

## TRINITY COUNTY PLANNING COMMISSION STAFF REPORT

**APPLICANT/APELLANT:** Kaden Koffler

**OWNERS:** Kultured Cannabis Inc.

APN: 024-220-55-00

**PROJECT DESCRIPTION:** Item 5: APPEAL OF DIRECTOR'S DECISION (P-21-29)

The Appellant is requesting to appeal the expiration of Conditional Use Permit (CUP) P-17-51. Conditional Use Permit P-17-51 expired on June 7, 2021 due to not meeting the required conditions for CUP P-17-51 in the approved time as allowed in original two-year approval and one-year approved extension of time, P-20-15, granted on September 9, 2020.

**LOCATION:** 271 Industrial Parkway, Weaverville CA 96093

**PROJECT INFORMATION:**

Planning Area: Weaverville

Existing General Plan Designation: Industrial

Existing Zone District: Special Unit Development (SUD) – Trinity Alps Business and Industrial Park

Existing Land Use: Currently vacant, previously part of Concrete Aggregate Products.

Adjacent Land Use:

|       | Land Use              | Zoning  | General Plan |
|-------|-----------------------|---------|--------------|
| North | Wetland / residential | SUD/RR1 | Industrial   |
| South | Weaver Creek          | SUD/OS  | Industrial   |
| East  |                       | SUD     | Industrial   |
| West  | Weaver Creek          | SUD     | Industrial   |

**Background:**

The Planning Commission originally approved Conditional Use Permit P-17-51 of approximately 1.8 acres, located at 271 Industrial Parkway Weaverville, to facilitate the development and

operation of a Commercial Cannabis Nursery on May 24, 2018. The original applicant receiving approval was SJH Timber, Inc. (Mr. Steve Hagen was the original owner)

The appellant, Mr. Kaden Koffler purchased the property in June of 2019 and at that time, notified Trinity County Planning staff of the intent to move forward with the development of the previously approved CUP P-17-51. In 2020, Mr. Koffler contacted Planning Staff regarding an extension of time for CUP P-17-51. A one-year extension of time was granted in September of 2020 to expire in 2021.

On June 7, 2021 CUP P-17-51 was determined to be expired because the use had not been established as required per Trinity County Code Section 17.32.050.D

### **Section 17.32.050 – Time Limits imposed on Use Permits**

The Trinity County Zoning Code, Section 17.32.050 provides direction on time limitations, Temporary Permits, Expiration for Failure to establish Use, Extensions of Time and Abandonment. Staff relies on these Sections of the Trinity County Zoning Ordinance as they apply approved use permits. Sections specifically pertaining to Conditional Use Permit P-17-51 are 17.32.050.C and D.

The Trinity County Zoning Code, Section 17.32.050(C) Expiration for failure to establish use allows that a use for which a use permit has been granted must be established within two years after such permit is issued and a use permit which requires a building permit shall be deemed established when the building permit has been issued and work has commenced on the property. As of the filing of the appeal application, no work has commenced on the property. In a letter submitted by the Applicant, building plans are being prepared and it is the intent of the applicant to start work on the property as soon as building permit(s) are issued.

### **Discussion:**

Attachment 2 of this staff report discusses Mr. Koffler's position in regard to approved CUP P-17-51 and his reasoning for revising the design of the site plan and for not submitting a building permit to establish the use approved by the above-mentioned CUP.

Attachment 5 of this staff report includes email discussions between Planning staff and Mr. Koffler which include a statement by staff that the site plans submitted by Mr. Koffler for review were not approved by the existing use permit and a recommendation to submit for permits consistent with the original approval in order to establish the use approved for CUP P-17-51.

While there is not a clear path forward at this time for the revisions Mr. Koffler would like incorporate, the item specifically before the Planning Commission is the Appeal of the Director's determination that Conditional Use Permit 17-51 is expired based Planning Staff determination that Planning Staff interpretation of Section 17.32.050.D that "an extension of time" is one

extension of time and the Extension of Time granted by Planning Commission Resolution No. PC 2020-11 Extension of Time P-20-15 counts as that extension of time.

**ENVIRONMENTAL DETERMINATION:**

California Environmental Quality Act (CEQA) under the General Rule exemption 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment. Discussion and action on the request for an appeal of expiration of a previously approved project will not have a significant impact on the environment.

**ALTERNATIVES:** The following alternatives are available:

1. Continue the public hearing to request additional information.
2. Uphold the appeal and;
  - a. Find that Section 17.32.050.D regarding the specific language “may grant an extension of time not to exceed one year.” Should be interpreted to mean more than one, one-year extension of time may be granted by the appropriate approving authority, and;
  - b. Recommend the Appellant file on the appropriate form, pay the appropriate fees for an extension of time which will be returned to the Planning Commission for review as outlined in Section 17.32.050.D

**CONCLUSION:** Based on the following:

1. Planning Staff interpretation of Section 17.32.050.D that “an extension of time” is one extension of time and the Extension of Time granted by Planning Commission Resolution No. PC 2020-11 Extension of Time P-20-15 counts as that extension of time; and
2. The applicant did not meet the requirement of Section 17.32.050.C.2 to establish the use which states: “A use permit use which requires a building permit shall be deemed established when such building permit is secured and construction physically commenced”. No building permit was either applied for or issued for the approved use permit in two years of the original approval and one year of the approved extension of time.

**RECOMMENDATION:** That the Planning Commission:

1. Conduct a public hearing.
2. Close the public hearing.
3. Adopt a resolution to uphold the expiration of Conditional Use Permit P-17-51.

ATTACHMENTS:

1. Resolution NO. PC-2021-13
2. Appeal of Planning Director's Decision Application and Attachments.
3. P-17-51 Conditions of Approval
4. Planning Commission Resolution No. PC 2020-11 Extension of Time P-20-15
5. Email Correspondence between the Appellant and County Staff
6. Letters supporting a request for an additional extension of time for CUP 17-51
7. Trinity County Code Section 17.32.050 – Time limits imposed on use permits
8. Trinity County Code Section 17.32.060 – Deviation – Prior approvals requirement

**RESOLUTION NO. PC-2021-13**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF TRINITY**

**Appeal of Directors Decision to uphold the expiration of Conditional Use Permit P-17-51  
(Koffler)**

**WHEREAS**, the County of Trinity has established proposed time limits for use permits in Trinity County Code Section 17.32.050 – Time limits imposed on use permits and specific requirements to establish a use within those time limits; and

**WHEREAS**, approved Conditional Use Permits must be established within two years of issuance; and

**WHEREAS**, the legislative bodies or advisory agency may extend the expiration date of approved Conditional Use Permits in accordance with the local ordinance; and

**WHEREAS**, Conditional Use Permit P-17-51 was approved on May 24, 2018 and set to expire on June 7, 2020; and

**WHEREAS**, the Trinity County Planning Department approved a request for a one-year extension of time (P-20-15) for Conditional Use Permit P-17-51, set to expire on June 7, 2021.

**WHEREAS**, Conditional Use Permit P-17-51 was determined to be expired on June 7, 2021 for not meeting the requirements to establish a use within the time limits set by the approval of P-20-15.

**WHEREAS**, an appeal was filed by Kaden Koffler to overturn the Director's determination that the interpretation of Section 17.32.050.D that "an extension of time" is one extension of time for one year and the extension of time granted by Planning Commission Resolution No. PC 2020-11 Extension of Time P-20-15 counts as that one-year extension of time; and

**WHEREAS**, the Planning Commission held a public hearing and considered this matter at the regular meeting held on October 14, 2021.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the County of Trinity:

1. Finds the discussion and action on the request for an appeal of expiration of a previously approved project will not have a significant impact on the environment and therefore exempt from the requirements of the California Environmental Quality Act under the General Rule exemption 15061(b)(3) on the basis that there are no substantial changes to the project or to circumstances under which the project is proposed to be undertaken, and no new information has become available or been made known showing unanalyzed environmental effects; and

*Attachment 1*

2. Makes the following findings:

- a. Planning Staff interpretation of Section 17.32.050.D that “an extension of time” is one extension of time for one year and the extension of time granted by Planning Commission Resolution No. PC 2020-11 Extension of Time P-20-15 counts as that one-year extension of time; and
  - b. The applicant did not meet the requirement of Section 17.32.050.C.2 to establish the use which states: “A use permit use which requires a building permit shall be deemed established when such building permit is secured and construction physically commenced”. No building permit was either applied for or issued for the approved use permit in two years of the original approval and one year of the approved extension of time.
3. Upholds the Director’s determination that Conditional Use Permit P-17-51 is expired for failure to establish a use as Trinity County Code Section 17.32.050.C which requires that for a use permit to be established a building permit must deemed established when such building permit is secured and construction physically commenced”. No building permit was either applied for or issued for the approved use permit in two years of the original approval and one year of the approved extension of time.

**DULY PASSED AND ADOPTED** this 14<sup>th</sup> day of October, 2021 by the Planning Commission of the County of Trinity by the following vote:

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:  
RECUSE:

---

DUNCAN MCINTOSH, CHAIRMAN  
Planning Commission  
County of Trinity  
State of California

ATTEST:

Kim Hunter  
Secretary of the Planning Commission

By: \_\_\_\_\_  
Deputy



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

RECEIVED

JUL 28 2021

TRINITY COUNTY  
PLANNING DEPARTMENT

Received Stamp

Name: Kultured Cannabis, Inc. Phone: 760-889-2571

Email: kaden@kulturedcannabis.com

Physical Address or APN: 271 Industrial Pkwy, Weaverville, CA 96093

Mailing Address: 3104 O St., #128, Sacramento CA 95816

Decision of Planning Director rendered on (date): July 14, 2021

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

Request for: Extension of Conditional Use Permit

Reason for Appeal: See attached.

Signature: [Signature] Date: 7/28/21

P-21-29

Clerk's Use Only

Date Filed: 7-28-2021

Fee Collected: \$500.00

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

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

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

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

Clear

Attachment 2

Appeal of Expiration of Trinity County Conditional Use Permit 17-51 (Extension 20-51) and Denial of Extension Request

**INTRODUCTION**

Over the course of the past year, Kaden Koffler and his partner Adam Stringham, on behalf of Kultured Cannabis, Inc., expended significant time and money to commence the approved use at 271 Industrial Parkway, Weaverville, California 96093 (the "Property") pursuant to conditional use permit ("CUP") 17-51. They diligently pursued acquiring the necessary plans and approvals required to submit a complete building permit application. Notwithstanding their efforts, the effects of the pandemic on the project and the County's delays responding to a request for a minor site plan change pushed his acquisition of the building permit beyond the expiration date of the CUP. Strict application of the CUP expiration and extension ordinance will result in an arbitrary and unreasonable result violating established California authority. Based on the foregoing argument, testimony at public hearing, and documentation in support, Mr. Koffler respectfully requests an extension of CUP 17-51 authorizing a commercial cannabis nursery on the Property.

**BACKGROUND**

On May 24, 2018, the Trinity County Planning Commission approved a CUP at the Property. The CUP issued June 7, 2018. Kultured Cannabis, Inc. purchased the Property shortly thereafter with the intent to make some small changes to the approved site plan. Over the course of the next year, Mr. Koffler presented site plans to the Planning Department with a request that the Planning Director determine that the changes were not a substantial deviation that requiring additional approval by the Planning Commission. After many months, rather than sending a determination, Trinity County sent a letter to Mr. Koffler explaining the required conditions of approval necessary to obtain a building permit and establish his use as approved on June 7, 2018. (Exhibit A.)

Since their ownership, Mr. Koffler and Adam Stringham made significant expenditures in time and money. They expended hundreds of hours of personal time to process this project and expended hundreds of thousands of dollars directly on the Property's site developments.

In March of 2020, the Governor of California declared an emergency due to the coronavirus pandemic. The ripple effects of the coronavirus public health emergency were felt throughout the globe and throughout California. Nonetheless, Mr. Koffler continued to prepare the site for its use.

On or around June 5, 2020, Mr. Koffler requested an extension of the two-year limitation to commence building on a CUP pursuant to Trinity County Code section 17.32.050 (D). The Trinity County Planning Commission granted that request on September 9, 2020, extending the CUP until June 7, 2021.

During the most recent year of the CUP's effectiveness (June 7, 2020, to June 7, 2021), Mr. Koffler and Adam Stringham continued to progress by obtaining investment, sourcing potential supply partners, networking with cultivators, further developing the new site plan, as well as the other required prerequisites to comply with the conditions of approval. During this period, Mr. Koffler hired an architect and civil engineer to prepare new site plans and designs to fit the needs of the nursery business on the approved CUP plans and contacted builders to review bids for the construction.

From December of 2020 to May of 2021, Mr. Koffler repeatedly requested approval for the new site plan from County staff via email and phone calls. Even though the new site plans did not propose a new use on the site nor increase the square footage of the building footprints, Mr. Koffler could not get a



definitive answer from Planning. Whether due to the stress of the pandemic on the County administration or other staffing problems, the County staff failed to respond to many of Mr. Koffler's inquiries. These delays and failure to timely review the proposed site plan had a direct impact on Mr. Koffler's ability to complete the process of acquiring building permits: he could not invest further into the new plans and the other Conditions of Approval until Planning approved the layout changes. At the same time, Planning repeatedly communicated that Mr. Koffler must establish the use before June 7, 2021, to preserve the CUP. (Exhibit B.)

By May of 2021, Mr. Koffler could no longer wait for a response from County Planning to his request for Planning Director approval or a determination of substantiality by the Planning Commission. He quickly began to process the other required conditions necessary for building permits. He began contacting staff for the preparation of a Grading and Drainage Plan, a Lake or Streambed Alteration Agreement, a security plan, a Wastewater Discharge Permit, a hazardous materials plan, a parking and internal circulation plan, and odor control plan based on the original CUP site plan. Due to the time restraints, he requested that his architect expedite the other required pieces. On or around June 1, 2021, he emailed County staff to inform them that his architect would be the lead point of contact to submit the final pieces for a building permit, but that it would take two weeks to finish. In the correspondence, he requested some assurances that the County would not revoke the CUP in that time given the now significant investment it would take to expedite under the time restraints. He received no response. (Exhibit C.)

