



# 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:** Ivan Mihalev / Rich Harvest Group, LLC

**AGENT:** Ana Wright / Flowra

**REQUEST:** Appeal the De-Facto denial of the 2019 Cannabis License Renewal and Transfer.

**LOCATION:** 5001 Stewart Ranch Rd, Zenia (APN: 020-170-18-00)

**APPROX. ACREAGE:** 80

**ZONING DISTRICT:** Unclassified (UNC)

**ZONING DISTRICT OVERLAYS:** None

**GENERAL PLAN DESIGNATION:** Agriculture (A)

**STAFF RECOMMENDATION:** Deny the appeal.

**ADJACENT LAND USE AND ZONING INFORMATION:**

Direction	Land Use	Zoning	General Plan Designation
North	Public Lands	UNC	RE
South	Vacant	TPZ	A
East	Public Lands	UNC	RE
West	Humboldt County		

**SUMMARY:** A de facto appeal of a denial of the 2019 Cannabis cultivation renewal and transfer 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 #358:

- July 17, 2018 - CCL #358 was originally issued in to Ryan Matthews.



- August 20, 2018 - The site is inspected by Cannabis Division staff (Attachment 2).
- June 25, 2019 – A building permit application for a residential dwelling is submitted to the Building Department. The building permit is issued on July 9, 2020.
- July 16, 2019 - A renewal for the 2019 CCL and transfer to a new owner, Ivan Mihalev (Rich Harvest Group), are submitted.
- August 20, 2019 – A septic system permit application is submitted to the Environmental Health Department.
- September 18, 2019 -- The licensee was notified that deficiencies existed (Dwelling Permit payment, Septic Permit Finalization, updated Seller's Permit, Environmental Health review, and a Site Inspection).
- August 4, 2020 – Ana Wright submits a letter to the Planning Department notifying the staff of the intent to file a de facto appeal for CCL 358. The letter also states that the deficiencies that had existed at the site on September 2019 had been cleared or are in the process of finalization.

#### Current Status

As of February 5, 2021, the building permit and septic permits have yet to be finalized.

- The building permit (BLDG2019-00364) for the residential dwelling expired on January 5, 2021.
- The septic system permit expired a year after issuance (August 20, 2020). According to Environmental Health Records, the originally proposed site of the septic system was not approved. Information needed for another location and the permit reinstatement fee have not been submitted to Environmental Health.

Because an inspection has not been completed at the site since August of 2018, staff is not able to confirm that the deficiencies at the site have no longer exist. However, based on the information summarized above, at least two deficiencies still remain regarding the expired permits for the residential dwelling and the septic system.

#### **ATTACHMENTS:**

1. Appeal application and supporting documentation
2. August 2018 site inspection form with photos
3. Email correspondence dated August 21, 2018
4. Building and Septic Permit Information

P 20-32



COUNTY OF TRINITY

APPEAL OF PLANNING DIRECTOR'S  
DECISION TO PLANNING COMMISSION



Received Stamp

Name: Ivan Mihalev/Rich Harvest Group, LLC Phone: 925-360-3055

Email: imihalev@yahoo.com

Physical Address or APN: 020-170-18-00

Mailing Address: 1050 Rolling Woods Way, Concord, CA 94521

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/Transfer.

Reason for Appeal: Please see attached reason.

Signature: [Signature] Date: 8/4/20

Clerk's Use Only

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

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

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

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

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

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

Clear

August 4, 2020

Chair Frasier and Planning Commissioners,

We are appealing the defacto-denial of CCL 358's 2019 Renewal/Transfer Application for licensee Ivan Mihalev and Rich Harvest Group, LLC.

#### **FACTS OF THE CASE**

On July 16, 2019, renewal and transfer of applicant applications were jointly submitted to the Trinity County Planning Department (Attachment A).

On September 18, 2019, the Trinity County Planning Department noticed deficiencies that would hold up the license issuance.

Since September of 2019, all deficiencies that had existed are now clear or in the process of finalization, including a dwelling permit payment, septic permit finalization, an updated Seller's Permit, Environmental Health review, and a site inspection. All can be found in the licensee's cannabis file.

During an April 15, 2020 meeting with Director Hunter, it was deemed this application could be noticed and issued provisionally as the last of the deficiencies were being wrapped up.

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 since the 2019 renewal/transfer 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/transfer was submitted in July of 2019, with a deficiency notice not 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).

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

This property has been in the program since 2018 (Attachment C), has successfully completed the ownership transfer of the California Department of Food and Agriculture's cultivation license (Attachment D), a Non-Agreement Certification from the previous property owner, transfer in process with the California Department of Fish and Wildlife (Attachment E), and a Notice of Applicability with 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,



**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	1A171206 CTRT (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:

❖ CCL 358 – Ivan Mihalev, **expired 7/16/2019**

○ *Transfer at time of renewal*

- [REDACTED]
- [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,



Ana Wright

Executive Vice President, Flowra

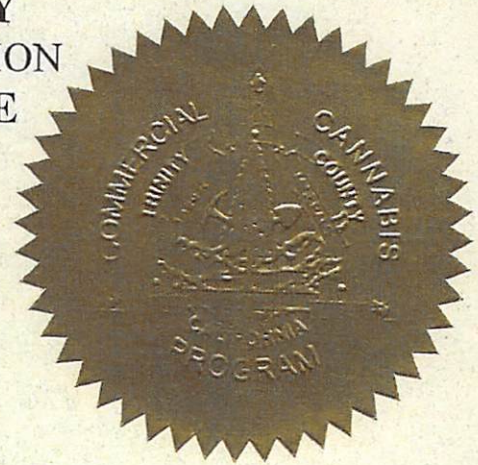
[ana@theflowraplatform.com](mailto:ana@theflowraplatform.com)

M: (530) 739-9908

O: (800) 811-4356, ext 502



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



LICENSE NUMBER:	CCL-2018-358
PARCEL NUMBER:	020-170-18-00
LICENSE HOLDER:	Ryan Matthes
	Rich Harvest Group, LLC

DATE ISSUED: July 17, 2018

N40° 14' 30.3", W123° 32' 35.6", Zenia  
Small Mixed-Light Cultivation  
Adult Use

Valid April 1, 2018 until March 31, 2019

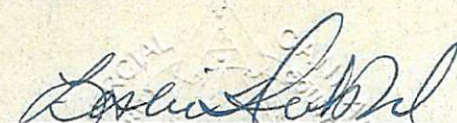
**NOTE TO LICENSE HOLDER**

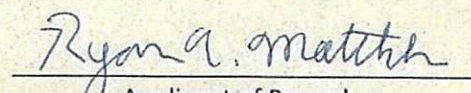
As the undersigned license holder, you are agreeing to abide by all terms, conditions and regulations set forth within the Trinity County Ordinance No. 315-823 and reaffirm the Indemnification Form and Acknowledgment Form as agreed upon as part of this license application.

