1220 N Street

Sacramento, CA 95814



# PROVISIONAL CANNABIS CULTIVATION LICENSE

**Legal Business Name:**

Chengway Yang

**Premises APN:**

Trinity County - 019-340-16-00

**Premises Address:**

520 Pine Forest Rd  
Unincorporated, CA 96041

**Valid:**

10/02/2019 to 10/02/2020

**License Number:**

CCL19-0000155

**License Type:**

Adult-Use-Small Mixed-Light Tier 1

---- NON-TRANSFERABLE ----

---- POST IN PUBLIC VIEW ----





## ATTACHMENT E

Ana Wright &lt;ana@theflowraplatform.com&gt;

## Fwd: EPIMS - Lake or Streambed Alteration Notification Not Required - 01481

Cheng Yang <chengway92@yahoo.com>  
To: ana@theflowraplatform.com

Tue, Jul 17, 2018 at 9:43 AM

I tried to print this but I couldn't. Says not applicable.  
Could you help me with this?  
Also how's the licensing coming along?

Sent from my iPhone

Begin forwarded message:

**From:** <epims.support@wildlife.ca.gov>  
**Date:** July 13, 2018 at 5:26:55 PM PDT  
**To:** <chengway92@yahoo.com>  
**Subject:** EPIMS - Lake or Streambed Alteration Notification Not Required - 01481

\*\*\*\* Do Not Respond to This Email \*\*\*\*

The following Cannabis Cultivation Self-Certification was received:  
Notification Number: 01481  
Name: Yang 520 Pine Forest Dr Post Mountain LSA 2018  
Program Area: Region 1

The California Department of Fish and Wildlife (CDFW) reviewed your Cannabis Cultivation Self-Certification (Self-Certification) that indicates the following:

1. Your project does not or will not result in **diversion or obstruction of water** from any river, stream, or lake; or use water from a source other than a municipal/public water supply.
2. Your project does not or will not result in **disturbance to land or vegetation** in or adjacent to any river, stream, or lake, including those that are periodically dry.
3. Your project does not or will not result in **deposition of any material** in or adjacent to any river, stream, or lake, including those that are periodically dry.

Based upon the information you provided in your Self-Certification, your project is not subject to the notification requirements pursuant to Fish and Game Code section 1602.

This letter and your submitted Self-Certification serve as **written verification that a Lake or Streambed Alteration Agreement is not required** for the activities described in your Self-Certification. A copy of this email, your submitted Self-Certification form, and all information and attachments submitted to CDFW must be available at all times at the project site. Please note that this written verification is not valid without this email and your submitted Self-Certification.

To print the required documents:

1. Print this email.
2. Log into EPIMS at <https://EPIMS.wildlife.ca.gov>
3. Click on "Apply for a Permit".
4. Select the "Region Permit Title" for the region this self-certification was applied.
5. Select the "Notification Title" listed at the top of this email.
  - o Verify the "ID" matches the "Notification Number" listed at the top of the email.
6. The document will open in a separate browser tab/window.
7. Use the steps normally used to print from the browser (i.e. Explorer, Chrome, Firefox, etc.).

If you change your project so that it differs materially from the project you described in your Self-Certification, you will need to submit a new Self-Certification.

Please note that you are responsible for complying with all applicable local, state, and federal laws in completing your work. This letter does not relieve you or any person acting on your behalf from complying with other applicable statutes in the Fish and Game Code including, but not limited to, sections 2050 et seq. (threatened and endangered species), section 3503 (bird nests and eggs), and section 3503.5 (birds of prey).

If you have questions, please contact the [CDFW Region Office](#) where the project is located. Please refer to the Notification number provided above.

You may log into EPIMS at:  
<https://EPIMS.wildlife.ca.gov>





## Application

### 00055 - Cannabis Cultivation LSA Notification - Region 1 - Pre-Application

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01481 - Yang 520 Pine Forest Dr Post Mountain LSA 2018  
Region 1

Status: Submitted

Original  
Submitted Date: 06/07/2018 2:40 PM

Last  
Submitted Date: 06/27/2018 2:16 PM

### Applicant Information

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#### Registered EPIMS User:

First Name\* Chengway Yang  
First Name Middle Name Last Name

Title:

Email:\* chengway92@yahoo.com

Address:\* 520 Pine Forest Drive

520 Pine Forest Drive

\* Hayfork California 96041  
City State/Province Postal Code/Zip

Phone:\* 916-813-6830  
Phone Ext.