On or around June 9, 2021, County staff informed Mr. Koffler that his permit expired for a failure to establish the use. Planning staff did not provide a hearing or an opportunity to present evidence of his good faith efforts to develop the site and establish the use. On July 14, 2021, County staff notified Mr. Koffler that he may appeal the decision with payment of a \$500 fee and submission of an appeal form within ten working days. (Exhibit D.)

On June 15, 2021, the Governor of the State of California lifted the statewide restrictions related to the coronavirus pandemic.

#### **STATEMENT OF THE LAW**

Trinity County Code provides a time limit to establish the use granted by a CUP. Once established, a CUP is valid indefinitely. (Trinity County Code, § 17.32.050 (A).) A permittee must establish the use within two years of its approval. (*Id.* at § 17.32.050, (C)(1).) If the use requires a building permit, the use commences when the permittee secures the building permit and physically begins construction. (*Ibid.*) The County may extend the time to establish the use upon a show of good cause. (*Id.* at § 17.32.050(D).) Whomever approved the project, the Planning Commission or the Planning Director, "may grant an extension of time not to exceed one year." (*Ibid.*) A public hearing for the extension is only required if specified by the Planning Commission. (*Ibid.*) An extension requires a filing fee. (*Ibid.*)

Changes to the approved project may be made by the applicant only if the planning director approves them and they are not considered a "substantial deviation". (Trinity County Code §§ 17.32.060 & 17.32.100.) The Planning Director may request a determination of substantiality from the Planning Commission. (*Id.* at § 17.32.60(B).) If the changes result in a substantial deviation, only the Planning Commission may approve of the changes via a minor use permit. (*Ibid.*)

"It is settled that the purpose of statutes or ordinances providing for automatic expiration or revocation of use permits when work has not commenced or a use established is to prevent the reservation of land for future purposes when the permittee has no good faith intent to presently commence upon the

proposed use. (*Cnty. Dev. Com v. City of Fort Bragg* (1988) 204 Cal.App.3d 1124, 1129-1130 “*Fort Bragg*”; *Upton v. Gray* (1969) 269 Cal.App.2d 352, 357; *Morgan v. County of San Diego* (1971) 19 Cal.App.3d 636, 641. “*Morgan*”.) However, an expiration ordinance solely concerned with the construction on the property is “unreasonable and ‘bears no necessary or direct relationship to whether a good faith intent to commence upon the use exists.’” (*Fort Bragg, supra*, 269 Cal.App.2d at p. 1130, citing *Morgan, supra*, 19 Cal.App.3d at p. 641.)

In *Fort Bragg*, the court invalidated a CUP expiration ordinance solely concerned with construction as arbitrary and contrary to authority. (*Fort Bragg, supra*, 269 Cal.App.2d at p. 1129.) Both the *Fort Bragg* and the *Morgan* courts held that the pursuit of financial commitments towards the project and efforts to obtain the other governmental approvals necessary to commence construction constituted the good faith intent to proceed. (*Fort Bragg, supra*, 269 Cal.App.2d at pp. 1130-1132, *Morgan, supra*, 19 Cal.App.3d at pp. 638-642.) The application of a standard solely concerned with the extent of construction alone was unreasonable. (*Fort Bragg, supra*, 269 Cal.App.2d at pp. 1131.) Finally, notice and hearing must be afforded a permittee prior to revocation of a use permit. (*Id.* at p. 1132; see *City of San Marino v. Roman Catholic Archbishop* (1960) 180 Cal.App.2d 657, 665, cert. den. 364 U.S. 909; *Trans-Oceanic Oil Corp. v. Santa Barbara* (1948) 85 Cal.App.2d 776, 795-797.)

### ARGUMENT

#### **1. Kaden Koffler’s significant investment and good faith efforts to develop the Property vests his right to continue the CUP even if the County ordinance provides for an automatic expiration for a failure to acquire a building permit pursuant to *Fort Bragg, supra*, 204 Cal.App.3d at pp. 1129-1130.**

An ordinance automatically extinguishing a CUP for a failure to commence construction is invalid if it does not bear a relationship to whether a good faith intent was made to commence upon the use. (*Fort Bragg, supra*, 269 Cal.App.2d at p. 1130, citing *Morgan, supra*, 19 Cal.App.3d at p. 641.) The Trinity County ordinance, section 17.32.050, to the degree that it demands an automatic expiration of the CUP for a failure to acquire a building permit and commence physical construction is arbitrary and unreasonable and violates established California authority. (*Ibid.*)

Mr. Koffler’s significant investments and good faith efforts to commence construction evidences a strong intent to commence upon the use. Throughout an entire year in which California was in a state of emergency, and burdened by near random governmental closures, Mr. Koffler spent hundreds of hours and hundreds of thousands of dollars, pursued investment opportunities, engaged an architect and engineer, reviewed bids from contractors, and pursued multiple other governmental approvals and plans necessary to apply for a building permit in an effort to commence the use on the property.

Mr. Koffler dutifully submitted site plans in 2019 and again in December of 2020 to Trinity County planning staff requesting a determination that the deviations were not substantial pursuant to Trinity County Code section 17.32.060 so he could proceed with those plans to prepare other documentation necessary to secure a building permit. Mr. Koffler doggedly pursued County staff for a determination, until May of 2021, a month before the automatic expiration date.

Mr. Koffler’s efforts evidence a good faith intent to commence the commercial cannabis nursery use on the property. The purpose of the expiration ordinance, “to prevent the reservation of land for future purposes when the permittee has no good faith intent to presently commence upon the proposed use[]” is satisfied by Mr. Koffler’s investment, diligence, and accomplishments. (*Fort Bragg, supra*, 269 Cal.App.2d at p. 1130.) Given the short time from May 2021 to the expiration date of June 7, 2021, Mr.

Koffler informed County planning staff that his architect would have the final building permit requirements complete within two weeks.

As Mr. Koffler can present substantial evidence of his good faith intent to commence the use, an expiration of the CUP would be arbitrary and unreasonable. Mr. Koffler requests that the Planning Commission extend the CUP for an additional one-year term so that he may complete the final steps to establish the use.

**2. California law supports the interpretation that Trinity County Code Section 17.32.050 allows Trinity County to approve more than one extension upon a showing of good faith.**

Trinity County may, under its own Code, extend the CUP for an additional one-year term. The Code provides:

**Extension of Time.** Upon show of good cause by the applicant, the planning commission or planning director, whomever issued the use permit, may grant an extension of time not to exceed one year. A public hearing shall not be required unless specified by the planning commission. A request for extension of time shall be subject to a filing fee as specified by the board of supervisors.

(Trinity County Code § 17.32.050(D).)

The purpose behind this expiration provision is “to prevent the reservation of land for future purposes when the permittee has no good faith intent to presently commence upon the proposed use.” (*Fort Bragg, supra*, 269 Cal.App.2d at p. 1130.) Interpreting, this provision, to mean that only one year may be granted would nullify the essential element of a “good faith intent” in favor of an arbitrary amount. A reading that the Code only provides for one extension totally ignores the realities of the industry and the market, particularly after an unprecedented year affecting every measure of life. This is an over strict reading of the Code that leads to a result in violation of settled California law.

The Code does not explicitly state that it can only offer *one* extension of one year. It states that the County, “may grant an extension of time not to exceed one year.” Presumably, it does not lose the power or jurisdiction to “grant an extension of time not to exceed one year” upon another application for an extension. As the code provides for the discretionary granting of an additional year and does not explicitly limit the Planning Commission’s powers to only granting one extension total, the Planning Commission retains the ability to grant additional extensions of a CUP upon a showing of good cause.

An interpretation allowing the County to consider the good cause of a permittee is consistent with the authorities in *Fort Bragg, supra*, 269 Cal.App.2d at p. 1130, and *Morgan, supra*, 19 Cal.App.3d at p. 641. An interpretation disallowing further extensions would be arbitrary and unreasonable.

For the forementioned reasons, Mr. Koffler requests an additional extension of his CUP in order establish his use as a commercial cannabis nursery on the property site.

**3. Delays caused by the County’s failures to timely respond to Mr. Koffler’s requests for a determination of substantiality and the pandemic contributed to Mr. Koffler’s failure to establish the use pursuant to Trinity County Code section 17.32.050. Expiring the CUP based on these delays outside the control of Mr. Koffler would be an arbitrary and unreasonable revocation of the permit.**

Pursuant to Trinity County Code section 17.32.060, Mr. Koffler, forwarded minor design changes of the site plan to County Planning staff in 2019 and again in December of 2020. As described by Mr.

Koffler in his submission, the plans did not expand any use or add an additional use to the permit. The site plan changes updated the site plan that was approved by the Planning Commission prior to his purchase of the Property. Approval that this site plan design alteration did not constitute a substantial deviation was a necessary condition precedent before Mr. Koffler could submit plans to the Building Department or apply for other necessary plans such as the Grading and Discharge Plan. (Trinity County Code §§ 17.32.060 & 17.32.100.)

Throughout 2019, but more pertinently, from December 2020 until May 2021, Mr. Koffler did not receive an adequate determination that the site plan was a valid modification that he could pursue. Multiple emails and phone calls were left unanswered. Undoubtedly, the effect of the pandemic on staff and governmental employees was consequential. Likewise, the pandemic affected private business as well. Everything simply took longer. Phone conferences were more difficult to arrange, as consultants, staff members, investors, and property owners dealt with the personal effects of the pandemic at home.

These external causes, the unprecedented pandemic, and the County's own administrative delays must be weighed along with Mr. Koffler's diligence in determining whether he has made a good faith effort to establish this use on the Property. These external factors, by themselves, should be considered good cause to extend the CUP for an additional year. The entire country nearly lost the entire year to the pandemic, punishing a permittee that has invested significant resources for failing to meet deadlines would be arbitrary and unreasonable.

For the aforementioned reasons, Mr. Koffler requests that the Planning Commission find good cause to extend the CUP for an additional year.

### **CONCLUSION**

Mr. Koffler and Adam Stringham expended significant time and money to commence the approved use on the Property. They diligently pursued acquiring the necessary plans and approvals required to submit a complete building permit application. Notwithstanding his efforts, the effects of the pandemic on the project and the County's ability to respond to his request for a minor site plan change resulted in delays that pushed his acquisition of the building permit beyond the expiration date of the CUP. Strict application of the expiration and extension ordinance will result in an arbitrary and unreasonable result violating established California authority regarding conditional use permits. For the aforementioned reasons, Mr. Koffler respectfully requests an extension of the CUP authorizing a commercial cannabis nursery at the Property.

# EXHIBIT A



## TRINITY COUNTY PLANNING DEPARTMENT

MAIL P.O. BOX 2819 ♦ OFFICE 61 AIRPORT ROAD  
WEAVERVILLE, CALIFORNIA 96093

PHONE (530) 623-1351 ext. 5 ♦ FAX (530) 623-1353

Email: [bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)

June 7, 2019

RE: Conditional Use Permit for Commercial Cannabis Nursery (P-17-51)

Dear Kaden Koffler:

This letter is in regards to the Conditions of Approval that were approved by the Trinity County Planning Department on May 24, 2018 for a Conditional Use Permit (CUP) to SJH Timber, Inc. to allow the establishment of a Commercial Cannabis Nursery in Weaverville's Trinity Alps Business Park Specific Unit Development (SUD) district. The Conditions of Approval (COA) for the use permit are contained with the CUP for this project; a copy of that CUP with the 11 COA is attached. Please note that these COA are in addition to the requirements of the cannabis regulations for nursery operations (both State and County).

Since you were not the original applicant for the CUP, I have attached a new Planning Entitlement Form for you to sign and mail back to me with original signature(s). This is needed because COA #4 and #6 must be completed by the applicant before the CUP can be issued.

As previously discussed, below is a summary of the COA's that must be implemented for the establishment of nursery activities.

### **Conditions to Complete Prior to Issuance of Conditional Use Permit**

**COA #4.** Contact Andrew Pence, [apence@trinitycounty.org](mailto:apence@trinitycounty.org), 530-623-1365 ex. 3414, at the Trinity County Department of Transportation for requirements for Grading and Drainage Plan development and submittal.

**COA #6.** Provide the Lake or Streambed Alteration Agreement (LSAA) or verification that an LSAA is not required to the Trinity County Planning Department.

### **Conditions to Complete Prior to Issuance of Building Permits**

**COA #2.** Submit your Hazardous Materials Business Plan (HMBP) to Trinity County Environmental Health for approval. Contact Kristy Anderson, [kanderson@trinitycounty.org](mailto:kanderson@trinitycounty.org), 530-623-1459 ex. 3 for questions.



## TRINITY COUNTY PLANNING DEPARTMENT

MAIL P.O. BOX 2819 ♦ OFFICE 61 AIRPORT ROAD  
WEAVERVILLE, CALIFORNIA 96093

PHONE (530) 623-1351 ext. 5 ♦ FAX (530) 623-1353

Email: [bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)

**COA #3.** When submitting your site plan, show the location of the 1,080 square feet (ten percent of a total of 10,800 square feet) of retail space.

**COA #5.** Ensure that the site plan shows the 100-foot setback requirements.

**COA #8.** Implementation of the lighting COA is both physical lighting instruments and post-development assessment of light shielding.

**COA #9.** As noted in the Planning Commission meeting minutes (COA was revised by the Planning Commission) the security system and plan must be approved by the Board of Supervisors. Please coordinate with Planning for this approval.

**COA #11.** Development of the internal circulation plan should be submitted to the Planning Department for approval as part of building plan submittal.

### **Conditions to Complete Prior to or After Issuance of Building Permits**

**COA #1.** Implement this COA as part of building occupancy and ongoing through operations of facility.

**COA #7.** Submit the odor control plan to the Trinity County Planning Department.

**COA #10.** Submit a Commercial Wastewater Discharge Permit to the Weaverville Sanitary District. Contact: [weavervillesd@yahoo.com](mailto:weavervillesd@yahoo.com), 530-623-6529 for application and information.



## TRINITY COUNTY PLANNING DEPARTMENT

MAIL P.O. BOX 2819 ♦ OFFICE 61 AIRPORT ROAD  
WEAVERVILLE, CALIFORNIA 96093

PHONE (530) 623-1351 ext. 5 ♦ FAX (530) 623-1353

Email: [bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)

A copy of this letter has been provided to all of the referenced departments and agencies. If you have any questions please do not hesitate to contact our office. We look forward to working with you.