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

  
Applicant of Record or  
Authorized Agent





CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

California Department of Food and Agriculture

1220 N Street

Sacramento, CA 95814



## PROVISIONAL CANNABIS CULTIVATION LICENSE

**Legal Business Name:**

Rich Harvest Group LLC

**Premises APN:**

Trinity County - 020-170-18-00

**Premises Address:**

40°14'30.3"N, -123°32'35.6"W  
Unincorporated, CA 95595

**Valid:**

11/13/2019 to 11/13/2020

**License Number:**

CCL18-0003542

**License Type:**

Adult-Use-Small Mixed-Light Tier 1

---- 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

February 5, 2019

Ryan Matthes  
MH Real Estate Holdings  
PO Box 2911  
Weaverville, CA 96093

**Subject: Notification of Lake or Streambed Alteration, Notification No. 1600-2019-0051-R1, Trinity County APN #020-170-18-00**

Dear Mr. Matthes:

The California Department of Fish and Wildlife (Department) has reviewed your Lake or Streambed Alteration Notification (Notification), dated January 29, 2019. Your Notification includes, but is not limited to, the following information:

Outdoor cultivation of up to 10,000 square feet of cannabis, irrigated by private groundwater well.

The Department determined that your cannabis cultivation project is not subject to the notification requirement in Fish and Game Code section 1602.

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 Fish and Game Code sections 1602, you are still responsible for complying with other applicable local, state, and federal laws. These include Fish and Game Code sections 5650 and 5652 which make it unlawful to pollute waters of the state. Fish and Game Code 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. Fish and Game Code 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 materials. A

*Conserving California's Wildlife Since 1870*

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

Other statutes in the Fish and Game Code 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 your refund, please contact Matt Mitchell, Environmental Scientist, at (530) 225-2103 or by email at [matthew.mitchell@wildlife.ca.gov](mailto:matthew.mitchell@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  
Cannabis and LSA Permitting Supervisor



## ATTACHMENT F



### North Coast Regional Water Quality Control Board

May 13, 2020  
REVISED

WDID:1\_53CC400255

RICH HARVEST GROUP, LLC  
ATTN: IVAN MIHALEV  
1050 ROLLING WOODS WAY  
CONCORD CA 94521

Subject: Notice of Applicability - Waste Discharge Requirements Water Quality  
Order WQ 2019-0001-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 WQ 2019-0001-DWQ (General Order – previously WQ 2017-0023-DWQ, with updates and revisions effective April 16, 2019) 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

200513\_1L\_1\_53CC400255\_Rich\_Harvest\_Farms\_NOA\_Revised\_TW



**NOTICE OF APPLICABILITY – WASTE DISCHARGE REQUIREMENTS, WATER QUALITY ORDER WQ 2019-0001-DWQ, RICH HARVEST GROUP, LLC, TRINITY COUNTY APN 020-170-18-00**

Ryan Matthes submitted information through the State Water Resources Control Board's (State Water Board's) online portal on December 30, 2017, for discharges of waste associated with cannabis cultivation related activities for APN 020-170-18-00. On June 1, 2019, a request was filed to transfer the responsibility for this enrollment to Rich Harvest Group, LLC (hereafter "Discharger"). Based on the information provided, the Discharger self-certifies the cannabis cultivation activities are consistent with the requirements of the Policy and 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\_53CC400255**. The effective date of this Notice of Applicability, which confirms the transfer of responsibility to you for this enrollment, is May 13, 2020.

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 or entity 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**

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:

[https://www.waterboards.ca.gov/water\\_issues/programs/cannabis/cannabis\\_water\\_quality.html](https://www.waterboards.ca.gov/water_issues/programs/cannabis/cannabis_water_quality.html)

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.

The Policy and General Order require that, prior to conducting any work in streams or wetlands, the Discharger obtain water quality certification from the Water Boards and other required permits from other agencies (e.g. a Clean Water Act section 404 permit from the United States Army Corps of Engineers, a Lake and Streambed Alteration Agreement from the California Department of Fish and Wildlife, and other local permits). Enrollment in the General Order requires that the Discharger obtain water quality certification for any such work, but this NOA does not provide the necessary certification. If the Discharger proposes or requires work in streams or wetlands, they must apply for water quality certification separately by filling out and submitting a separate application for that work. The application is available for download at the following Regional Water Board website:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/)

Currently, the direct link to that application is as follows:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/cannabis/pdf/200204/RB1\\_Cannabis\\_WQC\\_401\\_App.pdf](https://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/pdf/200204/RB1_Cannabis_WQC_401_App.pdf)

Note: Water Quality Certifications require separate application and monitoring fees. A fee calculator and additional information are available at:

[https://www.waterboards.ca.gov/northcoast/water\\_issues/programs/water\\_quality\\_certification/#401\\_calc](https://www.waterboards.ca.gov/northcoast/water_issues/programs/water_quality_certification/#401_calc)

During reasonable hours, the Discharger shall allow the State Water Board or Regional Water 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 March 30, 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 all provisions of the Monitoring and Reporting Program (MRP), which appears as Attachment B to the General Order. The Discharger shall also comply with all provisions of the *North Coast Regional Supplement to Annual Monitoring and Reporting Requirements for Statewide Cannabis General Order WQ 2017-0023-DWQ* (Regional Supplement), which independently appears as Investigative Order No. R1-2019-0023, issued by the Regional Water Board Executive Officer on March 22, 2019. Annual reports for both sets of requirements shall be submitted to the Regional Water Board in a combined report by March 1 following the year being monitored through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Discharger shall not implement any changes to the MRP or to the Regional Supplement unless and until a revised MRP or Regional Supplement 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.

A copy of Attachment B to the General Order can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.  
[https://www.waterboards.ca.gov/board\\_decisions/adopted\\_orders/water\\_quality/2019/wq2019\\_0001\\_dwq.pdf#page=32](https://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2019/wq2019_0001_dwq.pdf#page=32).

A copy of the Regional Supplement can be obtained online at the following location, or by contacting staff at the phone number and email address listed below.  
[https://www.waterboards.ca.gov/northcoast/board\\_decisions/adopted\\_orders/pdf/2019/19\\_0023\\_Regional%20Supplement%2013267%20Order.pdf](https://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2019/19_0023_Regional%20Supplement%2013267%20Order.pdf).

## **5. ANNUAL FEE**

According to the information submitted, the discharge is classified as Tier 1 Low Risk. The 2018-2019 annual fee for that tier and risk level was set at \$600, but please note that the Fee Schedule is updated annually and future fees may be invoiced at different rates. Invoices are sent by the State Water Board at the beginning of each calendar year (generally in February). Do not submit payments without receiving an invoice. If you have questions or concerns about your fees please contact the Fee Branch at [FeeBranch@waterboards.ca.gov](mailto:FeeBranch@waterboards.ca.gov) or (916) 341-5247. 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 Request for Termination in writing through the online portal (available at: <https://public2.waterboards.ca.gov/cgo>), 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**

Enrollees that propose to terminate coverage under the General Order must submit a Request for Termination in writing through the online portal (<https://public2.waterboards.ca.gov/cgo>). The Request for Termination consists of a formal statement regarding the reason for requesting termination (i.e. cultivation is no longer occurring, the property is being sold, etc.), documentation that the site is in compliance with the General Order, including dated photographs and a written discussion. If the site is not meeting the requirements of the General Order, then the enrollment cannot be terminated. Regional Water Board staff will review the Request for Termination for completeness before determining if a property inspection, enrollment termination, or a request for additional information is appropriate.