Identify the CDFW Region where most of your activities will take place.

Region of interest:\* Region 1

You may include additional contact information, i.e., consultant/business associate/translator.

Contact Name: Ana Wright  
First Name Last Name

Email: ana@theflowraplatform.com

Phone: 800-811-4356

## APPLICANT PROPOSING PROJECT

Name\* Chengway Yang  
First Name Middle Initial Last Name

Business/Agency

Mailing Address\* 520 Pine Forest Dr

City\* Post Mountain California 96041  
State\* Zip\*

Email\* chengway92@yahoo.com

## CONTACT PERSON

Same as 'Applicant Proposing Project'\* Yes

Name\*  
First Name Middle Initial Last Name

City\*  
State\* Zip\*

## PROPERTY OWNER

Same as 'Applicant Proposing Project'\* Yes

Name\*  
First Name Middle Initial Last Name

City\*  
State\* Zip\*

## SITE DESCRIPTION

	Name	What water		Is the river or stream segment	Identify	
--	------	------------	--	--------------------------------	----------	--

Address or description of Project location	of river, stream, or lake affected by the project	body is the river, stream, or lake tributary to?	Describe Other:	affected by the project listed in the state or federal Wild and Scenic Rivers Acts?	the river or stream affected by the project.	County
520 Pine Forest Dr, Post Mountain, CA 96041 Directions: From Hayfork, CA, head south on California State Highway 3 towards California State Highway 36. Turn right onto Highway 36. In approximately one mile, turn right on Post Mountain Rd. In approximately 0.8 miles, take a slight left turn onto Trinity Pines Rd. In 0.3 miles turn right onto Pine Forest Dr. The destination is 520 Pine Forest Dr.	n/a	N/A		No		Trinity County

### ASSESSOR'S PARCEL NUMBER

Project Name	APN
520 Pine Forest Dr Post Mountain LSA 2018	019-340-16-0

### PROJECT GPS COORDINATES (DECIMAL DEGREES)

Project Name	Latitude	Longitude
520 Pine Forest Dr Post Mountain LSA 2018	40.425605	-123.205433

### MAPS

Description of Map Attachment	Attach Maps
This map is based on the Trinity County Water Resources application. The map shows an ephemeral stream. However, as shown in the other two maps and through attached pictures, there is no stream running through the property. This is an error on the website.	Chengway Yang LSA Map_Water Resources Map.pdf
This map is based on the Trinity County Parcel Viewer application. It shows the dimensions of the parcel and an overlook of the property. Also noted is the non-existent ephemeral stream (as shown on this map and attached pictures), which is incorrectly labeled on the Trinity County Water Resources application. This map accurately shows the cultivation site and property.	Chengway Yang LSA Map_Trinity County Parcel Viewer.pdf
This map shows the in-depth details of the cultivation site including structures on the property. There are no streams running through this cultivation area, as noted.	Chengway Yang Site Map_Updated May 2018 (2).pdf

### PROJECT DETAILS



- Include any structures (e.g., rip-rap, culverts) that will be placed or modified in or near the stream, river, or lake, and any channel clearing.
- Specify volume, and dimensions of all materials and features (e.g., rip-rap fields) that will be used or installed.
- If water will be diverted or extracted, specify the purpose or use.
- Describe both permanent and temporary impacts to the channel and/or riparian habitat.

**Describe the project in detail\*** No project will occur on this property. This cannabis project is for a 10,000 sq ft cannabis cultivation license located more than 50 feet away from the unnamed ephemeral stream that runs through the property. No structures are or will be built near this stream, keeping the distance well over established requirements. Neither water diversion nor extraction will occur. There are no permanent or temporary impacts to a channel or riparian habitat.

This field is limited to 5,000 characters.

List all equipment and machinery used to complete the project. List any lubricants, solvents, chemicals, or other materials not normally found on construction sites that will be present in the project area in addition to the equipment and machinery used to complete the project.

**Describe equipment and machinery to be used\*** No machinery or equipment are being used.

This field is limited to 5,000 characters.

## ADDITIONAL PROJECT DETAILS

Indicate if water is to be present during the proposed work period in the stream, river, or lake.

**Water present?\*** No

If water is being diverted, a plan to divert water around the project site and dewater the work site must be included with the notification, and should specify the method, volume, rate, and timing of the diversion of the water around the work site.