Sincerely,

*Bella Hedtke*

Associate Planner  
Trinity County Planning Department  
61 Airport Rd, Weaverville, CA 96093  
Box 2819, Weaverville, CA 96093  
[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)  
530-623-1351 ex. 5

**Enclosure:**

1. Copy of P-17-51 Conditions of Approval list
2. New Land Use Entitlement form for applicant to sign



# EXHIBIT B

**From:** kaden@kulturedcannabis.com <kaden@kulturedcannabis.com>  
**Sent:** Thursday, January 28, 2021 2:19 PM  
**To:** 'Margie DeRose' <mderose@trinitycounty.org>; 'Bella Hedtke' <bhedtke@trinitycounty.org>  
**Subject:** RE: 271 Industrial Park Way Weaverville cannabis nursery

Hello Margie,

This CUP was originally approved in 2018, and we just were granted an extension via a zoom hearing in 2020 good through June 2021. My question is referring to feedback on our site plan and layout before me finalize our building plans to submit. Let me know if you need further clarification.

Kaden

**From:** Margie DeRose <mderose@trinitycounty.org>  
**Sent:** Thursday, January 28, 2021 2:05 PM  
**To:** 'Kaden Koffler' <kaden@kulturedcannabis.com>; Bella Hedtke <bhedtke@trinitycounty.org>  
**Subject:** RE: 271 Industrial Park Way Weaverville cannabis nursery

Good Afternoon,  
I will check on the status of where this CUP is in the queue of CUPs and we will let you know.  
Thank you,  
Margie



**Margie DeRose**  
Senior Planner  
Trinity County Cannabis Division  
[mderose@trinitycounty.org](mailto:mderose@trinitycounty.org)  
530-623-1351 x2812  
530-739-8431 cell

**\*\*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.\*\***

**From:** Kaden Koffler [<mailto:kaden@kulturedcannabis.com>]  
**Sent:** Saturday, January 23, 2021 9:57 PM  
**To:** Margie DeRose <mderose@trinitycounty.org>; Bella Hedtke <bhedtke@trinitycounty.org>  
**Subject:** Re: 271 Industrial Park Way Weaverville cannabis nursery

Hi Margie,

Just wanted to reach back out in reference to the below emails. We are really trying to move quickly on finalizing our building plans and submitting them so we can get approval and building ASAP, and be ready with a nursery to support the Trinity cannabis cultivation industry this season. Please let me know your thoughts.

Thank you and have a great weekend.

Kaden

Sent from my iPhone

On Jan 8, 2021, at 12:38 AM, Kaden Koffler <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)> wrote:

Hello Margie,

I'm just following up on the below emails to see if we can get some communication going on our plans so I can give my architect the go ahead to finalize them to submit. As I said we would love to get everything moving quickly enough to be operational by this season.

Thank you,

Kaden

Sent from my iPhone

Begin forwarded message:

**From:** Kaden Koffler <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>  
**Date:** December 31, 2020 at 12:12:59 PM PST  
**To:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>  
**Cc:** Margie DeRose <[mderose@trinitycounty.org](mailto:mderose@trinitycounty.org)>  
**Subject:** Re: 271 Industrial Park Way Weaverville cannabis nursery

Thank you Bella. And nice to meet you Margie. Again, we are just trying to get the green light on the design for the phase 1 nursery and some feedback on what would be phase 2 later on by amending our CUP or whatever the process would be at that time.

We are waiting for some initial approval from planning on this nursery design before we give our architect the go ahead to finalize the building plans to submit.

Thank you much and Happy New Year!

Kaden

Sent from my iPhone

On Dec 28, 2020, at 2:41 PM, Bella Hedtke  
<[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)> wrote:

Hi Kaden,

Happy Holidays to you too! I have CCd Margie DeRose, our new Senior Planner for the Cannabis Division. She will be working with you on your cannabis CUP and I'll assist as she sees necessary.

Best wishes,

*Bella Hedtke*

Associate Planner  
Trinity County Community Development Services  
(Planning Department)  
61 Airport Rd/PO Box 2819, Weaverville, CA 96093  
[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)  
530-623-1351 ex. 5

[Trinity County Planning Department Webpage](#)  
[Trinity County Cannabis Division Webpage](#)

Confidentiality Notice: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have 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:** [kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)  
<[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>  
**Sent:** Thursday, December 24, 2020 12:24 PM  
**To:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>  
**Subject:** 271 Industrial Park Way Weaverville cannabis nursery

Hi Bella,

First off Happy Holidays! I know it's been a while, but just to refresh your memory, sometime back during a zoom hearing we got our CUP extended through June 7, 2021 I believe. At that time you informed me there were some changes going on in Planning Dept personnel. Not sure if this has all been worked out, but we are ready to move forward on this project so if you can loop in whoever needs to be in on this convo we would appreciate it.

As we've mentioned both to you and to other Planners on a conference call and email communication in the past, we redesigned the layout of the nursery from how the original applicant we purchased the property had it.

The reason we did this was

- 1) to consolidate the nursery into an all-around much better and higher end gutter connected structure, that will house everything in the same building, improving work flow, efficiency, and every other attribute of the project, and
- 2) to leave space to add an additional gutter connected greenhouse bay for the nursery and on the opposite side of the property for another potential building to house distribution, manufacturing, and potentially a testing lab. We realize additional nursery sq footage and distro, manufacturing, and testing lab approval will require an additional or amended CUP to be approved, but wanted to remind you of our longer-term plans for this property to serve the Trinity County cultivation community as a hub for genetics, clones, and teens from the nursery on their production side, and also on the post-production side for processing, manufacturing, and distribution of their cannabis flower and biomass. We feel this would be a tremendous benefit to the cannabis industry in the County, and would provide many jobs for the community of Weaverville.

We redesigned the nursery so that it still complies with all the sq footage and other requirements in our CUP, so we don't feel it should be any issue.

I'm attaching what we have so far as a site plan that shows our approved CUP for a nursery as "phase 1" and additional nursery sq footage attached as another gutter connected bay and a separate building for distribution, manufacturing, and testing lab as "phase 2".

Also attached is a site plan and floorplan with just "phase 1", and an estimate with structure details from our greenhouse partner on this project Gro-Tech (so you can see the higher end nature of this structure), again for what we currently have approved in our CUP. We'd like to get a nod of approval about moving forward in this way on this project so we can wrap up building plans for phase 1 and get them submitted and approved. Our understanding is that we have to be breaking ground by the CUP expiration date, so we don't want to delay any longer, and ideally want to be built and operational with product from the nursery for sale this coming season.

Please let me know your thoughts.

Much appreciated.

Kaden

<20200331 KADEN KOFFLER 271 INDUSTRIAL  
PARKWAY WEAVERVILLE CA 96093-PHASE1  
SITE.pdf>

<XREF\_DESIGN\_3FLOORPLAN2B-Model.pdf>  
<271 Industrial Parkway\_SITE PLAN REVISED.pdf>  
<Est\_2606\_from\_GroTech\_Systems\_Inc.\_87424.pdf>

# EXHIBIT C

**From:** kaden@kulturedcannabis.com <kaden@kulturedcannabis.com>  
**Sent:** Tuesday, June 1, 2021 1:51 PM  
**To:** 'Kim Hunter' <khunter@trinitycounty.org>  
**Cc:** 'Bella Hedtke' <bhedtke@trinitycounty.org>; 'Lisa Lozier' <llozier@trinitycounty.org>  
**Subject:** FW: 271 Industrial Park Way Weaverville cannabis nursery  
**Importance:** High

Kim,

I understand you are going to be out soon so wanted to follow up on the below emails which I haven't yet gotten a response to, and to give you an update on our project.

- After reviewing all of the requirements in the COA letter and feedback from the building department on what they will require, our architect wants to take over the project from here and communicate with Planning/Building directly.
- He has everything in place to get everything finished all at once so it will be a complete submittal, but says he needs at least 2 weeks.
- Given the progress we've made on our project and full submittal being only a couple weeks out, can you please confirm this is sufficient to prevent our CUP from expiring on June 7<sup>th</sup>?
- We want to know if we spend the extra money necessary for all this right now we will still be good to submit and get approval.

Please confirm asap so I can relay to our architect and pass the project on to him to wrap up.

Thanks,

Kaden

**From:** kaden@kulturedcannabis.com <kaden@kulturedcannabis.com>  
**Sent:** Friday, May 14, 2021 1:25 PM  
**To:** 'Kim Hunter' <khunter@trinitycounty.org>; 'Bella Hedtke' <bhedtke@trinitycounty.org>  
**Cc:** 'Lisa Lozier' <llozier@trinitycounty.org>  
**Subject:** RE: 271 Industrial Park Way Weaverville cannabis nursery  
**Importance:** High

Hi Kim,



I just spoke with Bella explaining where things are at with this project and let her know I'd be sending a follow up email.

I realize you all are probably very busy and things have been difficult to run smoothly with all the COVID restrictions and whatnot, but I haven't been able to get any feedback from my last few emails and our CUP extension is set to expire June 7 so we are really up against the gun at this point to make sure we get everything done in time so the CUP can be issued. We have our funding in place and are ready to get building.

I've attached again here our site and floor plan for you to review. Just as a quick reminder all we did was consolidate the approved greenhouse and auxiliary structure sq footage into one gutter connected building, which actually brought them both UNDER the sq footage approved (greenhouse from 6,000 to 5,760 and auxiliary from 3,400 to 3,200), so there is NO change as far as sq footage is concerned. Additionally, we will be complying with all of the other approved conditions in exactly the same way, so are confident this does NOT represent any sort of a standard deviation. Can you please conform this for us asap as we plan to submit our building plans next week to get everything approved by the upcoming June 7 CUP expiration.

We are simultaneously working on all the other Conditions of Approval that are listed in the letter Bella sent, including the grading and drainage plan, security, odor control, etc. so we can have everything in place by the deadline.

Your prompt attention and help with this time sensitive matter is greatly appreciated.

Thank you!

Kaden

**From:** Kaden Koffler <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>

**Sent:** Tuesday, March 23, 2021 10:30 AM

**To:** Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)>; Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>

**Cc:** Lisa Lozier <[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)>

**Subject:** Re: 271 Industrial Park Way Weaverville cannabis nursery

Hi all,

Just checking in on this again. Haven't heard anything back from the last couple emails I sent. If we could get a green light on the site and floor plan we submitted ASAP, again just for the approved nursery, it would be greatly appreciated so we know we can finalize our building plans and submit. Again we are up against the clock here so really need some feedback ASAP please.

Thanks.

Kaden Koffler  
760-888-2571

On Mar 12, 2021, at 10:26 AM, [kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com) wrote:

Hi Kim,

Circling back on this to see if you've had a chance to review and if this is a go.

Please advise. Also can you give me an estimate of what our building plans submittal and permit fees are going to be so I have an idea now?

Thank you,

Kaden

**From:** Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)>  
**Sent:** Friday, March 5, 2021 4:30 PM  
**To:** 'kaden@kulturedcannabis.com' <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>; Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>  
**Cc:** Lisa Lozier <[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)>  
**Subject:** RE: 271 Industrial Park Way Weaverville cannabis nursery

Thanks Kaden,  
We'll review these and get back to you. K.

**From:** kaden@kulturedcannabis.com <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>  
**Sent:** Friday, March 5, 2021 4:25 PM  
**To:** Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)>; Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>  
**Cc:** Lisa Lozier <[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)>  
**Subject:** RE: 271 Industrial Park Way Weaverville cannabis nursery

Kim,

I absolutely agree. Again, we are NOT trying to add any additional uses at this time. All we are trying to do is get approval for our site plan for our approved nursery use from our CUP extension, that includes up to 6k sqft of greenhouse and up to 3,600 sqft of building consisting of conditioned space for cloning, R&D, storage, nursery retail. We are calling this a headhouse; the original applicant called his version an auxiliary building. The are one in the same and serve the same purpose.

I could have swore I sent over these attachments again attached here, consisting of the site plan which JUST has the approved nursery use in it, and the floor plan for that nursery use. This is all we want approved at this time so we can move forward with finalizing our building plans based on this site and floor plan to submit for approval, so we can break ground. My understanding is since we are not changing anything regarding the approved use other than shifting the approved sq footage into a different design, we should be good?

Please let me know if these attachments help clarify the issues I think we may be having some miscommunication over, and if so what the next steps are?

Thank you,

Kaden

**From:** Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)>  
**Sent:** Friday, March 5, 2021 3:23 PM  
**To:** 'kaden@kulturedcannabis.com' <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>; Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>  
**Cc:** Lisa Lozier <[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)>  
**Subject:** RE: 271 Industrial Park Way Weaverville cannabis nursery

Hi Kaden,

It is very important to get this CUP issued before it expires. To do this you need to:

1. Provide an accurate site plan that only shows only the uses approved by the Conditional Use Permit (no proposed or future uses); and
2. Complete the conditions that are required to have the license issued as soon as possible.

There is not enough time to make changes to the originally permitted uses and complete the additional environmental review for a deviation or modification of the CUP. We don't want to see this approved CUP expire! This is not the time to add uses. Only one extension of up to a year can be granted and if the CUP expires then you have to start the whole process over. My suggestion is to get the CUP issued and then apply for a modification/amendment to add additional uses and make any desired changes to the site or phases.

If you'd like we can set up a time to talk, just let me know. Thank you, K.

<image001.png>

**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)

**The Trinity County Building, Planning, Environmental Health Departments and Cannabis Division offices are open on a limited bases. Only one person/party is permitted at the lobby counter at one time and masks must be worn in the building to prevent the spread of COVID-19.**

**From:** [kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com) <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>

**Sent:** Friday, March 5, 2021 11:52 AM

**To:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>

**Cc:** Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)>; Lisa Lozier <[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)>

**Subject:** RE: 271 Industrial Park Way Weaverville cannabis nursery

Hi Bella,

Thanks for the email. Answers to your questions below. With reference to the COA, we began working on some of it but wanted to do it in conjunction with development of our building plans, so if we can get that approval of no substantial deviation we will move forward on all of this to get it completed and submitted asap.

Thanks and let me know if you have any more questions or need any more clarification.