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.

Cc: Kevin Porzio, State Water Resources Control Board,  
[dwq.cannabis@waterboards.ca.gov](mailto:dwq.cannabis@waterboards.ca.gov)



Notice of Applicability  
WQ 2019-0001-DWQ-R1  
WDID #1\_53CC400255

- 6 -

May 13, 2020



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

Receipt Number: PL2020-00068

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

**Cashier:** Mary Beth Brinkley

**Date:** 08/07/2020

P-20-32 PLANNING COMMISSION APPEALS		Stewart Ranch Road		
Fee Description	Fee Amount	Amount Paid	Fee Balance	
Planing Commission Appeal Fee	\$500.00	\$500.00	\$0.00	
	\$500.00	\$500.00	\$0.00	

Payment Method	Reference Number	Payment Amount
CHECK	1683	\$500.00
<b>Total Paid:</b>		<b>\$500.00</b>

# Cannabis Division On Site Inspection



Inspector: Cody Smith

Date Aug 20, 2018 Applicant Name Ryan Matthes  
 License Number CCL-2018-358 Applicant Phone 310-893-4023  
 APN 020-170-18-00 Number Project Type Type 2B  
 Job Address Unaddressed- No Coordinates, Zenia

Setbacks	<input checked="" type="checkbox"/> 30' from Property Line <input checked="" type="checkbox"/> Neighbors <input checked="" type="checkbox"/> Bus Stop <input checked="" type="checkbox"/> Schools <input checked="" type="checkbox"/> Churches <input checked="" type="checkbox"/> Daycare
Variance Required?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES – How many dwellings for the variance:
Cultivation Area Defined	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
Cultivation Fenced	<u>100</u> % Complete North <u>    </u> % South <u>    </u> % East <u>    </u> % West <u>    </u> % <input checked="" type="checkbox"/> Fence is 6' in height <input type="checkbox"/> Fence is less than 6' in height <input type="checkbox"/> Fence is more than 6' in height
Total Cultivation Area (sq. ft)	<u>\$ 9,600</u>
Lockable Gate	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <u>need locks for gates</u>
Hoop Houses	<input checked="" type="checkbox"/> Existing and Permitted <input type="checkbox"/> Existing and Unpermitted <input type="checkbox"/> Proposed <u>10</u>
Greenhouses	<input checked="" type="checkbox"/> Permitted <input type="checkbox"/> Unpermitted <input type="checkbox"/> Proposed
Permitted Structures	<u>Ø</u>
Unpermitted Structures	<u>Large makeshift Dwelling, Dryers, Power water bladder</u>
Proposed Structures	
Septic Installed	<input type="checkbox"/> NO <input type="checkbox"/> IN PROGRESS <input checked="" type="checkbox"/> YES <u>on Humboldt side</u>
Dwelling	<input checked="" type="checkbox"/> NO <input type="checkbox"/> IN PROGRESS <input type="checkbox"/> YES
Director's Use Permit	<input type="checkbox"/> Complete <input checked="" type="checkbox"/> Required <input type="checkbox"/> Not Required
Distance from Waterways	<input type="checkbox"/> Class I (150ft) <input type="checkbox"/> Class II (100 ft) <input type="checkbox"/> Class III (50 ft)
In a flood zone?	<input checked="" type="checkbox"/> NO <input type="checkbox"/> YES
Water Storage	<input type="checkbox"/> NO <input type="checkbox"/> YES – How much: <u>50,000 gal bladder (need permit), 2 2,500</u>
Update Plot Plan Required	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES
Currently Cultivating?	<input type="checkbox"/> NO <input checked="" type="checkbox"/> YES

Other Comments:

- Septic & well on Humboldt
- clean up trash
- water trucked in
- Finish signs in hoop houses