**Will the project require work in the wetted portion of the channel?\*** No

## ATTACHMENTS

Attachment Description	Attachment
Picture of Groundwater Well_Chengway Yang	well.JPG
First Picture of One of Two 2,500 Gallon Water Storage Tanks_Chengway Yang	water storage tank.JPG
Second Picture of One of Two 2,500 Gallon Water Storage Tanks_Chengway Yang	water storage tank 2.JPG
Google Earth picture of Cultivation site and Property, not showing ephemeral stream_Chengway Yang	Chengway Yang Site Pic_Google Earth.JPG
Eastern perimeter view of cultivation, showing no stream at far end_Chengway Yang	cultivation perimeter view from north of property.JPG
Picture of entryway to cultivation site. No stream exists	Cultivation site_No stream.JPG

## SELF CERTIFICATION SURVEY

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Does or will your project result in diversion or obstruction of water from any river, stream, or lake; or withdraw or use water from any river, stream, or lake?

*This includes, but is not limited to, redirection of stream flow, on-stream reservoirs or other water impoundments, withdrawal of water by pump or gravity flow, and withdrawal or use of water from private well(s) adjacent to a stream or lake.*

Result in diversion or obstruction?\*      No

Does or will your project result in disturbance to land or vegetation in or adjacent to, any river, stream or lake, including those that are periodically dry?

*This includes, but is not limited to, stream crossing construction, bank stabilization, gravel removal, and vegetation removal or trimming.*

Result in disturbance to land or vegetation?\*      No

Does or will your project result in deposition of any material in or adjacent to any river stream or lake, including those that are periodically dry?

*This includes, but is not limited to, stream crossing construction, bank stabilization, and on-stream reservoirs or other water impoundments.*

Result in deposition of any material?\*      No

## SELF-CERTIFICATION ACKNOWLEDGMENT

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I hereby acknowledge that:

1. The project as described in this self-certification will/may substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.
2. Notification will be submitted.

The information contained in this certification is, to the best of my knowledge and belief, true, accurate, and complete.

Notification is Required

Signature\*

First and Last Name

Date

---

I hereby certify under penalty of law that:

1. Implementation of the project as described in this self-certification will not substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or

bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.

2. I have the authority to make the aforesaid certification on behalf of the applicant.

**The information contained in this certification is, to the best of my knowledge and belief, true, accurate, and complete.**

**Self-Certification that  
Notification is Not  
Required**      Yes

<b>Signature*</b>	Chengway Yang	06/07/2018
	First and Last Name	Date





## ATTACHMENT E



EDMUND G. BROWN JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

### North Coast Regional Water Quality Control Board

August 30, 2018

WDID:1\_53CC403878

CHENGWAY YANG  
PO BOX 1895  
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,

*Kason Grady*  
On Behalf Of

2018.08.30 11:57:20 PDT

Water Boards

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

180821\_1L\_1\_53CC403878\_1A170639CTRL\_Chengway Yang\_NOA\_TW

DAVID M. NOREN, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylane Blvd., Suite A, Santa Rosa, CA 95403 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)



**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ-2017-0023-DWQ, CHENGWAY YANG, TRINITY COUNTY APN(s) 019-340-16-00**

Chengway Yang (hereafter "Discharger") submitted information through the State Water Resources Control Board's (State Water Board's) online portal on August 06, 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\_53CC403878. The original WDID assigned by the North Coast Regional Water Quality Control Board was 1A170639CTRL.

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.

**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). 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 03, 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*.