Kaden

**From:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>

**Sent:** Friday, March 5, 2021 8:59 AM

**To:** 'kaden@kulturedcannabis.com' <kaden@kulturedcannabis.com>  
**Cc:** Kim Hunter <khunter@trinitycounty.org>; Lisa Lozier <llozier@trinitycounty.org>  
**Subject:** 271 Industrial Park Way Weaverville cannabis nursery

Hi Kaden,

During the previously mentioned conference call with me and Deputy Director Lisa Lozier, we informed you that changes to the site would not be approved under the use permit extension (P-20-21). Additionally, as you mentioned, we mentioned a use permit amendment may need to be submitted and approved for any potential site changes per Trinity County Code Section 17.32.060 (Deviation – Prior Approval Requirements). At this time, both site plans that were sent in your December 24<sup>th</sup>, 2020 email are not approved under the current use permit (P-17-51).

Per TCC 17.32.060 (Deviation – Prior Approval Requirements), the Planning Director may approve changes to the proposed project if such do not amount to the substantial deviations from the plans submitted to the planning commission. A "substantial deviation" is one that shall result in material change in the nature of the project when all the circumstances surrounding the issuance of this special permit are considered.

In order to provide the Director with additional information to determine if the proposed site changes constitute, a "Standard Deviation", we request the following additional information:

1. When are you proposing to implement Phase 2? We are aware Phase 2 would require an amended CUP or an additional CUP approval. Our goal first and foremost is to get the nursery built and operating. Phase 2 would come after.
2. Is the 3,240 sq. ft Headhouse proposed as a part of Phase 1 or Phase 2? The 3,240 sq ft headhouse is part of Phase 1 and is equivalent to what the original applicant had in his site plan as a detached 3,600 sqft "auxiliary building" to house cloning, R&D, break room, storage, and nursery retail. As you can see, our headhouse will have the same components, but is 400 less sqft, and will be attached to the gutter connected greenhouse. This will improve work flow efficiency, security, etc. This is a very commonly used model with high end gutter connected greenhouses, where the headhouse is engineered as part of the greenhouse kit, but obviously is built out to be enclosed conditioned space, and connects directly to the greenhouse area. My recollection from the conference call with the Deputy Director was that we could not exceed the approved sq footage parameters with a site plan change, but that less sq footage than what was approved is acceptable. To that point, our headhouse would be 3,240 sqft vs 3,600 as originally approved, and our greenhouse area will be a combined 5,760 sqft vs 6,000 as originally approved. The main reason for the small reduction in sq footages in our site plan compared to the original applicant's, is that gutter connected greenhouse structures come in increments of 12' lengths, so that was as close as we could get to the original sq footage approved while complying with the property setbacks.
3. Please provide building specifications for all proposed structures. The entire structure which includes the 3,240 sqft headhouse and attached 5,760 sqft greenhouse will be engineered to meet snow load requirements, security requirements, and everything else by Gro-Tech Systems and our architect Sean Freitas. If you take a look at the Gro-Tech estimate (I attached it here again), it gives specifications on a lot of the structure and components. What other specs would you need at this time before we actually finalize the complete building plans?
4. Is the parking lot going to be gravel or paved? We were likely going to do gravel, but if paving is required that's not a problem.

Additionally, our records indicate that you have not yet shown completion of Conditions that were required to be met prior to the issuance of the CUP (P-17-51). Please see the attached letter that was originally sent on June 7, 2019. This letter outlines which Conditions need to be completed prior to the issuance of the use permit, prior to the issuance of building permits and need to be met continuously. Please sign and mail back the attached Land Use Entitlement Form. For ease of communication, it is recommended that you turn in proof of completion of the items that need to be completed prior to building permit issuance with the building permit application packet.

Thank you,

*Bella Hedtke*

Associate Planner  
Trinity County Community Development Services  
(Planning Department)  
61 Airport Rd/PO Box 2819, Weaverville, CA 96093  
[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)  
530-623-1351 ex. 5

[Trinity County Planning Department Webpage](#)  
[Trinity County Cannabis Division Webpage](#)

<image002.png>

**The Trinity County Building, Planning, Environmental Health Departments and Cannabis Division offices will be closed from Wednesday, February 17<sup>th</sup> through Friday, February 26<sup>th</sup> due to COVID-19. Our offices are tentatively scheduled to re-open on a limited basis on Monday, March 1<sup>st</sup>.**

Confidentiality Notice: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have 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:** [kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com) <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>  
**Sent:** Thursday, December 24, 2020 12:24 PM  
**To:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>  
**Subject:** 271 Industrial Park Way Weaverville cannabis nursery

Hi Bella,

First off Happy Holidays! I know it's been a while, but just to refresh your memory, sometime back during a zoom hearing we got our CUP extended through June 7, 2021 I believe. At that time you informed me there were some changes going on in Planning Dept personnel. Not sure if this has all been worked out, but we are ready to move forward on this project so if you can loop in whoever needs to be in on this convo we would appreciate it.

As we've mentioned both to you and to other Planners on a conference call and email communication in the past, we redesigned the layout of the nursery from how the original applicant we purchased the property had it.

The reason we did this was

1) to consolidate the nursery into an all-around much better and higher end gutter connected structure, that will house everything in the same building, improving work flow, efficiency, and every other attribute of the project, and

2) to leave space to add an additional gutter connected greenhouse bay for the nursery and on the opposite side of the property for another potential building to house distribution, manufacturing, and potentially a testing lab. We realize additional nursery sq footage and distro, manufacturing, and testing lab approval will require an additional or amended CUP to be approved, but wanted to remind you of our longer-term plans for this property to serve the Trinity County cultivation community as a hub for genetics, clones, and teens from the nursery on their production side, and also on the post-production side for processing, manufacturing, and distribution of their cannabis flower and biomass. We feel this would be a tremendous benefit to the cannabis industry in the County, and would provide many jobs for the community of Weaverville.

We redesigned the nursery so that it still complies with all the sq footage and other requirements in our CUP, so we don't feel it should be any issue.

I'm attaching what we have so far as a site plan that shows our approved CUP for a nursery as "phase 1" and additional nursery sq footage attached as another gutter connected bay and a separate building for distribution, manufacturing, and testing lab as "phase 2".

Also attached is a site plan and floorplan with just "phase 1", and an estimate with structure details from our greenhouse partner on this project Gro-Tech (so you can see the higher end nature of this structure), again for what we currently have approved in our CUP. We'd like to get a nod of approval about moving forward in this way on this project so we can wrap up building plans for phase 1 and get them submitted and approved. Our understanding is that we have to be breaking ground by the CUP expiration date, so we don't want to delay any longer, and ideally want to be built and operational with product from the nursery for sale this coming season.

Please let me know your thoughts.

Much appreciated.

Kaden

# EXHIBIT D

**From:** Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)>  
**Sent:** Wednesday, July 14, 2021 11:47 AM  
**To:** 'kaden@kulturedcannabis.com' <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>  
**Cc:** Lisa Lozier <[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)>; Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>  
**Subject:** RE: CUP 17-51  
**Importance:** High

Kaden,

Lisa is out this week so I'm replying to your email. Planning Staff has carefully reviewed the code section you cite and the status of the use being established for this CUP. No building permit was secured during the three year period. While it was difficult to reach staff this last year due to COVID and limited staff members, you were provided assistance by both Bella and Lisa. I've attached an email from Bella sent to you in 2019 that clearly outlines what is needed to be able to obtain a building permit and establish the proposed use.

We interpret the language and intent of Section 17.32.050 to allow only one extension not to exceed one year. This is staff's interpretation. You may appeal that interpretation to the Planning Commission within 10 working days from today. The appeal fee is \$500.00 and the appeal application form can be found at:

<https://www.trinitycounty.org/sites/default/files/Planning/documents/Forms/Appeal%20Form%20%28PD%20Decision%20to%20PC%29.pdf>

Another option is to reapply for the CUP. The CEQA is already completed which will expedite the process. 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)

**The Trinity County Building, Planning, Environmental Health Departments and Cannabis Division offices are open on a limited basis. Only one person/party is permitted at the lobby counter at one time and masks must be worn in the building to prevent the spread of COVID-19.**



This is a "printer friendly" page. Please use the "print" option in your browser to print this screen.

## ACI PAYMENTS, INC.



### Trinity County, CA Online Payments Planning

**Confirmation Number:**

50376913

**Payment Date:**

Wednesday, July 28, 2021

**Payment Time:**

12:30PM PT

#### Payer Information

Name: Kaden Koffler  
Street Address: 3450 1st Ave  
Sacramento, CA 95817  
United States  
Daytime Phone Number: (760) 889 - 2571  
E-mail Address: kaden@kulturedcannabis.com  
Select Permit Number or Parcel Number: Permit Number  
Enter Permit Number or Parcel Number: P-21-29

#### Card Information

Card Type: Visa  
Card Number: \*\*\*\*\*2707  
Card Verification Number: \*\*\*\*

#### Payment Information

Payment Type: Planning  
Payment Amount: \$500.00  
Convenience Fee: \$12.50  
Total Payment: \$512.50

#### RIGHT TO REFUND

You, the customer, are entitled to a refund of the money to be transmitted as the result of this agreement if ACI Payments, Inc. does not forward the money received from you within 10 days of the date of its receipt, or does not give instructions committing an equivalent amount of money to the person designated by you within 10 days of the date of the receipt of the funds from you unless otherwise instructed by you. If your instructions as to when the moneys shall be forwarded or transmitted are not complied with and the money has not yet been forwarded or transmitted, you have a right to a refund of your money. If you want a refund, you must mail or deliver your written request to ACI Payments, Inc. at 6060 Coventry Drive, Elkhorn, NE 68022. If you do not receive your refund, you may be entitled to your money back plus a penalty of up to \$1,000 and attorney's fees pursuant to section 2102 of the California Financial Code. Thank you for using ACI Payments, Inc. If you have a question regarding your payment, please call us toll free at 1-800-487-4567. To make payments in the future, please visit our website at [acipayonline.com](http://acipayonline.com).

Back

Copyright © 2021 ACI Payments, Inc. All Rights Reserved.  
ACI Payments, Inc. is licensed as a money transmitter by the New York State Department of Financial Services, the Georgia Department of Banking and Finance, and by all other states and territories, where required. NMLS #936777. 6060 Coventry Dr, Elkhorn NE 68022. 1-800-487-4567

**ATTACHMENT TO CONDITIONAL USE PERMIT  
SJH TIMBER, INC. P-17-51**

**CONDITIONS OF APPROVAL**

1. No fuel shall be stored on site except for truck-mounted tanks of fuel that are necessary for operations. In addition, a spill containment kit, containing absorbent materials sufficient to contain the volume of the largest container of fuels or oils on site, shall be kept on site at all times. Employees shall be educated on the location of the kit and the proper use of the equipment prior to the start of work.
2. A Hazardous Materials Business Plan shall be submitted for review and approval by the Environmental Health Specialist prior to issuance of building permits.
3. The retail portion of the entire operation shall not exceed 1,080 square feet (ten percent of a total of 10,800 square feet).
4. The Trinity Alps Business Park development standards require that a Grading and Drainage Plan, including erosion control measures, where necessary, shall be submitted to the county Department of Transportation for review and approval prior to issuance of the use permit and building permits. Staff shall evaluate the potential flooding issue and recommend any required remediation.
5. A 100-foot setback from the dripline or riparian edge, whichever is greater, shall be designated on the site plan before building permits are issued.
6. A Lake or Streambed Alteration Agreement (LSAA) or written verification that an LSAA is not required shall be demonstrated by the applicant prior to issuance of the use permit.
7. All measures shall be implemented to control and contain odors that may emanate from the all operations.
8. Any light and glare from nursery facilities and other activities shall be shielded or otherwise mitigated so as not to emanate onto neighboring properties or residential areas.
9. A security system and plan, as approved by County BOS Representative, shall be developed prior to issuance of building permits. Cannabis nurseries shall have security measures, including fencing, sufficient to restrict access and deter trespass and theft of Cannabis or Cannabis products. Fencing shall include a lockable gate that is locked at all times when the property owner and/or employees are not on the premises. Fencing shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth, although shade cloth may be used on the inside of the fence.

10. A Wastewater Discharge Permit shall be obtained from the Weaverville Sanitary District prior to commencement of operations.

11. A parking and internal circulation plan, at a larger scale and showing both one and two access points, be submitted to the Planning Department for approval as part of building plan submittal.

**RESOLUTION NO. PC-2020-11**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF TRINITY**

**Approving a one-year Extension of Time P-20-21 for Conditional Use Permit P-17-51  
(Koffler)**

**WHEREAS**, the Trinity County Planning Department has considered a request for an extension of time for Conditional Use Permit P-17-51, filed by Kaden Koffler, in accordance with Title 17, Trinity County Zoning Code Section 17.32.050(D); and

**WHEREAS**, approved Conditional Use Permits must be established within two years of issuance; and

**WHEREAS**, the legislative bodies or advisory agency may extend the expiration date of approved Conditional Use Permits in accordance with the local ordinance; and

**WHEREAS**, the Planning Commission held a public hearing and considered this matter at the regular meeting held on September 10, 2020.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission of the County of Trinity:

1. Finds the requested extension of time to be exempt from the requirements of the California Environmental Quality Act under the General Rule exemption 15061(b)(3) on the basis that there are no substantial changes to the project or to circumstances under which the project is proposed to be undertaken, and no new information has become available or been made known showing unanalyzed environmental effects; and
2. Makes the following map findings:
  - A. That an extension of time to June 7, 2021, may be granted in accordance with the Title 17, Trinity County Zoning Code Section 17.32.050(D)
  - B. That no evidence has been presented which would substantiate denial of the extension of time.
  - C. That the Conditional Use Permit P-17-51 is substantially the same as the original approved project.
3. Approves the one-year extension of time set to expire June 7, 2021, for Conditional Use Permit P-20-21, subject to the conditions of approval adopted on May 24, 2018.