Sent email  
to Flonra  
& Ryan  
Rug  
8/21/18





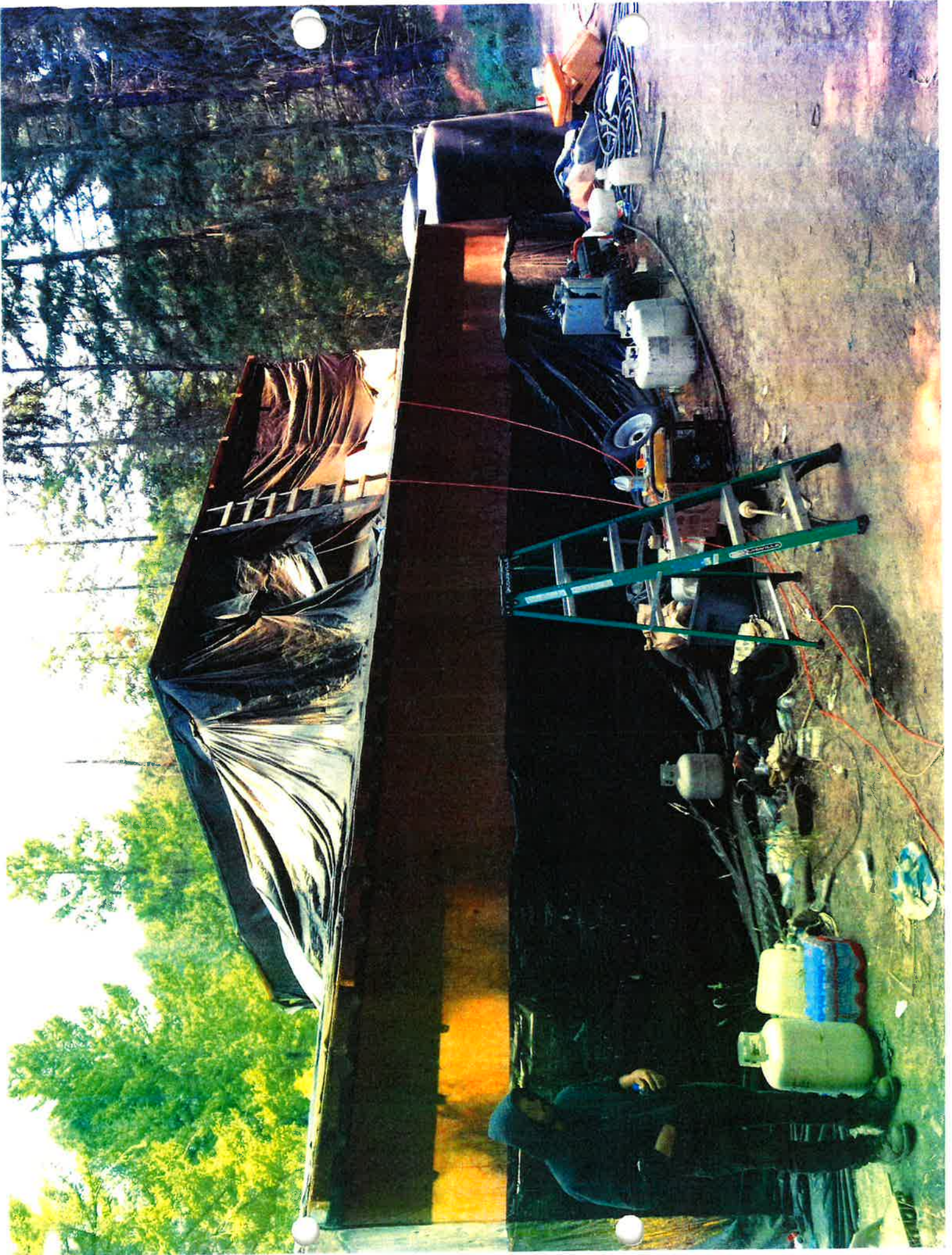




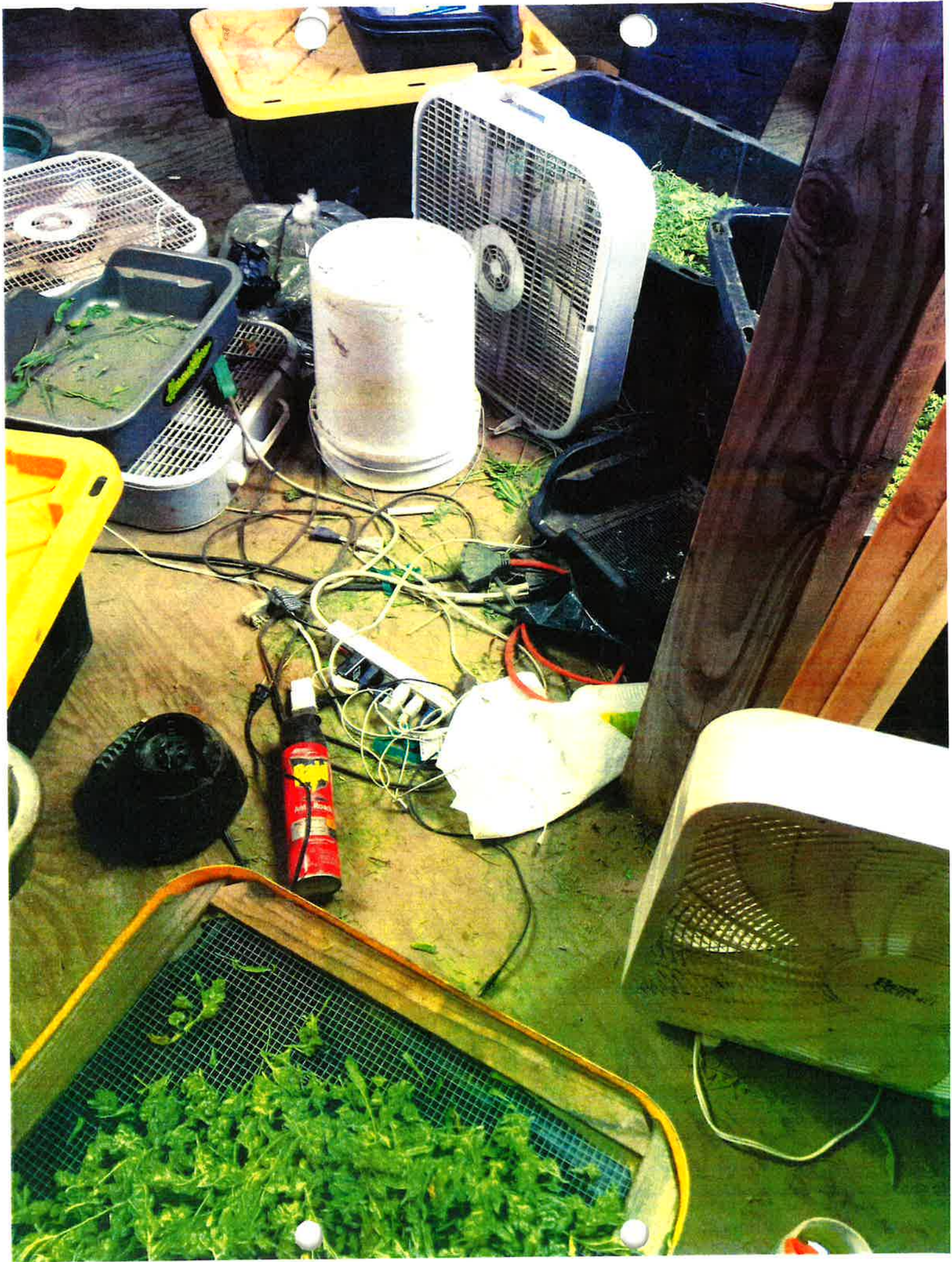




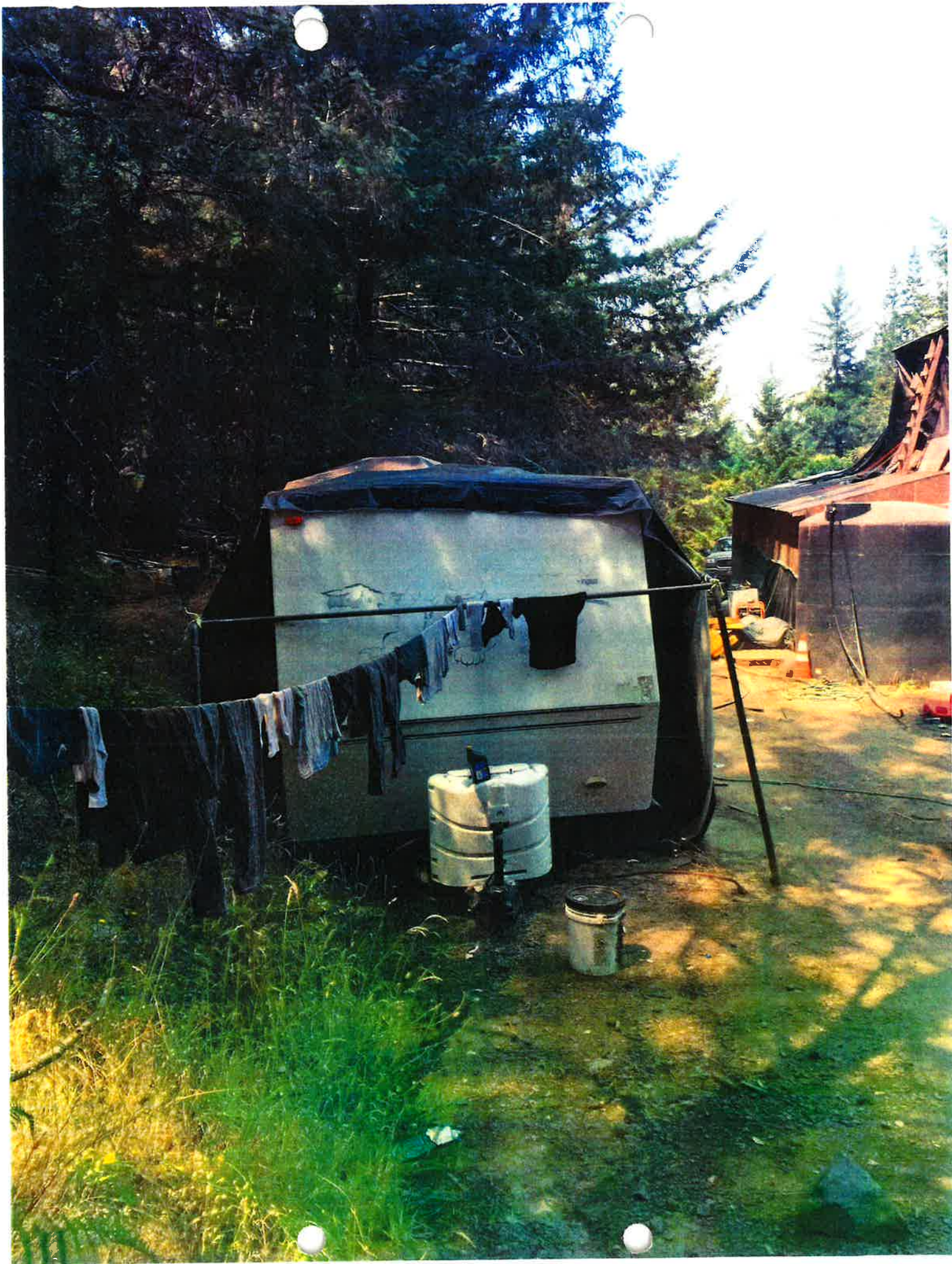




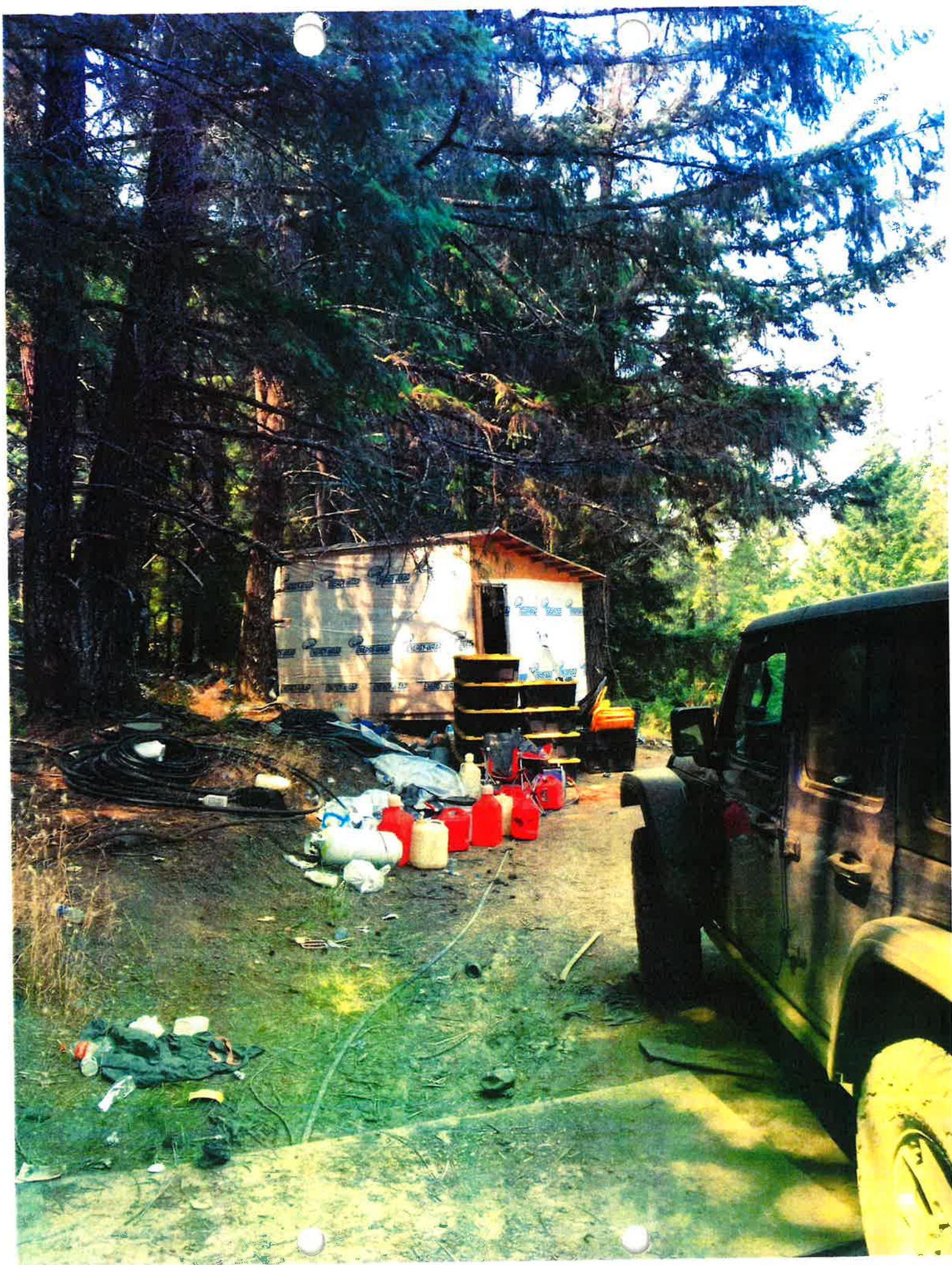




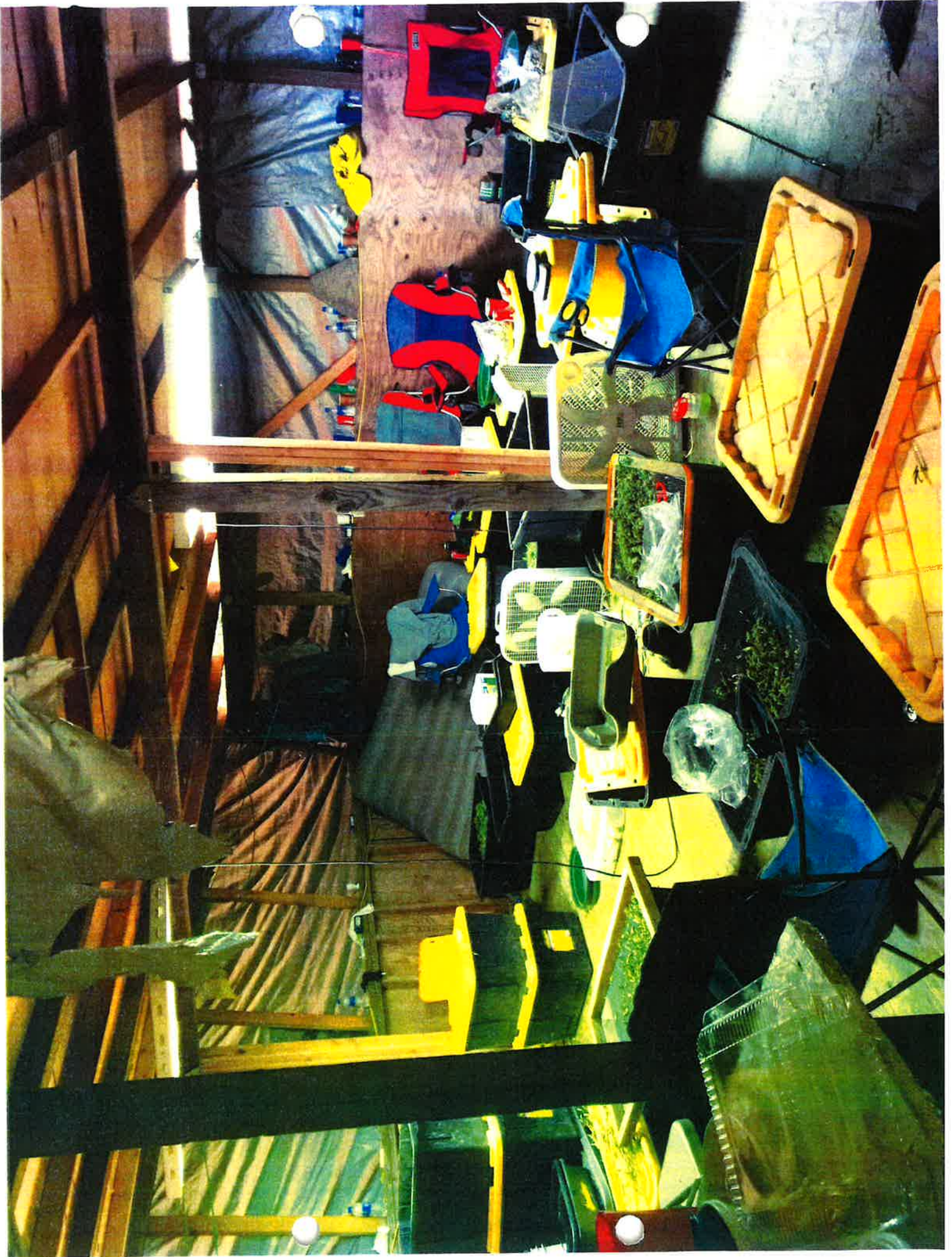




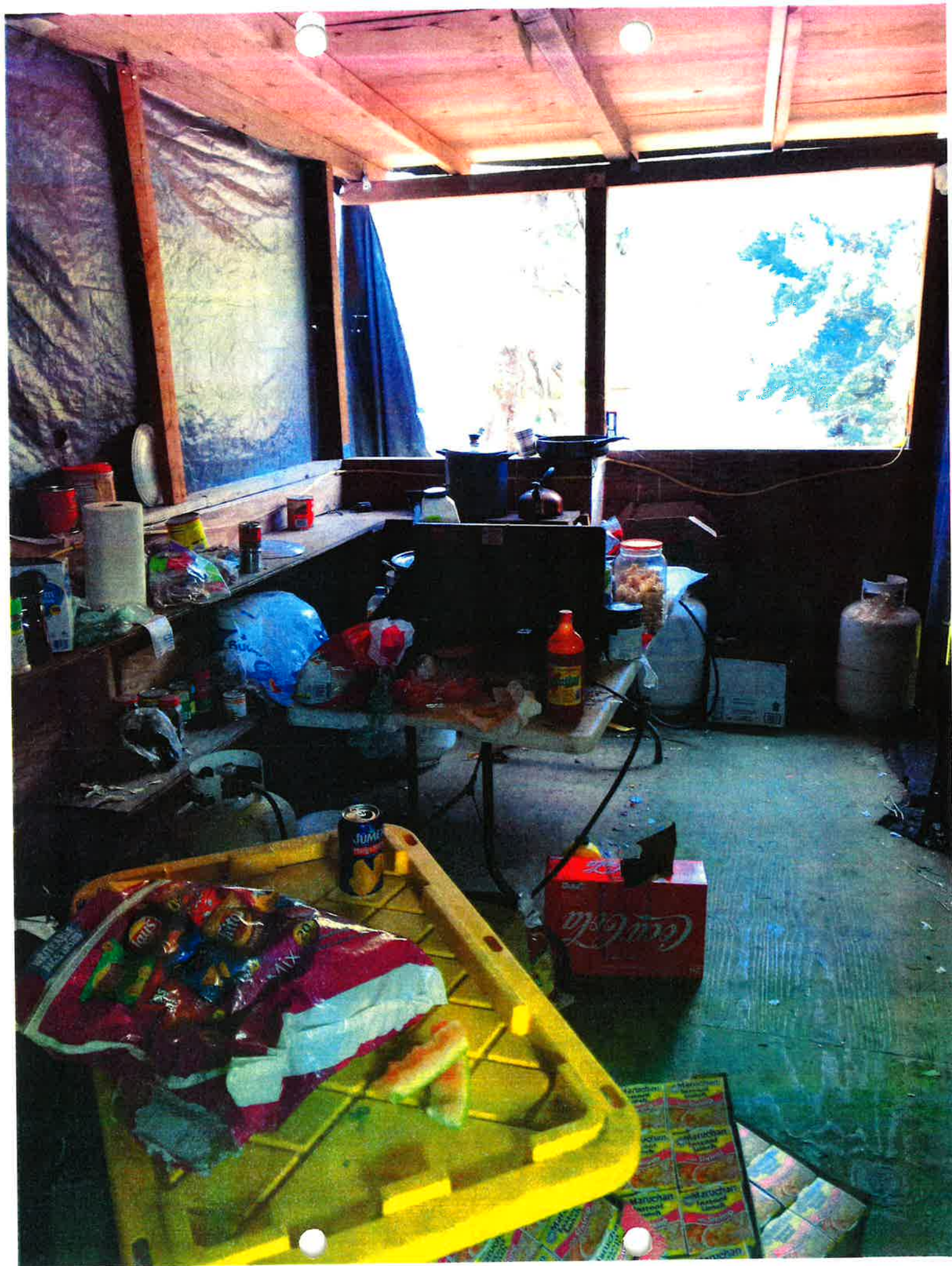




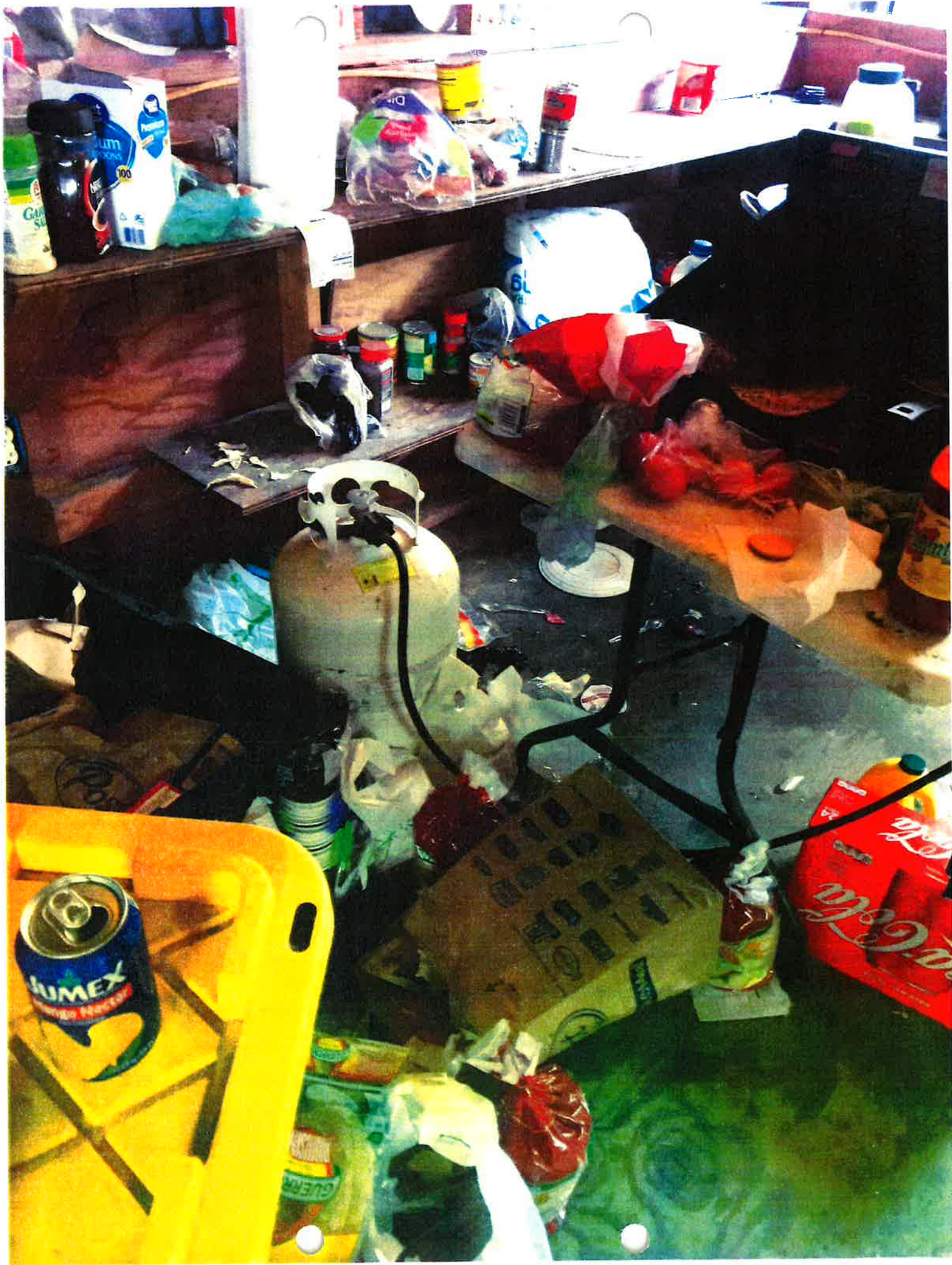


















received this transmission in error, please immediately notify me by replying to this e-mail or by telephone and destroy the original transmission and its attachments without reading them or saving them to disk.

**From:** Ana Wright <[ana@theflowraplatform.com](mailto:ana@theflowraplatform.com)>  
**Sent:** Tuesday, August 21, 2018 3:20 PM  
**To:** Cody Smith <[csmith@trinitycounty.org](mailto:csmith@trinitycounty.org)>; Rachel Wood <[rwood@trinitycounty.org](mailto:rwood@trinitycounty.org)>; Leslie Hubbard <[lhubbard@trinitycounty.org](mailto:lhubbard@trinitycounty.org)>  
**Cc:** LISA WRIGHT <[lisa@theflowraplatform.com](mailto:lisa@theflowraplatform.com)>  
**Subject:** CCL-2018-358

Good afternoon,