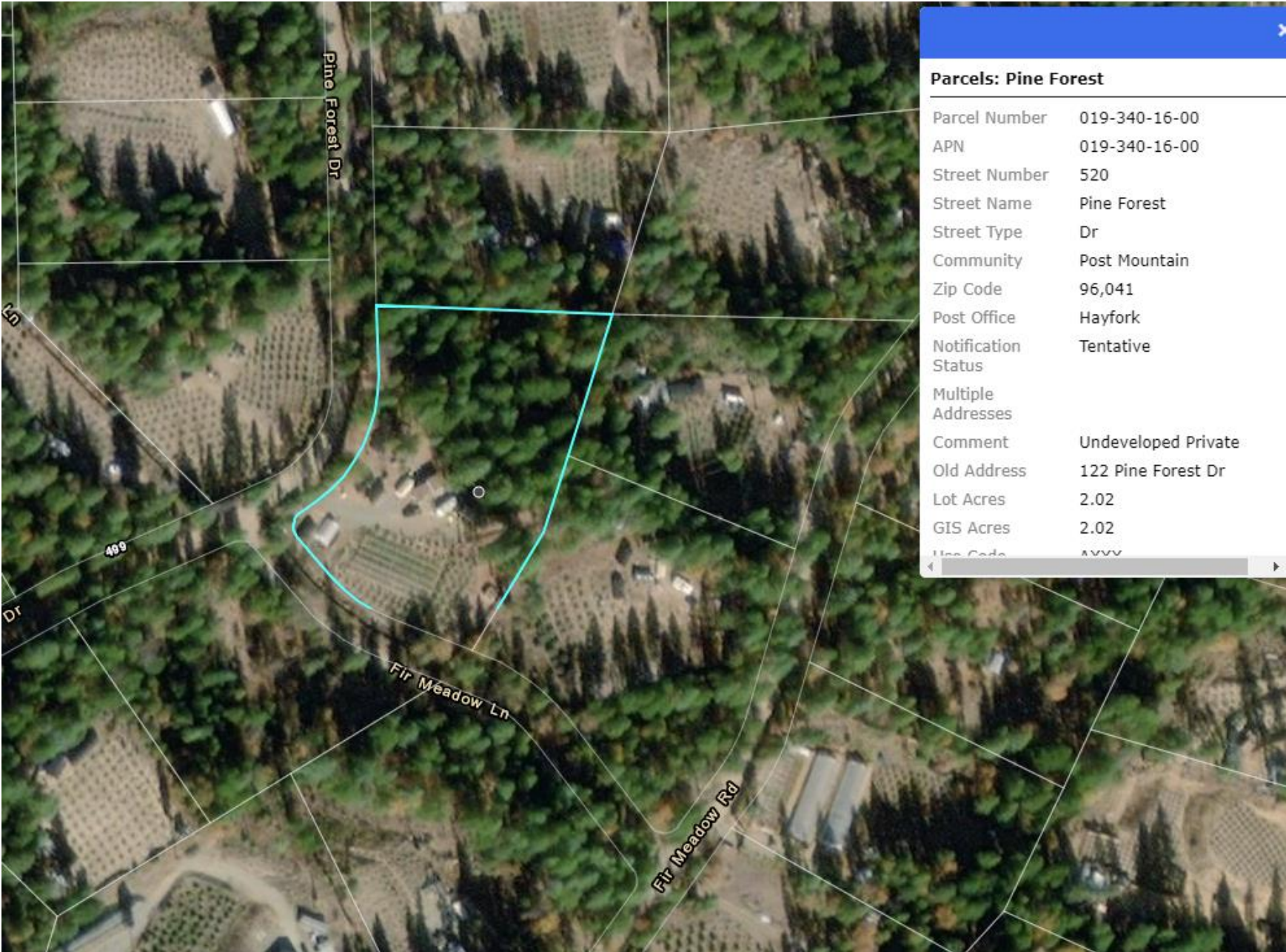
If the Discharger cannot comply with the General Order, or will be unable to implement an applicable BPTC measure contained in Attachment A by the onset of the winter period each year, the Discharger shall notify the North Coast Regional Cannabis Unit staff at (707) 576-2676 or northcoast.cannabis@waterboards.ca.gov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

Cc:

Kevin Porzio, State Water Resources Control Board, dwq.cannabis@waterboards.ca.gov  
Michael Vella, California Department of Food and Agriculture, michael.vella@cdfa.ca.gov  
Adam McKinnay, 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