*Attachment 4*

Resolution No. PC-2020-11  
September 10, 2020

**DULY PASSED AND ADOPTED** this 10<sup>th</sup> day of September, 2020 by the Planning Commission of the County of Trinity by the following vote:

AYES: Commissioners – McIntosh, Stewart, Matthews

NAYS: Commissioners – McHugh

ABSENT: - Commissioner - Frasier

ABSTAIN:

RECUSE:



---

GRAHAM MATTHEWS, Commissioner  
Planning Commission  
County of Trinity  
State of California

ATTEST:

By:



---

KIMBERLY HUNTER  
Secretary of the Planning Commission  
County of Trinity, State of California

## Lisa Lozier

---

**From:** kaden@kulturedcannabis.com  
**Sent:** Wednesday, July 14, 2021 11:28 AM  
**To:** Lisa Lozier  
**Cc:** Bella Hedtke; Kim Hunter  
**Subject:** RE: CUP 17-51

Hello Lisa,

I called and left you a voicemail a week or 2 ago but haven't received a call back as far as I know.

I looked into the code you referenced below and I have some questions for you.

17.32.050(D) states:

"Extension of Time. Upon show of good cause by the applicant, the planning commission or planning director, whomever issued the use permit, may grant an extension of time not to exceed one year. A public hearing shall not be required unless specified by the planning commission. A request for extension of time shall be subject to a filing fee as specified by the board of supervisors.

I had been told over and over from multiple people in Planning, both verbally and in emails, that we would not be allowed any more than one 1-year extension. We were granted one, and because it was our understanding from Planning that was the one and only allowed, we didn't bother submitting an application and paying the fee for an additional extension.

The wording "...may grant an extension of time not to exceed one year" to me doesn't put any limitations on multiple extensions being granted through the extension application process, but rather that a granted extension can not exceed in duration 1 year.

Again, we have expended a lot of time, money, and other resources into the development of this project. We've been ready for some time now to have all our building plans wrapped up and the CUP Conditions of Approval fulfilled, and to start breaking ground.

Over a long period of time we found it very difficult to get either phone or email responses when we asked for feedback or confirmation our site plan and design change did not represent a standard deviation from the originally approved CUP design. We realize COVID impacts may have caused some of this, and in our experience most jurisdictions have been taking that into account.

We would like to file for an extension and pay the fee to be approved retroactively from the date of expiration last month. Not having this approval will cost significant resources and delay indefinitely construction/operations. Our last extension was approved and retroactively applied, so I don't see any reason the same can't be done again.

The ultimate goal here is in a timely manner develop a property with an approved use that is currently sitting idle because of this issue.

Please let me know if this is something we can get done.

Thank you,

Kaden Koffler  
760-889-2571

**From:** Lisa Lozier <llozier@trinitycounty.org>  
**Sent:** Thursday, June 10, 2021 12:41 PM  
**To:** 'kaden@kulturedcannabis.com' <kaden@kulturedcannabis.com>  
**Cc:** Bella Hedtke <bhedtke@trinitycounty.org>; Kim Hunter <khunter@trinitycounty.org>  
**Subject:** CUP 17-51

Mr. Koffler,

Director Hunter is currently unavailable. In regard to Conditional Use Permit p-17-51, the Extension of Time approved on September 10<sup>th</sup>, 2020 listed the expiration date of this project for June 7, 2021. This project is currently expired. Please find attached Resolution which outlines the expiration date for Conditional Use Permit.

Regards,  
Lisa

*Lisa Lozier, AICP*  
**Deputy Director of Planning**  
County of Trinity  
61 Airport Road | Po Box 2819  
Weaverville CA 96093-2819  
[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)



**Lisa Lozier**

---

**From:** kaden@kulturedcannabis.com  
**Sent:** Wednesday, July 14, 2021 3:22 PM  
**To:** Kim Hunter  
**Cc:** Lisa Lozier; Bella Hedtke  
**Subject:** RE: CUP 17-51

Kim,

Thank you for the prompt response. It is very much appreciated.

My issue has not been with Planning not being clear about the CUP COA's we needed to have fulfilled in addition to the building permit.

My issue was with the lack of communication on our request for feedback on our site and design changes.

We put a lot of effort and thought into improving the design, efficiency, and work flow for the nursery facility on this property as compared to how the original applicant had it.

Our architect advised us though to please get a nod of approval from Planning on the modifications we made to the site and floor plans before they take the next step of putting everything into 3D and running all the engineering, mechanical, and everything else, because if in the end Planning rejects it for whatever reason, we will be out a bunch of money and time and have to put a bunch more money and time back in to do it all over again. I hope you can understand this is the source of my frustration as I sent multiple emails with our updated site and floor plans asking for some confirmation and rarely would ever get a response or any feedback.

We plan to appeal the interpretation through the process you described below.

For my information, can you please describe what a new CUP process would look like for this and fees and timelines?

Kaden

**From:** Kim Hunter <khunter@trinitycounty.org>  
**Sent:** Wednesday, July 14, 2021 11:47 AM  
**To:** 'kaden@kulturedcannabis.com' <kaden@kulturedcannabis.com>  
**Cc:** Lisa Lozier <llozier@trinitycounty.org>; Bella Hedtke <bhedtke@trinitycounty.org>  
**Subject:** RE: CUP 17-51  
**Importance:** High

Kaden,

Lisa is out this week so I'm replying to your email. Planning Staff has carefully reviewed the code section you cite and the status of the use being established for this CUP. No building permit was secured during the three year period. While it was difficult to reach staff this last year due to COVID and limited staff members, you were provided assistance by both Bella and Lisa. I've attached an email from Bella sent to you in 2019 that clearly outlines what is needed to be able to obtain a building permit and establish the proposed use.



We interpret the language and intent of Section 17.32.050 to allow only one extension not to exceed one year. This is staff's interpretation. You may appeal that interpretation to the Planning Commission within 10 working days from today. The appeal fee is \$500.00 and the appeal application form can be found at:  
<https://www.trinitycounty.org/sites/default/files/Planning/documents/Forms/Appeal%20Form%20%28PD%20Decision%20to%20PC%29.pdf>

Another option is to reapply for the CUP. The CEQA is already completed which will expedite the process. 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)

**The Trinity County Building, Planning, Environmental Health Departments and Cannabis Division offices are open on a limited basis. Only one person/party is permitted at the lobby counter at one time and masks must be worn in the building to prevent the spread of COVID-19.**

**From:** [kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com) <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>

**Sent:** Wednesday, July 14, 2021 11:28 AM

**To:** Lisa Lozier <[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)>

**Cc:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>; Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)>

**Subject:** RE: CUP 17-51

Hello Lisa,

I called and left you a voicemail a week or 2 ago but haven't received a call back as far as I know.

I looked into the code you referenced below and I have some questions for you.

17.32.050(D) states:

"Extension of Time. Upon show of good cause by the applicant, the planning commission or planning director, whomever issued the use permit, may grant an extension of time not to exceed one year. A public hearing shall not be required unless specified by the planning commission. A request for extension of time shall be subject to a filing fee as specified by the board of supervisors.

I had been told over and over from multiple people in Planning, both verbally and in emails, that we would not be allowed any more than one 1-year extension. We were granted one, and because it was our understanding from Planning that was the one and only allowed, we didn't bother submitting an application and paying the fee for an additional extension.

The wording "...may grant an extension of time not to exceed one year" to me doesn't put any limitations on multiple extensions being granted through the extension application process, but rather that a granted extension can not exceed in duration 1 year.

Again, we have expended a lot of time, money, and other resources into the development of this project. We've been ready for some time now to have all our building plans wrapped up and the CUP Conditions of Approval fulfilled, and to start breaking ground.

Over a long period of time we found it very difficult to get either phone or email responses when we asked for feedback or confirmation our site plan and design change did not represent a standard deviation from the originally approved CUP design. We realize COVID impacts may have caused some of this, and in our experience most jurisdictions have been taking that into account.

We would like to file for an extension and pay the fee to be approved retroactively from the date of expiration last month. Not having this approval will cost significant resources and delay indefinitely construction/operations. Our last extension was approved and retroactively applied, so I don't see any reason the same can't be done again.

The ultimate goal here is in a timely manner develop a property with an approved use that is currently sitting idle because of this issue.

Please let me know if this is something we can get done.

Thank you,

Kaden Koffler  
760-889-2571

**From:** Lisa Lozier <[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)>  
**Sent:** Thursday, June 10, 2021 12:41 PM  
**To:** 'kaden@kulturedcannabis.com' <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>  
**Cc:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>; Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)>  
**Subject:** CUP 17-51

Mr. Koffler,

Director Hunter is currently unavailable. In regard to Conditional Use Permit p-17-51, the Extension of Time approved on September 10<sup>th</sup>, 2020 listed the expiration date of this project for June 7, 2021. This project is currently expired. Please find attached Resolution which outlines the expiration date for Conditional Use Permit.

Regards,  
Lisa

*Lisa Lozier, AICP*  
**Deputy Director of Planning**  
County of Trinity  
61 Airport Road | Po Box 2819  
Weaverville CA 96093-2819  
[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)



## Lisa Lozier

---

**From:** Bella Hedtke  
**Sent:** Friday, March 5, 2021 8:59 AM  
**To:** 'kaden@kulturedcannabis.com'  
**Cc:** Kim Hunter; Lisa Lozier  
**Subject:** 271 Industrial Park Way Weaverville cannabis nursery  
**Attachments:** 20200331 KADEN KOFFLER 271 INDUSTRIAL PARKWAY WEAVERVILLE CA 96093-PHASE1 SITE.pdf; 271 Industrial Parkway\_SITE PLAN REVISED.pdf; XREF\_DESIGN\_3FLOORPLAN2B-Model.pdf; Est\_2606\_from\_GroTech\_Systems\_Inc.\_87424.pdf; FINAL COA Follow-Up Letter for Kultured Cannabis PDF.pdf; Land Use Entitlement Form with COA list.pdf

Hi Kaden,

During the previously mentioned conference call with me and Deputy Director Lisa Lozier, we informed you that changes to the site would not be approved under the use permit extension (P-20-21). Additionally, as you mentioned, we mentioned a use permit amendment may need to be submitted and approved for any potential site changes per [Trinity County Code Section 17.32.060 \(Deviation – Prior Approval Requirements\)](#). At this time, both site plans that were sent in your December 24<sup>th</sup>, 2020 email are not approved under the current use permit (P-17-51).

Per TCC 17.32.060 (Deviation – Prior Approval Requirements), the Planning Director may approve changes to the proposed project if such do not amount to the substantial deviations from the plans submitted to the planning commission. A "substantial deviation" is one that shall result in material change in the nature of the project when all the circumstances surrounding the issuance of this special permit are considered.

In order to provide the Director with additional information to determine if the proposed site changes constitute, a "Standard Deviation", we request the following additional information:

1. When are you proposing to implement Phase 2?
2. Is the 3,240 sq. ft Headhouse proposed as a part of Phase 1 or Phase 2?
3. Please provide building specifications for all proposed structures.
4. Is the parking lot going to be gravel or paved?

Additionally, our records indicate that you have not yet shown completion of Conditions that were required to be met prior to the issuance of the CUP (P-17-51). Please see the attached letter that was originally sent on June 7, 2019. This letter outlines which Conditions need to be completed prior to the issuance of the use permit, prior to the issuance of building permits and need to be met continuously. Please sign and mail back the attached Land Use Entitlement Form. For ease of communication, it is recommended that you turn in proof of completion of the items that need to be completed prior to building permit issuance with the building permit application packet.

Thank you,

*Bella Hedtke*

Associate Planner  
Trinity County Community Development Services  
(Planning Department)  
61 Airport Rd/PO Box 2819, Weaverville, CA 96093  
[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)

[Trinity County Planning Department Webpage](#)  
[Trinity County Cannabis Division Webpage](#)



**The Trinity County Building, Planning, Environmental Health Departments and Cannabis Division offices will be closed from Wednesday, February 17<sup>th</sup> through Friday, February 26<sup>th</sup> due to COVID-19. Our offices are tentatively scheduled to re-open on a limited basis on Monday, March 1<sup>st</sup>.**

Confidentiality Notice: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have 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:** kaden@kulturedcannabis.com <kaden@kulturedcannabis.com>

**Sent:** Thursday, December 24, 2020 12:24 PM

**To:** Bella Hedtke <bhedtke@trinitycounty.org>

**Subject:** 271 Industrial Park Way Weaverville cannabis nursery

Hi Bella,

First off Happy Holidays! I know it's been a while, but just to refresh your memory, sometime back during a zoom hearing we got our CUP extended through June 7, 2021 I believe. At that time you informed me there were some changes going on in Planning Dept personnel. Not sure if this has all been worked out, but we are ready to move forward on this project so if you can loop in whoever needs to be in on this convo we would appreciate it.

As we've mentioned both to you and to other Planners on a conference call and email communication in the past, we redesigned the layout of the nursery from how the original applicant we purchased the property had it.

The reason we did this was

- 1) to consolidate the nursery into an all-around much better and higher end gutter connected structure, that will house everything in the same building, improving work flow, efficiency, and every other attribute of the project, and
- 2) to leave space to add an additional gutter connected greenhouse bay for the nursery and on the opposite side of the property for another potential building to house distribution, manufacturing, and potentially a testing lab. We realize additional nursery sq footage and distro, manufacturing, and testing lab approval will require an additional or amended CUP to be approved, but wanted to remind you of our longer-term plans for this property to serve the Trinity County cultivation community as a hub for genetics, clones, and teens from the nursery on their production side, and also on the post-production side for processing, manufacturing, and distribution of their cannabis flower and biomass. We feel this would be a tremendous benefit to the cannabis industry in the County, and would provide many jobs for the community of Weaverville.

We redesigned the nursery so that it still complies with all the sq footage and other requirements in our CUP, so we don't feel it should be any issue.

I'm attaching what we have so far as a site plan that shows our approved CUP for a nursery as "phase 1" and additional nursery sq footage attached as another gutter connected bay and a separate building for distribution, manufacturing, and testing lab as "phase 2".

Also attached is a site plan and floorplan with just "phase 1", and an estimate with structure details from our greenhouse partner on this project Gro-Tech (so you can see the higher end nature of this structure), again for what we currently have approved in our CUP. We'd like to get a nod of approval about moving forward in this way on this project so we can wrap up building plans for phase 1 and get them submitted and approved. Our understanding is that we have to be breaking ground by the CUP expiration date, so we don't want to delay any longer, and ideally want to be built and operational with product from the nursery for sale this coming season.