I wanted to get on the same page with the issues Cody noted at the recent site visit for Ryan Matthes, CCL-2018-358. I know we chatted a little bit this morning at the CDFW meeting, but I followed up with the applicant and property manager to clarify a few things.

First, the trash that was noted on the property is being taken care of immediately. If you would like pictures of the area once it is completed, let me know and I can pass that information on. Also, they are planning on drilling the new well on the Humboldt side of the property as discussed. In order to do this, the road to that side of the property needs to be fixed. The road will be worked on this weekend, and drillers coming out next week to drill the new well.

Since this well issue (broken pump inside the well) is technically an emergency as cited in the Trinity County Ordinance, the applicant can provide documentation showing water delivery that has been used while this pump has been broken, if documentation is required. In the meantime, I will be reaching out to Humboldt County to coordinate the well permit on their end, and once the process is finished obtain a copy for this cultivation license in Trinity County. One question we do have is if the water storage tanks need to be on the Trinity County side, or if they can be on the Humboldt side? I.e. do the storage tanks count as "cannabis cultivation activity" or not?

If there are any other notes or issues noted from this visit that need addressed, please let us know as soon as possible so we can finalize them.  
If you have questions, don't hesitate to call or email.

Thanks so much!

--  
Ana Wright  
*Cannabis Compliance Consultant*  
*Director of Human Resources*  
**The Flowra Platform**  
[ana@theflowraplatform.com](mailto:ana@theflowraplatform.com)  
(800) 811-4356  
(319) 371-5248

## Rachel Wood

---

**From:** Rachel Wood  
**Sent:** Tuesday, August 21, 2018 4:29 PM  
**To:** 'Ana Wright'  
**Cc:** 'LISA WRIGHT'; 'mufasis@hotmail.com'; Cody Smith; Leslie Hubbard  
**Subject:** RE: CCL-2018-358  
**Attachments:** IMG\_2124.jpg; IMG\_2125.jpg; IMG\_2123.jpg

Hi Ana,

I missed three additional photos which are attached to this second email.

Thank you,

Rachel Wood  
Administrative Coordinator  
Trinity County Planning Department  
Cannabis Division  
(530) 623-1351 x6  
[rwood@trinitycounty.org](mailto:rwood@trinitycounty.org)

