TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT

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:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Land Use</th>
<th>Zoning</th>
<th>General Plan Designation</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Residential</td>
<td>Unclassified</td>
<td>Rural Residential</td>
</tr>
<tr>
<td>South</td>
<td>Minor Improvements</td>
<td>Rural Residential 5-acre minimum</td>
<td>Rural Residential</td>
</tr>
<tr>
<td>East</td>
<td>Residential</td>
<td>Unclassified</td>
<td>Rural Residential</td>
</tr>
<tr>
<td>West</td>
<td>Residential/Cannabis Cultivation</td>
<td>Unclassified</td>
<td>Rural Residential</td>
</tr>
</tbody>
</table>

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
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 95437
Decision of Planning Director rendered on (date): 9/17/2020
Planning Director’s Decision was to: ☐ Approve ☐ Deny ☐ Continue
Request for: Is for reversal in Planning Director’s Decision. For cel-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 like accident in June
Signature: [Signature]
Date: September 18, 2020

Clerk’s Use Only
Date Filed: 9-18-20
Hearing Date: 
Notice Published: 
Fee Collected: $500
Receipt No.: 
Notice Mailed: 
Clear
September 17, 2020

Alec John Hurst
18990 Porterfield Lane
Fort Bragg, CA 95437

Email: 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.

Best Regards,

Kim Hunter
Director of Building and Planning

Cc: County Counsel
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> wrote:

Hi Mary,
Just confirm that you would like move forward with the appeal. The meeting on the 28th 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.
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>
HURST, ALEC J  
Offender  

Address  
30 SHASTA VIEW LN  
WEAVERVILLE California 96093  

BARCELLONA, DEPUTY R  
Complainant  

Address  
101 MEMORIAL DR  
WEAVERVILLE California 96093  
Race  
Sex  
DOB  
Height  
Weight  

Narratives  

Original Narrative  

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 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
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
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: ______________