Please let me know your thoughts.

Much appreciated.

Kaden

## Lisa Lozier

---

**From:** kaden@kulturedcannabis.com  
**Sent:** Friday, March 5, 2021 4:25 PM  
**To:** Kim Hunter; Bella Hedtke  
**Cc:** Lisa Lozier  
**Subject:** RE: 271 Industrial Park Way Weaverville cannabis nursery  
**Attachments:** 20200331 KADEN KOFFLER 271 INDUSTRIAL PARKWAY WEAVERVILLE CA 96093.pdf; XREF\_DESIGN\_3FLOORPLAN2B-Model.pdf

Kim,

I absolutely agree. Again, we are NOT trying to add any additional uses at this time. All we are trying to do is get approval for our site plan for our approved nursery use from our CUP extension, that includes up to 6k sqft of greenhouse and up to 3,600 sqft of building consisting of conditioned space for cloning, R&D, storage, nursery retail. We are calling this a headhouse; the original applicant called his version an auxiliary building. They are one in the same and serve the same purpose.

I could have sworn I sent over these attachments again attached here, consisting of the site plan which JUST has the approved nursery use in it, and the floor plan for that nursery use. This is all we want approved at this time so we can move forward with finalizing our building plans based on this site and floor plan to submit for approval, so we can break ground. My understanding is since we are not changing anything regarding the approved use other than shifting the approved sq footage into a different design, we should be good?

Please let me know if these attachments help clarify the issues I think we may be having some miscommunication over, and if so what the next steps are?

Thank you,

Kaden

**From:** Kim Hunter <khunter@trinitycounty.org>  
**Sent:** Friday, March 5, 2021 3:23 PM  
**To:** 'kaden@kulturedcannabis.com' <kaden@kulturedcannabis.com>; Bella Hedtke <bhedtke@trinitycounty.org>  
**Cc:** Lisa Lozier <llozier@trinitycounty.org>  
**Subject:** RE: 271 Industrial Park Way Weaverville cannabis nursery

Hi Kaden,

It is very important to get this CUP issued before it expires. To do this you need to:

1. Provide an accurate site plan that only shows only the uses approved by the Conditional Use Permit (no proposed or future uses); and
2. Complete the conditions that are required to have the license issued as soon as possible.

There is not enough time to make changes to the originally permitted uses and complete the additional environmental review for a deviation or modification of the CUP. We don't want to see this approved CUP expire! This is not the time to add uses. Only one extension of up to a year can be granted and if the CUP expires then you have to start the whole process over. My suggestion is to get the CUP issued and then apply for a modification/amendment to add additional uses and make any desired changes to the site or phases.

If you'd like we can set up a time to talk, just let me know. Thank you, 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)

The Trinity County Building, Planning, Environmental Health Departments and Cannabis Division offices are open on a limited bases. Only one person/party is permitted at the lobby counter at one time and masks must be worn in the building to prevent the spread of COVID-19.

---

**From:** [kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com) <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>

**Sent:** Friday, March 5, 2021 11:52 AM

**To:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>

**Cc:** Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)>; Lisa Lozier <[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)>

**Subject:** RE: 271 Industrial Park Way Weaverville cannabis nursery

Hi Bella,

Thanks for the email. Answers to your questions below. With reference to the COA, we began working on some of it but wanted to do it in conjunction with development of our building plans, so if we can get that approval of no substantial deviation we will move forward on all of this to get it completed and submitted asap.

Thanks and let me know if you have any more questions or need any more clarification.

Kaden

---

**From:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>

**Sent:** Friday, March 5, 2021 8:59 AM

**To:** 'kaden@kulturedcannabis.com' <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>

**Cc:** Kim Hunter <[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)>; Lisa Lozier <[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)>

**Subject:** 271 Industrial Park Way Weaverville cannabis nursery

Hi Kaden,

During the previously mentioned conference call with me and Deputy Director Lisa Lozier, we informed you that changes to the site would not be approved under the use permit extension (P-20-21). Additionally, as you mentioned, we mentioned a use permit amendment may need to be submitted and approved for any potential site changes per [Trinity County Code Section 17.32.060 \(Deviation – Prior Approval Requirements\)](#). At this time, both site plans that were sent in your December 24<sup>th</sup>, 2020 email are not approved under the current use permit (P-17-51).



Per TCC 17.32.060 (Deviation – Prior Approval Requirements), the Planning Director may approve changes to the proposed project if such do not amount to the substantial deviations from the plans submitted to the planning commission. A "substantial deviation" is one that shall result in material change in the nature of the project when all the circumstances surrounding the issuance of this special permit are considered.

In order to provide the Director with additional information to determine if the proposed site changes constitute, a "Standard Deviation", we request the following additional information:

1. When are you proposing to implement Phase 2? We are aware Phase 2 would require an amended CUP or an additional CUP approval. Our goal first and foremost is to get the nursery built and operating. Phase 2 would come after.
2. Is the 3,240 sq. ft Headhouse proposed as a part of Phase 1 or Phase 2? The 3,240 sq ft headhouse is part of Phase 1 and is equivalent to what the original applicant had in his site plan as a detached 3,600 sqft "auxiliary building" to house cloning, R&D, break room, storage, and nursery retail. As you can see, our headhouse will have the same components, but is 400 less sqft, and will be attached to the gutter connected greenhouse. This will improve work flow efficiency, security, etc. This is a very commonly used model with high end gutter connected greenhouses, where the headhouse is engineered as part of the greenhouse kit, but obviously is built out to be enclosed conditioned space, and connects directly to the greenhouse area. My recollection from the conference call with the Deputy Director was that we could not exceed the approved sq footage parameters with a site plan change, but that less sq footage than what was approved is acceptable. To that point, our headhouse would be 3,240 sqft vs 3,600 as originally approved, and our greenhouse area will be a combined 5,760 sqft vs 6,000 as originally approved. The main reason for the small reduction in sq footages in our site plan compared to the original applicant's, is that gutter connected greenhouse structures come in increments of 12' lengths, so that was as close as we could get to the original sq footage approved while complying with the property setbacks.
3. Please provide building specifications for all proposed structures. The entire structure which includes the 3,240 sqft headhouse and attached 5,760 sqft greenhouse will be engineered to meet snow load requirements, security requirements, and everything else by Gro-Tech Systems and our architect Sean Freitas. If you take a look at the Gro-Tech estimate (I attached it here again), it gives specifications on a lot of the structure and components. What other specs would you need at this time before we actually finalize the complete building plans?
4. Is the parking lot going to be gravel or paved? We were likely going to do gravel, but if paving is required that's not a problem.

Additionally, our records indicate that you have not yet shown completion of Conditions that were required to be met prior to the issuance of the CUP (P-17-51). Please see the attached letter that was originally sent on June 7, 2019. This letter outlines which Conditions need to be completed prior to the issuance of the use permit, prior to the issuance of building permits and need to be met continuously. Please sign and mail back the attached Land Use Entitlement Form. For ease of communication, it is recommended that you turn in proof of completion of the items that need to be completed prior to building permit issuance with the building permit application packet.

Thank you,

*Bella Hedtke*

Associate Planner  
Trinity County Community Development Services  
(Planning Department)  
61 Airport Rd/PO Box 2819, Weaverville, CA 96093  
[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)  
530-623-1351 ex. 5



**The Trinity County Building, Planning, Environmental Health Departments and Cannabis Division offices will be closed from Wednesday, February 17<sup>th</sup> through Friday, February 26<sup>th</sup> due to COVID-19. Our offices are tentatively scheduled to re-open on a limited basis on Monday, March 1<sup>st</sup>.**

Confidentiality Notice: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have 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:** [kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com) <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>

**Sent:** Thursday, December 24, 2020 12:24 PM

**To:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>

**Subject:** 271 Industrial Park Way Weaverville cannabis nursery

Hi Bella,

First off Happy Holidays! I know it's been a while, but just to refresh your memory, sometime back during a zoom hearing we got our CUP extended through June 7, 2021 I believe. At that time you informed me there were some changes going on in Planning Dept personnel. Not sure if this has all been worked out, but we are ready to move forward on this project so if you can loop in whoever needs to be in on this convo we would appreciate it.

As we've mentioned both to you and to other Planners on a conference call and email communication in the past, we redesigned the layout of the nursery from how the original applicant we purchased the property had it.

The reason we did this was

- 1) to consolidate the nursery into an all-around much better and higher end gutter connected structure, that will house everything in the same building, improving work flow, efficiency, and every other attribute of the project, and
- 2) to leave space to add an additional gutter connected greenhouse bay for the nursery and on the opposite side of the property for another potential building to house distribution, manufacturing, and potentially a testing lab. We realize additional nursery sq footage and distro, manufacturing, and testing lab approval will require an additional or amended CUP to be approved, but wanted to remind you of our longer-term plans for this property to serve the Trinity County cultivation community as a hub for genetics, clones, and teens from the nursery on their production side, and also on the post-production side for processing, manufacturing, and distribution of their cannabis flower and biomass. We feel this would be a tremendous benefit to the cannabis industry in the County, and would provide many jobs for the community of Weaverville.

We redesigned the nursery so that it still complies with all the sq footage and other requirements in our CUP, so we don't feel it should be any issue.

I'm attaching what we have so far as a site plan that shows our approved CUP for a nursery as "phase 1" and additional nursery sq footage attached as another gutter connected bay and a separate building for distribution, manufacturing, and testing lab as "phase 2".

Also attached is a site plan and floorplan with just "phase 1", and an estimate with structure details from our greenhouse partner on this project Gro-Tech (so you can see the higher end nature of this structure), again for what we currently have approved in our CUP. We'd like to get a nod of approval about moving forward in this way on this project so we can wrap up building plans for phase 1 and get them submitted and approved. Our understanding is that we have to be breaking ground by the CUP expiration date, so we don't want to delay any longer, and ideally want to be built and operational with product from the nursery for sale this coming season.

Please let me know your thoughts.

Much appreciated.

Kaden

## Lisa Lozier

---

**From:** Bella Hedtke  
**Sent:** Sunday, May 17, 2020 1:55 PM  
**To:** 'kaden@kulturedcannabis.com'  
**Cc:** Lisa Lozier  
**Subject:** RE: Use Permit (P-17-51) Extension Process

**Importance:** High

Hi Kaden,

I will be out of the office next week so I am forwarding your email to Lisa Lozier, Deputy Director of Planning. This way you can receive assistance in advance of the CUP's expiration date.

Best wishes,

*Bella Hedtke*

Associate Planner  
Trinity County Community Development Services  
(Planning Department)  
61 Airport Rd/PO Box 2819, Weaverville, CA 96093  
[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)  
530-623-1351 ex. 5

[Trinity County Planning Department Webpage](#)  
[Trinity County Cannabis Division Webpage](#)

**Our office is currently closed to the public due to COVID-19 related concerns. Please visit the [Trinity County Planning Department Webpage](#) for updated information.**

Confidentiality Notice: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have 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:** kaden@kulturedcannabis.com <kaden@kulturedcannabis.com>  
**Sent:** Friday, May 15, 2020 9:55 PM  
**To:** Bella Hedtke <bhedtke@trinitycounty.org>  
**Subject:** RE: Use Permit (P-17-51) Extension Process

Hi Bella,

Sorry I haven't gotten back to you yet. I've been gameplanning with our team. Our architect is in the process of drawing up our building plans as we speak. They just got going within the last week. If we can show the County we are in process to submit building plans will that suffice to keep our CUP current? What would we actually have to be doing by June 7 to not jeopardize an expiration?

I'm happy to send in the renewal app with payment as well but just wanted to give you an update to confirm the renewal is necessary if we show you our architect is putting together plans to submit shortly.

Thanks and stay well.

Kaden

**From:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>  
**Sent:** Monday, May 04, 2020 9:00 AM  
**To:** 'Kaden Koffler' <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>  
**Subject:** Use Permit (P-17-51) Extension Process

Good Morning Kaden,

I hope all is well.

As you know, Use Permit (P-17-51) is set to expire on June 7, 2020.

In order to extend your use permit, we advise you to submit the following items as soon as possible and no later than June 5th:

1. Signed application coversheet (attached).
2. A written request for the one year extension with an explanation of why the use has not yet been established.
3. \$576 fee written to Trinity County Planning Department (or TCPD).

Due to COVID-19 concerns we are not taking cash right now. You can either mail (PO Box 2819, Weaverville, CA 96093) the application and letter with a check or money order or drop the materials off in our drop box near our front door (61 Airport Rd, Weaverville, CA 96093).

The Planning Commission would have to grant this extension because they were the original approving body. Due to COVID-19 concerns our Planning Commission meetings have been mostly rescheduled. The Director, Kim Hunter, has advised me that it is unlikely that we will be able to schedule a hearing to process your use permit extension request prior to its expiration date, but as long as we receive an application, letter and fee prior to June 5<sup>th</sup> then you're fine.

Feel free to reach out to me if you have any questions.

Best wishes,

*Bella Hedtke*

Associate Planner  
Trinity County Community Development Services  
(Planning Department & Cannabis Division)  
61 Airport Rd, Weaverville, CA 96093  
Box 2819, Weaverville, CA 96093  
[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)  
530-623-1351 ex. 5

[Trinity County Planning Department Webpage](#)  
[Trinity County Cannabis Division Webpage](#)

**Our office is currently closed to the public due to COVID-19 related concerns. Please visit the [Trinity County Planning Department Webpage](#) for updated information.**

Confidentiality Notice: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have 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 .