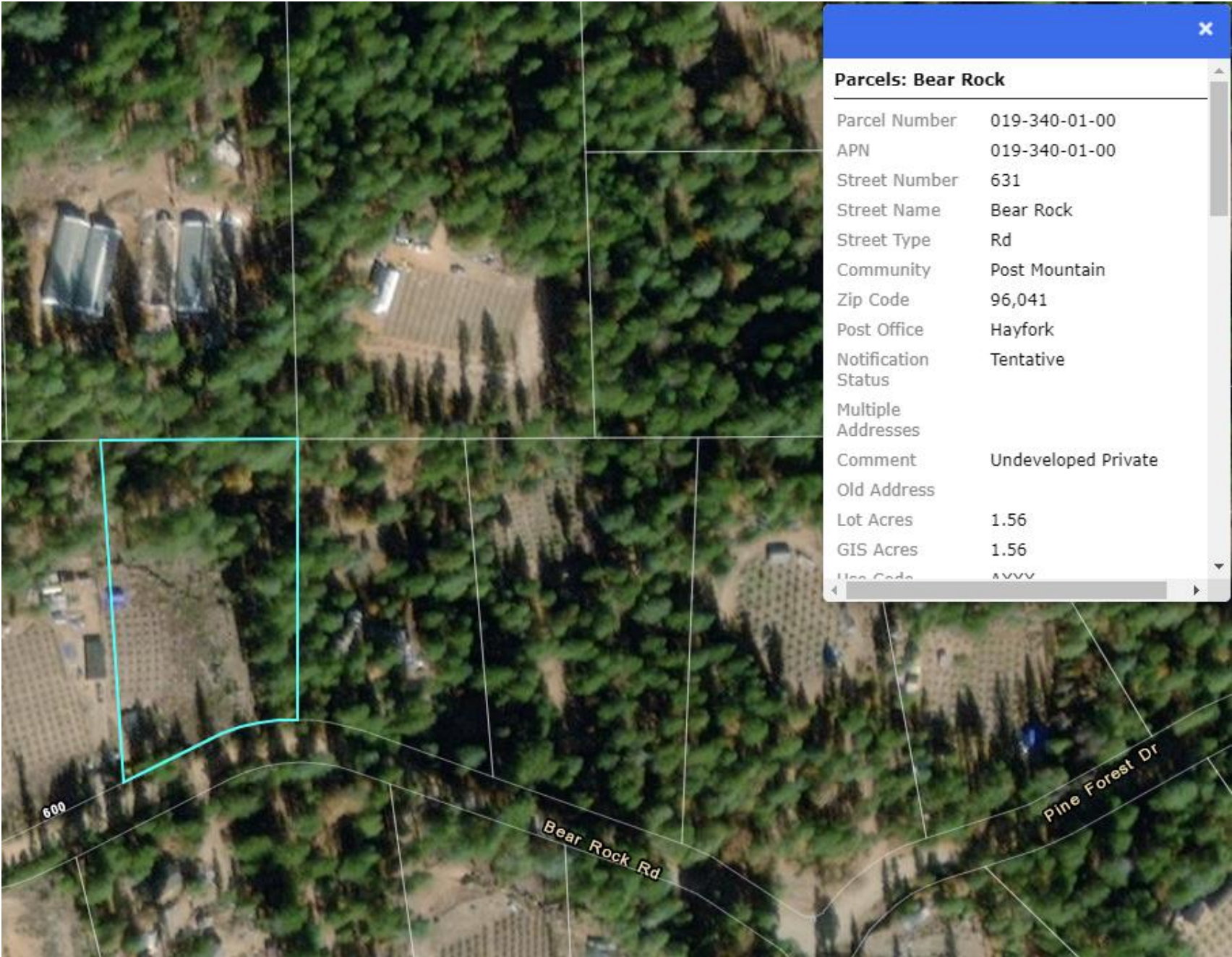


520 Pine Forest Drive – APN 019-340-16-00






631 Bear Rock Road – APN 019-340-01-00



# Permit List

6 Records

Permit #	Site Address	Department
BLDG2018-683	520 Pine Forest Dr BUILDING DEPARTMENT MOBILE HOME PERMIT	ISSUED 12/11/2018 01/21/2020 520 Pine Forest Drive HYK
BP2018-497	520 Pine Forest Drive HYK BUILDING DEPARTMENT GREENHOUSES	READY 09/05/2018 03/04/2019 520 Pine Forest Drive HYK
BP2018-498	520 Pine Forest Dr BUILDING DEPARTMENT HOOP HOUSE PERMIT	FINALED 09/05/2018 03/04/2019 520 Pine Forest Drive HYK
CCL-2017-199-1	520 Pine Forest Drive HYK BUILDING DEPARTMENT Z-LEGACY-BUILDING	IN PROGRESS 09/11/2017 03/10/2018 520 Pine Forest Drive HYK
SP2017-090-1	520 Pine Forest Drive HYK ENVIRONMENTAL HEALTH EH - SEPTIC PERMIT \$695	FINALED 11/13/2017 05/12/2018 520 Pine Forest Drive HYK
WP2015-138-1	520 Pine Forest Drive HYK ENVIRONMENTAL HEALTH EH - WELL REPAIR PERMIT \$197	FINALED 05/07/2015 11/03/2015 520 Pine Forest Drive HYK


 THIS PERMIT IS FOR 631 Bear Rock Rd.  
 AND WILL NOT WORK AS THE WATER  
 SOURCE FOR 520 PINE FOREST DR.