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**From:** Rachel Wood  
**Sent:** Tuesday, August 21, 2018 4:21 PM  
**To:** 'Ana Wright' <[ana@theflowraplatform.com](mailto:ana@theflowraplatform.com)>  
**Cc:** LISA WRIGHT <[lisa@theflowraplatform.com](mailto:lisa@theflowraplatform.com)>; 'mufasis@hotmail.com' <[mufasis@hotmail.com](mailto:mufasis@hotmail.com)>; Cody Smith <[csmith@trinitycounty.org](mailto:csmith@trinitycounty.org)>; Leslie Hubbard <[lhubbard@trinitycounty.org](mailto:lhubbard@trinitycounty.org)>  
**Subject:** RE: CCL-2018-358

Hi Ana,

Please see the nine attached photos of the site taken by Cody 8/20/2018.  
Below is the email I drafted initially which I am adding with our conversation earlier today.

This site visit occurred August 20, 2018 for CCL-2018-358 Ryan Matthes.  
Here are the issues that need to be resolved:

1. The site needs to be surveyed by a licensed surveyor in order to determine where the Trinity County line ends.
  - Under the Trinity County Cultivation License, activity can only occur in Trinity County (not Humboldt County nor the Meridian)
2. All processing, drying, and cultivating activities must be in Trinity County.