**Lisa Lozier**

---

**From:** Bella Hedtke  
**Sent:** Tuesday, July 7, 2020 9:12 AM  
**To:** Lisa Lozier  
**Subject:** FW: Nursery Conditional Use Permit COA Letter Next Steps  
**Attachments:** FINAL COA Follow-Up Letter for Kultured Cannabis PDF.pdf; Land Use Entitlement Form with COA list.pdf; scanned SR and minutes.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

*Bella Hedtke*

Associate Planner  
Trinity County Community Development Services  
(Planning Department)  
61 Airport Rd/PO Box 2819, Weaverville, CA 96093  
[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)  
530-623-1351 ex. 5

[Trinity County Planning Department Webpage](#)  
[Trinity County Cannabis Division Webpage](#)

**Our office is currently closed to the public due to COVID-19 related concerns. Please visit the [Trinity County Planning Department Webpage](#) for updated information.**

Confidentiality Notice: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have 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:** Bella Hedtke  
**Sent:** Friday, June 7, 2019 11:13 AM  
**To:** 'Kaden Koffler' <kaden@kulturedcannabis.com>  
**Cc:** Leslie Hubbard <lhubbard@trinitycounty.org>; Andrew Pence <apence@trinitycounty.org>; Kristalynne Anderson <kanderson@trinitycounty.org>; Bethany Prince <bprince@trinitycounty.org>; 'Jim Cloud' <weavervillesd@yahoo.com>; 'Mark Chaney' <mchaney@shn-engr.com>  
**Subject:** Nursery Conditional Use Permit COA Letter Next Steps

Hi Kaden,

Please see the attached letter that outlines the next steps for your project. Please sign and mail back the new land use entitlement form to the PO BOX listed below. I also attached a copy of the staff report and minutes from the May 24, 2018 Planning Commission Meeting for your convenience.

I've CC'd the agencies I referenced in the letter so they are aware that you are the new owner and wish to start the process to operate a Commercial Cannabis Nursery.



Have a nice weekend,

*Bella Hedtke*

Associate Planner

Trinity County Planning Department

61 Airport Rd, Weaverville, CA 96093

Box 2819, Weaverville, CA 96093

[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)

530-623-1351 ex. 5



**Lisa Lozier**

---

**From:** Lisa Lozier  
**Sent:** Saturday, May 23, 2020 5:05 PM  
**To:** kaden@kulturedcannabis.com; Bella Hedtke  
**Subject:** RE: Use Permit (P-17-51) Extension Process

Hello Kaden,

In regard to the necessity of filing an extension of time for use permit (P- 17-51), Zoning Code Section 17.32.050(C)(2) states " A Use Permit which requires a building permit shall be deemed established when such a permit is secured and construction has physically commenced". Your use is required to be established within two years of the permit being issued or the use permit will expire.

I am assuming from the previous email correspondence that the plans for your building have not yet be submitted for approval. I would recommend submitting for the extension of time for your use permit.

Please let me know if you have any further questions.

Lisa

**From:** kaden@kulturedcannabis.com <kaden@kulturedcannabis.com>  
**Sent:** Thursday, May 21, 2020 12:29 PM  
**To:** Bella Hedtke <bhedtke@trinitycounty.org>  
**Cc:** Lisa Lozier <llozier@trinitycounty.org>  
**Subject:** RE: Use Permit (P-17-51) Extension Process

Hello,

I'm just circling back on this to see if we need to file the extension paperwork?

Please advise.

Thanks,

Kaden

**From:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>  
**Sent:** Sunday, May 17, 2020 1:55 PM  
**To:** 'kaden@kulturedcannabis.com' <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>  
**Cc:** Lisa Lozier <[llozier@trinitycounty.org](mailto:llozier@trinitycounty.org)>  
**Subject:** RE: Use Permit (P-17-51) Extension Process  
**Importance:** High

Hi Kaden,

I will be out of the office next week so I am forwarding your email to Lisa Lozier, Deputy Director of Planning. This way you can receive assistance in advance of the CUP's expiration date.

Best wishes,

*Bella Hedtke*

Associate Planner  
Trinity County Community Development Services  
(Planning Department)  
61 Airport Rd/PO Box 2819, Weaverville, CA 96093  
[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)  
530-623-1351 ex. 5

[Trinity County Planning Department Webpage](#)  
[Trinity County Cannabis Division Webpage](#)

**Our office is currently closed to the public due to COVID-19 related concerns. Please visit the [Trinity County Planning Department Webpage](#) for updated information.**

Confidentiality Notice: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have 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:** [kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com) <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>  
**Sent:** Friday, May 15, 2020 9:55 PM  
**To:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>  
**Subject:** RE: Use Permit (P-17-51) Extension Process

Hi Bella,

Sorry I haven't gotten back to you yet. I've been gameplanning with our team. Our architect is in the process of drawing up our building plans as we speak. They just got going within the last week. If we can show the County we are in process to submit building plans will that suffice to keep our CUP current? What would we actually have to be doing by June 7 to not jeopardize an expiration?

I'm happy to send in the renewal app with payment as well but just wanted to give you an update to confirm the renewal is necessary if we show you our architect is putting together plans to submit shortly.

Thanks and stay well.

Kaden

**From:** Bella Hedtke <[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)>  
**Sent:** Monday, May 04, 2020 9:00 AM  
**To:** 'Kaden Koffler' <[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)>  
**Subject:** Use Permit (P-17-51) Extension Process

Good Morning Kaden,

I hope all is well.

As you know, Use Permit (P-17-51) is set to expire on June 7, 2020.

In order to extend your use permit, we advise you to submit the following items as soon as possible and no later than June 5th:

1. Signed application coversheet (attached).
2. A written request for the one year extension with an explanation of why the use has not yet been established.
3. \$576 fee written to Trinity County Planning Department (or TCPD).

Due to COVID-19 concerns we are not taking cash right now. You can either mail (PO Box 2819, Weaverville, CA 96093) the application and letter with a check or money order or drop the materials off in our drop box near our front door (61 Airport Rd, Weaverville, CA 96093).

The Planning Commission would have to grant this extension because they were the original approving body. Due to COVID-19 concerns our Planning Commission meetings have been mostly rescheduled. The Director, Kim Hunter, has advised me that it is unlikely that we will be able to schedule a hearing to process your use permit extension request prior to its expiration date, but as long as we receive an application, letter and fee prior to June 5<sup>th</sup> then you're fine.

Feel free to reach out to me if you have any questions.

Best wishes,

*Bella Hedtke*

Associate Planner  
Trinity County Community Development Services  
(Planning Department & Cannabis Division)  
61 Airport Rd, Weaverville, CA 96093  
Box 2819, Weaverville, CA 96093  
[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)  
530-623-1351 ex. 5

[Trinity County Planning Department Webpage](#)  
[Trinity County Cannabis Division Webpage](#)

**Our office is currently closed to the public due to COVID-19 related concerns. Please visit the [Trinity County Planning Department Webpage](#) for updated information.**

Confidentiality Notice: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have 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.

**Lisa Lozier**

---

**From:** Bella Hedtke  
**Sent:** Monday, December 28, 2020 2:34 PM  
**To:** 'kaden@kulturedcannabis.com'  
**Cc:** Margie DeRose  
**Subject:** RE: 271 Industrial Park Way Weaverville cannabis nursery  
**Attachments:** 20200331 KADEN KOFFLER 271 INDUSTRIAL PARKWAY WEAVERVILLE CA 96093-PHASE1 SITE.pdf; XREF\_DESIGN\_3FLOORPLAN2B-Model.pdf; 271 Industrial Parkway\_SITE PLAN REVISED.pdf; Est\_2606\_from\_GroTech\_Systems\_Inc.\_87424.pdf

Hi Kaden,

Happy Holidays to you too! I have CC'd Margie DeRose, our new Senior Planner for the Cannabis Division. She will be working with you on your cannabis CUP and I'll assist as she sees necessary.

Best wishes,

*Bella Hedtke*

Associate Planner  
Trinity County Community Development Services  
(Planning Department)  
61 Airport Rd/PO Box 2819, Weaverville, CA 96093  
[bhedtke@trinitycounty.org](mailto:bhedtke@trinitycounty.org)  
530-623-1351 ex. 5

[Trinity County Planning Department Webpage](#)  
[Trinity County Cannabis Division Webpage](#)

Confidentiality Notice: This e-mail transmission, and any documents, files or previous e-mail messages attached to it, may contain confidential information that is legally privileged. If you are not the intended recipient, or person responsible for delivering it to the intended recipient, you are hereby notified that any disclosure, copying, distribution or use of any of the information contained in or attached to this message is STRICTLY PROHIBITED. Interception of e-mail is a crime under the Electronic Communications Privacy Act, 18 U.S.C. 2510-2521 and 2107-2709. If you have 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:** kaden@kulturedcannabis.com <kaden@kulturedcannabis.com>  
**Sent:** Thursday, December 24, 2020 12:24 PM  
**To:** Bella Hedtke <bhedtke@trinitycounty.org>  
**Subject:** 271 Industrial Park Way Weaverville cannabis nursery

Hi Bella,

First off Happy Holidays! I know it's been a while, but just to refresh your memory, sometime back during a zoom hearing we got our CUP extended through June 7, 2021 I believe. At that time you informed me there were some changes going on in Planning Dept personnel. Not sure if this has all been worked out, but we are ready to move forward on this project so if you can loop in whoever needs to be in on this convo we would appreciate it.

As we've mentioned both to you and to other Planners on a conference call and email communication in the past, we redesigned the layout of the nursery from how the original applicant we purchased the property had it.

The reason we did this was

1) to consolidate the nursery into an all-around much better and higher end gutter connected structure, that will house everything in the same building, improving work flow, efficiency, and every other attribute of the project, and  
2) to leave space to add an additional gutter connected greenhouse bay for the nursery and on the opposite side of the property for another potential building to house distribution, manufacturing, and potentially a testing lab. We realize additional nursery sq footage and distro, manufacturing, and testing lab approval will require an additional or amended CUP to be approved, but wanted to remind you of our longer-term plans for this property to serve the Trinity County cultivation community as a hub for genetics, clones, and teens from the nursery on their production side, and also on the post-production side for processing, manufacturing, and distribution of their cannabis flower and biomass. We feel this would be a tremendous benefit to the cannabis industry in the County, and would provide many jobs for the community of Weaverville.

We redesigned the nursery so that it still complies with all the sq footage and other requirements in our CUP, so we don't feel it should be any issue.

I'm attaching what we have so far as a site plan that shows our approved CUP for a nursery as "phase 1" and additional nursery sq footage attached as another gutter connected bay and a separate building for distribution, manufacturing, and testing lab as "phase 2".

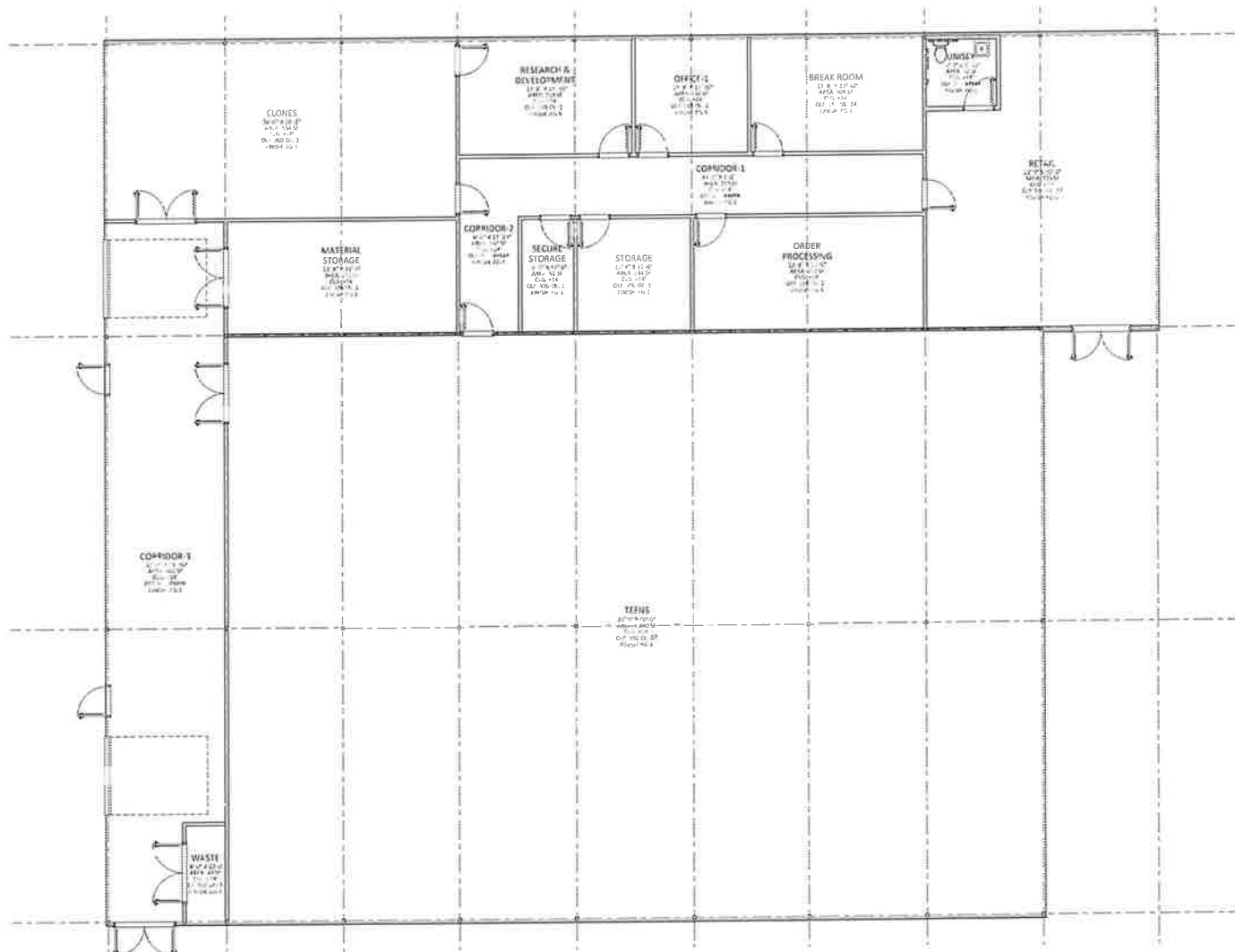
Also attached is a site plan and floorplan with just "phase 1", and an estimate with structure details from our greenhouse partner on this project Gro-Tech (so you can see the higher end nature of this structure), again for what we currently have approved in our CUP. We'd like to get a nod of approval about moving forward in this way on this project so we can wrap up building plans for phase 1 and get them submitted and approved. Our understanding is that we have to be breaking ground by the CUP expiration date, so we don't want to delay any longer, and ideally want to be built and operational with product from the nursery for sale this coming season.

Please let me know your thoughts.

Much appreciated.