# Notice of Final Inspection

Trinity County Building and Development Services Department  
Environmental Health Division  
PO Box 476  
Weaverville, CA 96093  
530-623-1459

ASSESSOR PARCEL NUMBER (APN): 019-340-01-00  
PROPERTY OWNER(S): Moua Bee  
MAILING ADDRESS: PO Box 83, Lincoln, AR 72744  
PHYSICAL LOCATION: 631 Bear Rock Road, Hayfork, CA 96041  
PROJECT FINAL: PERMIT NO: WP 2015-138

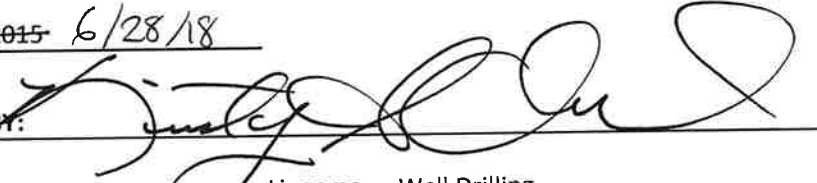
\_\_\_ ONSITE SEWAGE DISPOSAL SYSTEM \_\_\_ NEW \_\_\_ REPAIR LEACH FIELD SIZE:  
BEDROOMS APPROVED: TANK SIZE:

X WELL CONSTRUCTION: X NEW \_\_\_ REPAIR WELL DEPTH/WIDTH: 75 ft. / 10 in - 7 in  
ANNULAR SEAL DEPTH: 20 ft. MATERIALS: Bentonite 20 ft  
SOR26, PVC 0 ft - 75 ft

\_\_\_ PUBLIC POOL/SPA: \_\_\_ NEW \_\_\_ REPAIR

\_\_\_ FOOD FACILITY: \_\_\_ NEW \_\_\_ REPAIR

DATE OF FINAL: ~~5/2/2015~~ 6/28/18

INSPECTED/FINALED BY:   
WORK PERFORMED BY: Lingemann Well Drilling

CONSTRUCTION DETAILS: Est. Yield: 15 gal/min

## ADDITIONAL COMMENTS:

### COPY PROVIDED TO:

X OWNER Sent 6/30/18  
X ASSESSOR  
\_\_\_ BUILDING  
\_\_\_ PLANNING  
\_\_\_ OTHER:



# TRINITY COUNTY BUILDING & DEVELOPMENT SERVICES

ENVIRONMENTAL HEALTH DIVISION  
61 AIRPORT ROAD, PO BOX 476, WEAVERVILLE, CA. 96093  
Telephone 530/623-1459, Fax 530/623-1353

## APPLICATION TO OBTAIN A WATER WELL PERMIT

Permit Fee \$197

Receipt #

196588

WP# 2015-138

Date Paid 5-7-15

### Applicant Information

ASSESSORS PARCEL NUMBER (APN): #019-340-01  
PROPERTY OWNER(S)

Full Name: Moya Bee  
Last First M.I. Other Owner (If Applicable)

Mailing Address: PO Box 83 Lincoln AR 72744  
Street Address City State Zip Code

Phone: 479 228-3564 Fax: ( ) E-mail:

### Physical Location & Directions

Physical Location: 631 Bear Rock Rd Lot 34 Hayfork  
Street Address City

Directions to site (The more details the better): MAP ATTACHED: ☒ YES ☐ NO

Pine Forest Rd to Bear Rock Rd down 1000ft on Rt

### Well Driller Information

Well Driller (First & Last Name or Company): Lingemann Well Drilling

Contact Telephone: 530 623 9355 Fax: ( )

Mailing Address: PO Box 419 JC

Type of Well: ☒ Domestic ☐ Monitoring/Test ☐ Community/Commercial ☐ Industrial ☐ Irrigation  
☐ Other

Proposed Well Depth: 200 Minimum... Proposed Seal Depth: 20'-Domestic 50'-Community/Commercial

Sealing Material: Bentonite Method: Air Diameter: 4 1/2

Proposed Perforation Depth: 160-200' Proposed Treatment:

CONSTRUCTION START DATE: 5-17-15 SEAL DATE: 5-11-15

I certify that my answers are true and complete to the best of my knowledge.