- The current location of drying and processing is inappropriate, and they are currently subject to Humboldt County Code Enforcement
3. Proof of septic, well, and dwelling need to be provided since we do not have access to Humboldt County Records
    - The dwelling, and septic can be on the Humboldt County side (to meet the dwelling requirement it must exist on the parcel, not necessarily in the County)
    - A use permit is required to live on site while the dwelling is being constructed. Please provide proof of approval to reside in an RV with Humboldt County.
    - Regarding the well crossing the County line in order to cultivate, we are going to defer to the Waterboard, CDFW, and Humboldt County. We will let you know when we hear back from these parties.
    - Please provide well permit documents and GPM.
  4. We need an ownership list for MH Real Estate showing that Mary Healy owns at least 20% of the business
  5. The water bladder on site needs to be permitted, please show proof of permits since we do not have access to Humboldt County permit information.
  6. For the water being trucked in, please provide documentation of receipt of water from a valid water delivery service. The emergency cannot persist longer than 90 days, beginning today.
  7. The trash must be cleaned up immediately
  8. Removal of all electrical cords
  9. Proper storage or removal of gas canisters
  10. Removal of all propane heaters (this is a health and safety hazard to those who are living there)
  11. People cannot be living in the possibly unpermitted (or in the process of construction) structure as it is a health and safety hazard.
  12. Update the site map; it needs to reflect the whole parcel including lines of where Trinity County ends.

This site is very similar to an illegal grow on public land, which is inappropriate for a County Licensed Cultivation. It has fuel, pesticides, trash, people residing in a shed like structure, drying cannabis where people are sleeping/eating/cooking, etc. There is a high possibility of illegal pesticides being used on site for cannabis cultivation, and the applicant needs to be aware of the consequences of having said product on site.

Please provide pictures of the removal of the processing/drying from the structure, removal of trash, removal of electrical cords, proper storage or removal of fuel cans, and removal of propane heaters by 8/28/2018.

If these items are not met by 8/28/2018 a notice of non-compliance will be issued that day.

If pictures are unsatisfactory, another site visit will be done by Cody.

If any cultivation activities are occurring in Humboldt County, they are subject to Humboldt County Code Enforcement.

We are aware that you are just as flabbergasted as we are over the state of this site. We really hope that you can bring this site into compliance.

Thank you,

Rachel Wood  
 Administrative Coordinator  
 Trinity County Planning Department  
 Cannabis Division  
 (530) 623-1351 x6  
[rwood@trinitycounty.org](mailto:rwood@trinitycounty.org)

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**i** Current processing time is 49 days (In review 49 days)

Project Name: Dwelling(Thomas Gocha came in and is adding on to dwelling)Per CWPS

ADD NOTE

Project Description: Dwelling(Thomas Gocha came in and is adding on to dwelling)Per CWPS

Building Permit Number: BLDG2019-00364

Applicant: Matthes, Ryan

Building Permit Type: DWELLING

Primary Contact: Matthes, Ryan **i**

Status: **\*** ISSUED **v**

Primary Contractor: Owner Builder **i**

Process State: issued

Last Activity: 07/21/2020 16:11

Parent Building Permit: **Q**

Last Inspection Date:

Assigned To: User **v** **Q**

Submitted: **\*** 06/25/2019 **Q**

**Q** Building Permit is 553 days old

Fast Track: ☐

Completed: **Q**

**Q** 6 of 6 submittals received.

Approved: **Q**

**Q** 4 of 4 (100%) steps approved.

Ready: 08/12/2019 **Q**

**Q** \$1,918.92 paid (100%), \$0.00 d

Issued: 07/09/2020 **Q**

Finalized: **Q**

**Q** 0 of 11 inspections completed.

Closed: **Q**

**Q** \$0.00 deferred fees due.

Expires: 01/05/2021 **Q**

Exp Override: ☐

#### Site Address

Site Address: Stewart Ranch Road **Q**

VERIFY ADDRESS AND COORDI

Site City: Zenia

Latitude: **Q**

State: CA Zip Code: 95595

Longitude: **Q**

Inspection Area: **Q**

Zone: **Q**

Primary Parcel: 020-170-18-00 **i**

Dwelling issued, No inspections, expired 1/5/21

Lic #643  
 12/28/2020

- Current processing time is 1 day (In review only)
- EH Permit is 316 days past the expiration date.

Project Name: **Septic Permit - Needs Reinstatement \$695 & updated location - Filed Away 08/05**  **ADD NOTE**

Project Description: **Septic Permit - To Bethany for Review 08/20/2019** 

EH Permit Number: 5P-2019-053

Applicant: Milhalev, Ivan

EH Permit Type: EH - SEPTIC PERMIT \$695

Primary Contact: Milhalev, Ivan 

Status\*: **OPEN** 

Primary Contractor:

Process State: Pending


Last Activity: 09/23/2020 10:38

Parent EH Permit: 

Last Inspection Date:

Assigned To: **User**  **BETHANY PRINCE** 

Submitted\*: 08/20/2019 


 EH Permit is 497 days old

Completed: 08/20/2019 


 7 of 7 submittals received.

Fast Track: ☐

Approved: 

 No approval steps.

Ready: 08/20/2019 


 \$695.00 paid (100%), \$0.00 due.

Issued: 

Finalized: 

 0 of 2 inspections completed.

Closed: 

 \$0.00 deferred fees due.

Expires: 02/16/2020 

Exp Override: ☐

#### Site Address

Site Address: 5001 Stewart Ranch Road ZNA  

**VERIFY ADDRESS AND COORDINATES**

Site City: Zenia

Latitude:

State: CA Zip Code: 95595

Longitude:

Inspection Area: 

Zone: 

Primary Parcel: 020-170-18-00 

Shows open (according to Smartgov open)



## Kim Hunter

---

**From:** Kelly Forth  
**Sent:** Friday, February 5, 2021 4:07 PM  
**To:** Kim Hunter  
**Subject:** Timeline for OWTS - SP2019-053

Kim,

Timeline:

08/20/2019

OWTS "SP2019-053" was submitted by Thomas Gocha, TCG Associates & permit was opened in SmartGov on same day. \$695.00 was paid by TCG Associates, Check # 1017; Receipt: EN2019-00428

OWTS was delivered to Bethany Prince for review on 08/20/2019 as seen in SmartGov.

08/05/2020

Thomas Gocha emails Kelly Forth inquiring about status of permit he submitted nearly 1 year ago. Kelly responds that she has copied Bethany Prince in this email as it was passed on to her for review last year.

09/22/2020

Danea Miller of The Flowra Platform, a cannabis consultant, emails about a septic final for this permit to Kelly

9/23/2020

Kelly responds to Danea that notes show Bethany spoke with Tom Gocha August 5<sup>th</sup>. Bethany's notes show the permit needs to be reinstated because it has been over a year (permit expires in 1 year) and notes show Tom is updating the septic location. Once reinstatement fee has been paid and now location has been submitted, Kristy will need to review.

09/23/2020

Tom states in email to Kelly that he and Bethany did discuss reinstatement and new location.

02/05/2021

To date, per Kelly's response email on 09/23/2020, Tom Gocha has not paid the \$695 reinstatement fee nor has he submitted a new location site plan.

OWTS permit "SP2019-053" still remains in the "OPEN" status.

*Kelly Forth*

Administrative Coordinator  
Trinity County  
Environmental Health Dept.  
(530) 623-1459 Ext. 5

As of Monday, February 1, 2021, the Trinity County Building, Planning, Environmental Health, and Cannabis office is open to the public on a limited basis for walk-in counter services and meetings by appointment. Masks are mandatory within the office building and social distances must be maintained to reduce the spread of COVID-19. Staff members are also available by phone or email.