Kaden







17282 Cattle Drive  
Rough and Ready, CA 95975  
866.872.7380  
www.gro-techsystems.com

# Estimate

| Date     | Estimate # |
|----------|------------|
| 8/4/2020 | 2606       |

| Name / Address   |
|--|
| Kaden Koffler<br>148 Otto Circle<br>Sacramento, CA 95822 |

| Ship To   |
|---|
| Kultered Nursery Trinity Inc.<br>271 Industrial Pkwy<br>Weaverville, CA 96093 |

| Expiration Date | Project Name |
|-----------------|--------------|
| 4/14/2019       |              |

| Description   | Qty | Rate      | Total      |
|---|-----|-----------|------------|
| Alpine Series 30' x 12' Section Headhouse Column Caps, Columns and Truss Assembly   | 1   | 2,292.27  | 2,292.27T  |
| Alpine Series 90' x 96' Column and Column Cap and Truss Assembly  | 1   | 47,980.79 | 47,980.79T |
| Alpine Series 60' x 96' Roof and Metal Side Walls   | 1   | 28,028.26 | 28,028.26T |
| Alpine Series 30' x 108' Roof and Side Walls Head House   | 1   | 17,708.29 | 17,708.29T |
| Alpine Series 60' Black Out Metal End Wall With Cooling   | 1   | 10,749.08 | 10,749.08T |
| Alpine Series 30' Head House Metal End Wall   | 1   | 4,872.02  | 4,872.02T  |
| 8' x 10' Roll Up Door and Brush Seals   | 2   | 603.215   | 1,206.43T  |
| 3' x 6' 8" Solid Exterior Fiberglass Door including shims (no handles or locks)   | 3   | 479.96    | 1,439.88T  |
| iGrow 800 Integrated Greenhouse controller (8 outputs, 9 stages) w/temp probe (50ft cable), USB interface, all ventilation, curtain, cooling, heating, & dehumidifiers support. | 1   | 3,346.20  | 3,346.20T  |
| iGrow 100 series S communication module   |     |           |            |
| iGrow 800- 4 output expansion card  |     |           |            |
| Digital integrated sensor module (light,CO2,temp,humidity)  |     |           |            |
| Alpine Series Flat Dep 60' x 96' Light Dep Parts  | 1   | 21,528.60 | 21,528.60  |
| Alpine Series 60' x 96' Flat Dep Steel Parts Package  | 1   | 7,223.69  | 7,223.69   |
| Complete Wheel Track Assembly   | 1   | 661.08    | 661.08     |
| 48" 1.5 hp Straight wall fan w/ shutters & light trap housing (1ph)   | 4   | 1,670.40  | 6,681.60T  |





Gro-Tech  
SYSTEMS INC.

17282 Cattle Drive  
Rough and Ready, CA 95975  
866.872.7380  
www.gro-techsystems.com

# Estimate

| Date     | Estimate # |
|----------|------------|
| 8/4/2020 | 2606       |

| Name / Address   |
|--|
| Kaden Koffler<br>148 Otto Circle<br>Sacramento, CA 95822 |

| Ship To   |
|---|
| Kultered Nursery Trinity Inc.<br>271 Industrial Pkwy<br>Weaverville, CA 96093 |

| Expiration Date | Project Name |
|-----------------|--------------|
| 4/14/2019       |              |

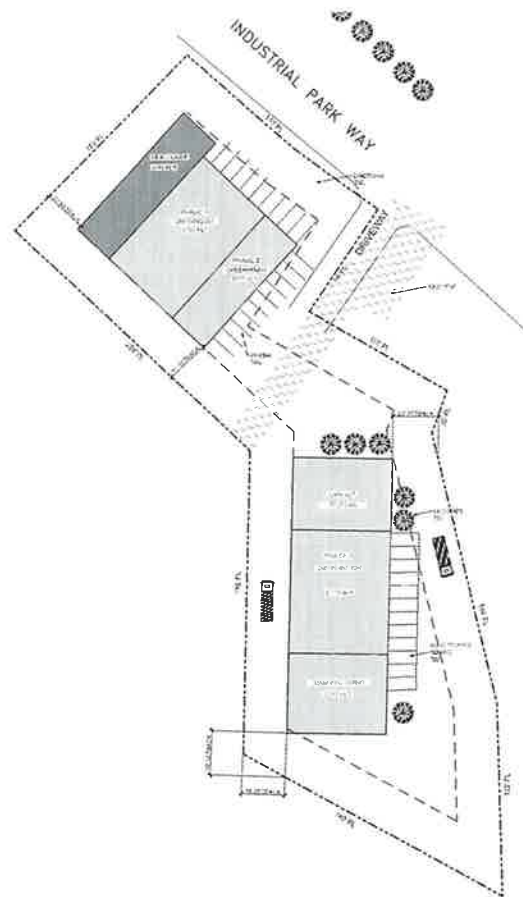
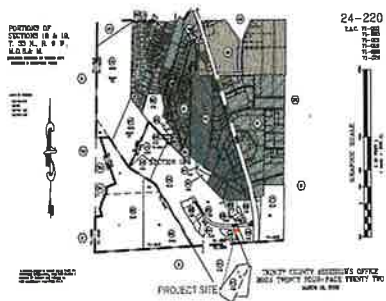
| Description  | Qty | Rate     | Total      |
|--|-----|----------|------------|
| 51" x 51" Light Trap   | 4   | 457.33   | 1,829.32T  |
| 30" 1/2hp Straight Wall Fan with Shutter 7800 CFM  | 2   | 1,117.40 | 2,234.80T  |
| 33" Motorized Louver   | 2   | 265.20   | 530.40T    |
| 18" Horizontal Air Flow Fan  | 14  | 130.67   | 1,829.38T  |
| 60' Alpine Series Cooling Systems for 52' Wet Wall<br>Includes 5' x 6" x 52' coated pads, pump, trough, trough brackets & all hardware | 1   | 6,104.00 | 6,104.00T  |
| 60" Motorized Louver   | 10  | 651.99   | 6,519.90T  |
| 62.25"x62.25"x16" Light Trap Housing for Wet Wall  | 10  | 309.67   | 3,096.70T  |
| 62" x 62" Hi-Flo Light Traps   | 10  | 344.00   | 3,440.00T  |
| Alpine Series 60' x 96' Mechanical Ventilation with Cooling Kit  |     |          | 32,266.10  |
| Modine PTP250 Unit Heater Single Stage, Propane Gas, 115v  | 2   | 1,800.00 | 3,600.00T  |
| Subtotal of Items  |     |          | 182,902.69 |
| Alpine Site Specific Engineered Plans  | 1   | 6,720.00 | 6,720.00   |
| Material Handling and Loading Fee  | 1   | 250.00   | 250.00     |
| Shipping TBD   | 1   | 0.00     | 0.00       |

|                         |              |
|-------------------------|--------------|
| <b>Subtotal</b>         | \$189,872.69 |
| <b>Sales Tax (7.5%)</b> | \$13,530.20  |
| <b>Total</b>            | \$203,402.89 |

THIS QUOTE REMAINS IN EFFECT FOR 30 DAYS FROM THE ABOVE DATE; if not accepted in writing by that date, it is subject to change in the sole discretion of Gro-Tech. To accept this quote and make it the contract between us for the goods and services described herein, please date, sign, and return it to Gro-Tech Systems. Once this quote is accepted, a 60% NONREFUNDABLE DEPOSIT is required to place your order, and the 40% balance is due to initiate delivery. GTS's standard methods for packaging and shipping cost is not included in this estimate and will be determined by location and applied to your order invoice. ALL SALES ARE FINAL.

Accepted By: \_\_\_\_\_

Date Accepted: \_\_\_\_\_



**KULTERED NURSERY TRINITY INC.**  
271 INDUSTRIAL PKWY  
WEAVERVILLE, CA 96093  
APN: 024-220-55

N



October 5, 2021

To: Trinity County Planning Department  
Attn: Lisa Lozier, Deputy Director  
Kim Hunter, Director of Building and Planning  
61 Airport Road  
P.O. Box 2819  
Weaverville, CA 96093

via electronic mail [llozier@trinitycounty.org](mailto:llozier@trinitycounty.org); [khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)

RE: **Conditional Use Permit Extension for Commercial Cannabis Nursery**  
**Appeal No. P-21-29 271**  
**Kultured Cannabis**  
**271 Industrial Parkway**  
**Weaverville, CA 96093**

Dear Lisa and Kim:

I am the former owner of 271 Industrial Parkway and am the one who originally applied for the cannabis nursery CUP on the property and got it approved.

I sold the property to Kultured Cannabis with an owner financed note I still hold.

I know Kultured Cannabis has spent a great deal of money, time, and resources on this project and have been highly committed to seeing it through to completion. Just the amount they've paid on my note every month in property holding costs since purchase is now a substantial total. Beyond that they've invested in consulting, architects, engineering, etc.

They have been in constant contact with me as they push this project along, and because I am a Trinity County resident, they have often asked me for guidance on things specific to Trinity County and/or to be put in touch with local builders and professionals I know to assist with the project.

Given the financial investment and progress on the project Kultured Cannabis has made, and the fact they have for some time now been in a position to have building plans drawn and submitted, it would be counter to the County's interest not to issue them another extension so they can satisfy the conditions of the already approved CUP and move forward with building an operating nursery in Weaverville. I strongly encourage the County to issue Kultured Cannabis another extension and to encourage business development and not hinder it.

Please don't hesitate to contact me should you have any questions.

Thank you,

Steve Hagen  
[Stevehagen3@icloud.com](mailto:Stevehagen3@icloud.com) 530-524-7757

*Attachment 6*

September 30, 2021

To: Trinity County Planning Department  
Attn: Lisa Lozier, Deputy Director  
Kim Hunter, Director of Building and Planning  
61 Airport Road  
P.O. Box 2819  
Weaverville, CA 96093

RE: Conditional Use Permit Extension for Commercial Cannabis Nursery  
Kultured Cannabis  
Appeal No. P-21-29  
271 Industrial Parkway  
Weaverville, CA 6093

Dear Lisa and Kim:

As an architecture and engineering company specializing in cannabis projects throughout the United States and headquartered in Northern California, Graphia has been engaged to perform work for Kultured Cannabis for their Trinity County project at 271 Industrial Parkway, Weaverville, CA.

Kultured Cannabis hired Graphia in 2020 to help revise a previous design to the buildings and site at this address, in order make the project more efficient and relevant to Kultured Cannabis's goals of opening a commercial cannabis nursery.

In addition to making these revisions, Graphia has been hired to assist in getting Kultured Cannabis's construction documents complete for a building permit.

The revision to the building and site has been completed and is ready for construction documents. However, the conditional use permit approval had quite a few Conditions of Approval that Kultured Cannabis needed to clear in order to receive their conditional use permit approval. It was our recommendation that the conditional use permit be approved prior to continuing into the construction documents phase. Many of those requirements could have dramatic effect on the final design and could require major revisions costing Kultured Cannabis unnecessary costs. Graphia is ready to move into the construction documents phase as soon as it is proper to do so.

If there is any question in this regard, please call me at (916) 580-9981.

Sincerely,



Digitally signed by  
Sean Freitas  
Date: 2021.10.06  
07:27:10 -07'00'

SEAN FREITAS, ARCHITECT (C23563)

## 17.32.050 - Time limits imposed on use permits.

- A. No Time Limit Unless Stated in Permit. Use permits, once utilized, are of indefinite duration unless an expiration date has been specified by the planning commission or planning director as a condition of approval. Once established, such permits may only be modified or revoked as provided in Section 17.32.070.
- B. Temporary Permits. Where application is made for a use which is temporary in nature, the planning commission or planning director may condition the use permit to expire automatically a stated period of time after issuance of the permit.
- C. Expiration for Failure to Establish a Use:
  - 1. A use for which a use permit is granted must be established within two years after such a permit is issued. If such use is not so established, the use permit shall be deemed to have expired and shall be null and void.
  - 2. A use permit use which requires a building permit shall be deemed established when such building permit is secured and construction physically commenced. If no building permit is required, the use shall be deemed established when the activity permitted has been commenced.
- D. Extension of Time. Upon show of good cause by the applicant, the planning commission or planning director, whomever issued the use permit, may grant an extension of time not to exceed one year. A public hearing shall not be required unless specified by the planning commission. A request for extension of time shall be subject to a filing fee as specified by the board of supervisors.
- E. Abandonment. Any use permit, the use of which is voluntarily interrupted for a period in excess of one year, shall be deemed automatically revoked.

*Attachment 7*

## 17.32.060 - Deviation—Prior approval requirements.

No deviation from a project for which a use permit is granted may be made where such deviation is from an aspect of the project submitted to the planning commission and considered by it in granting the use permit unless: (1) prior approval for deviation is granted by the planning director as provided in this subsection; or (2) a modification of the use permit is approved by the planning commission as provided in Section 17.32.070 of this chapter.

- A. Approval by Planning Director. The planning director may approve changes to the proposed project if such do not amount to the substantial deviations from the plans submitted to the planning commission. A "substantial deviation" is one that shall result in material change in the nature of the project when all the circumstances surrounding the issuance of this special permit are considered.
- B. Determination of Substantiality by Planning Commission. The planning director may, at his or her discretion, request a determination by the planning commission as to whether a proposed change is a substantial deviation. If the planning commission determines that the change is substantial, a public hearing shall be set as provided in subsection 17.32.070(B) for the purpose of considering a modification to the permit.
- C. Mandatory Finding of Substantial Deviation. The planning director shall find the following changes to be substantial deviations. This list is not intended to be inclusive and the fact that a particular deviation is not included on this list shall in no way limit the authority of the planning director to, in his or her discretion, determine that a change is a substantial deviation.
  1. Any major change in the pattern or volume of traffic flow either on or off any property covered by the use permit.
  2. Any change in the nature of the use.
  3. Any increase in height of a structure which exceeds ten percent of the height of such structure as approved by the planning commission or which exceeds one story, whichever is less.
  4. Any increase in gross floor area of a building which exceeds ten percent of the gross floor area approved by the planning commission.
  5. Any increase in the density of dwelling units per acre.
  6. Any material change in the orientation or location of structures on the parcel.
  7. The planning director shall provide a monthly report to the planning commission on planning director approved modifications.

*Attachment 8*

10/8/2021, 11:00 AM