APPLICANT'S SIGNATURE: Kurt Inseman DATE: 5-4-15

ENVIRONMENTAL HEALTH DIVISION ONLY: (Do Not Write Below This Line)

PERMIT APPROVED BY: Justin Inseman DATE EFFECTIVE: 05-7-15

EXPIRES ON: FINAL INSPECTION:

No well drilling shall begin prior to the issuance of this permit. A 48-hour minimum notification of intent to seal must be given. Maintain a minimum setback distance to well of 100 feet from leach lines and 50 feet from septic tank.

Show pertinent details in an attached map or schematic drawing: buildings, septic tank, leach lines, property lines, neighboring property improvements, and so forth.

PLOT/SITE PLAN- WELL PERMIT No. WP



**TRINITY COUNTY BUILDING DEPARTMENT**

APPLICANT PREPARED SITE PLAN Permit No.	
Drawn By:	APN:
Date:	Owner Name:
Scale:	Lot Area:



Trinity County Building Dept.  
P.O.Box 476  
61 Airport Road  
Weaverville, CA 96093

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**Parcel Record**

Page 1 of 1  
Printed: 3/19/2018

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**Parcel #:** 019-340-16-00  
**Address:** 631 Bear Rock Lot 34 Road HYK  
**Status:**

**Encroachment No:**  
**EN Issued:**  
**EN Comments:**

**On Hold?** ☐

**Directions to Parcel:**

**Recordings:**

**Date:**                      **Type of Recording:**  
**Doc #:**

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**Owners:**

**Name:** Bee Moua  
**Address:** P.O. Box 1047  
Hatfork, CA 96041

**Current Owner?** ☐  
**Status:**

**Phone Numbers:** **Day:** 479-957-2674      **Cellular:**  
**Name:** Chengway Yang  
**Address:** 520 Forrest Pine Drive  
Post Mountain, CA 96041

**Current Owner?** ☒  
**Status:**

**Phone Numbers:** **Day:**                      **Cellular:**

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<b>Permits:</b>	<b>Applicant:</b>	<b>Status:</b>	<b>Filing Date</b>
WP2015-138	Bee Moua	Approved	5/7/2015
CCL-2017-199 Cannabis	Chengway Yang	In Progress	9/11/2017
SP2017-090	Chengway Yang	Finalled	11/13/2017

Mary B. Brinkley

**From:** Leslie Hubbard  
**Sent:** Sunday, March 3, 2019 5:42 PM  
**To:** Mary B. Brinkley  
**Subject:** FW: CalCannabis Cultivator Application LCA19-0000155 submitted to CDFA

**Sent:** Friday, March 1, 2019 8:28 PM

**To:** Leslie Hubbard <lhubbard@trinitycounty.org>; cdfa.CalCannabis\_Local\_Verification@cdfa.ca.gov

**Subject:** Fwd: CalCannabis Cultivator Application LCA19-0000155 submitted to CDFA

Yes, Yang's request is in compliance with the county, although the physical address is 631 Bear Rock Lot 34 Road. The APN listed below associated with this request is correct.

Begin forwarded message:

**From:** [cdfa.CalCannabis\\_Local\\_Verification@cdfa.ca.gov](mailto:cdfa.CalCannabis_Local_Verification@cdfa.ca.gov)  
**Date:** February 22, 2019 at 10:10:19 AM PST  
**To:** [margaret@plelawfirm.com](mailto:margaret@plelawfirm.com)  
**Cc:** [cdfa.CalCannabis\\_Local\\_Verification@cdfa.ca.gov](mailto:cdfa.CalCannabis_Local_Verification@cdfa.ca.gov)  
**Subject:** CalCannabis Cultivator Application LCA19-0000155 submitted to CDFA

Hello:

This is an inquiry from the California Department of Food and Agriculture (CDFA) regarding an application submitted for an annual commercial cannabis cultivation license.

Chengway Yang, Chengway Yang, has applied for an Annual Adult-Use Small Mixed-Light Tier 1 license to allow for commercial cannabis cultivation at the following location: 520 Pine Forest Rd, Unincorporated, Trinity County with associated Assessor's Parcel Number 019-340-16-00. ✓

This application may have additional premises addresses associated. If so, that information would be listed here: