



**TRINITY COUNTY  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION**

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**Ed Prestley, Deputy Director**

**MEMORANDUM**

DATE: November 16, 2023

TO: Members of the Trinity County Planning Commission

FROM: Bear Banonis, Administrative Coordinator-Cannabis

SUBJECT: Agenda Item: 1 DEV-23-04 Zoning Text Amendment Trinity County  
Code (§) Chapter 17.43

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Additional comments received as of 3 pm on November 16, 2023.

## Deborah Rogge

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**From:** Nancy Schaedler-Moore [REDACTED]  
**Sent:** Thursday, November 16, 2023 1:30 PM  
**To:** Ric Leutwyler; Liam Gogan; Heidi C. Harris; Dan Frasier; Jill Cox  
**Cc:** Trent Tuthill; Cannabis.Ordinance; info.planning; info.cannabis; Carol Fall; William Sharp; [REDACTED] Don Ellis; Todd Heaton  
**Subject:** CANNABIS TYPE III REWRITE - NOT NEW STACKING ADDITION [WAS Fw: Nov 16, 2023/Dec 5, 2023 STACKING MTG - MICROBUSINESS, TYPE 3 MEDIUM CULTIVATION, CEQA, EARLY ADOPTERS, OPT-OUT]  
**Importance:** High

Dear Supervisors -

I just returned from San Diego. Suffice it to say, I was quite shocked and dismayed, yet not surprised to learn that the Cannabis Website was updated again. I had submitted comments based on the verbiage about the NEW proposed stacking amendment to our Trinity County Municipal Code based on what I read on or about October 24, 2023.

Please read my original email at the beginning of this thread.

Due to the written recommendation on the cannabis website that says the county MUST ADDRESS STACKING, I now have to write new comments. **The recommendation being made should be denied** because it is **VERY NARROW in scope, does not address stacking as a whole for the county,** and is **really a COMPLETE REWRITE of the entire Type III Medium ONE-ACRE Cultivation License section 17.43.040** rather than a recommendation for the **addition of a NEW SECTION 43.17.XXX titled Stacking** to the Municipal Code. Due to **license cost structuring for stacking of licenses, a cap on total licenses, and possible addition of "splitting of cultivation licenses",** **the recommendation prepared and presented by the Director of Cannabis should be denied in FULL and** any and all changes should be worked on as a **part of the entire County Cannabis Ordinance Update to be approved as a single unit in April 2024.**

Focus should be made to get a complete update to the Cannabis Ordinance done ASAP and get the holders of Type III or other license types requiring CUP/Variances completed and presented to the planning commission; the short-term costs will actually pay off in the long run for the county as the county will collect annual license fees and taxes on the gross product sold (see end of this email for mathematical computations). Think about the money a 10,000 sq ft license pays the county in taxes on product sold – imagine what one 43,000 sq ft one-acre of canopy would yield the county in fees and taxes.

I am trying to get my Type III license heard and was the first to be ready in March 2020 and again in June 2022, but am still waiting to get final updates and time with the planning Director to have the county work with me and make any changes due to the many interpretations from the six different planning department directors I have been passed through.

I am trying to understand **why** a complete rewrite to the Type III medium cultivation license is being done in lieu of the addition of a new section titled stacking. Why does the recommended rewrite remove the cap on the total number of cannabis licenses allowed in the county? And why does it remove priority processing for people with lower license numbers (those who started PAYING the

county back in 2016/2017)? Why does the rewrite remove the allowed thirty licenses allowed in Water District #1?

Are these changes being proposed the way they are due to lack of experience or knowledge? I have heard hearsay that the current Cannabis Planning Director does not understand land use planning. How could someone in his position not? – especially since this is a new program, and it needs experience and education. I am told that the Director does not even have a college degree let alone a post-graduate degree in land use planning. I am greatly concerned that a new program like this is being led by someone with this limited education and experience. While I understand the current director was a former grower back before adult use was legalized, I am not sure that this type of experience helps a community where cannabis is so controversial and needs someone that can step back and understand the SHORT TERM and LONG-TERM implications from an experienced land use planning perspective and not solely as a former grower.

I do hope that these updates are not being made out of fear. I am researching some rumors and am very disturbed. I have heard that the reason for this narrow-customized rewrite of the Type III one-acre license is because the county is afraid of being sued by an individual named Jake Grossman-Crist and his mother Olivia Caccavo. I have been told that the reason I have gone through over six planning department directors to get my Type III one-acre license is because Jake Grossman-Crist submitted a backdated application to get his cultivation license so that he would not get heavy charges for growing without a license or at least having a license application in process. I also heard that Jake and his mother sued the county. That the lawsuit was led by an attorney associated with a cannabis consultant firm in town. I heard several other cultivators joined this lawsuit against the county. I certainly hope that the lawsuit initiated by Jake and his mom is not the reason we have shifted focus away from working on a comprehensive update to the cannabis ordinance and are doing this piecemeal stacking rewrite of the Type III license section 43.17.040.

I was told the lawsuit was Trinity County case 20CV136. When I asked about the lawsuit against the county, I was told that the case was dismissed with prejudice; my understanding is "dismissed with prejudice" means that the case cannot be brought up again. So, if the case is closed, why is the rumor I have been told telling me that the updates that are being recommended to planning and then the Board of Supervisors are being done because the county is afraid of being sued by Jake? That the county is going to approve this so that the county does not get sued by Jake or others close to Jake. Has the county thought that they may make the situation worse and get new suits because of poor decision making?

These proposed changes are not right and are done for the wrong reasons. If the rumors I have heard is true even partially, then the focus, hours and money being spent out of fear is wrong. Does the county really want to send a message: "if you want to get customized updates to the Municipal Code, just sue the county and the county will work with you to get what you want, even if it is not in the best interest of the county in the long run nor what the majority want"?

Based on the rumors, I understand that Jake and his mother Olivia actually obtained and hold ONE of the fifteen Type III licenses to be awarded by the county. Based on the REWRITE TO TYPE III section 43.17.040, it appears that they are intimidating the county to get the county to give them FOUR Type III licenses.

If the county is really concerned about money, and the county really wants to look at stacking for the county as a whole, the county would do the math and will deny this current custom rewrite to the Type III section (that was not on the agenda). The numbers on the COMPLETE REWRITE make no sense, as it yields what it seems Jake and his mother want rather than what makes sense financially for the county as part of a County Cannabis Ordinance Update.

A Type III license is VERY VALUABLE and there are VERY FEW. I hold one of those slots and tried to get my application updated so that it can be presented to the planning commission. I was the FIRST TRINITY COUNTY CEQA to be posted on the State Clearinghouse website and currently have a CEQA that has been reviewed and is valid until 2025. But I keep getting passed from one planning department director to another and have been through SIX. After jumping through all the hoops and submitting and paying for another biological report, the current Director told me I have to pay \$2,500 with an unlimited cap. This is wrong and I have been trying to get beyond what appears to be deliberate sabotage and an attempt to deny my rights to my Type III license. This REWRITE is sneaky. This is not right. Why is this being done? Are you aware of what is happening? Please contact me to discuss my way forward and how to get my Type III – at the direction of the current director, no one will answer my calls, emails, or questions even if I come in and ask for help at the counter in person.

(See my discussion on allowing a Type III to be granted expansion to LARGE license exceeding one-acre in my original email to the ordinance email. This email supersedes some of the thoughts made due to the proposed rewrite to the Type III license).

My apologies for slight deviation from the topic of the STACKING proposal which is not that. Let's get back to the math on the proposed rewrite to the Type III license section.

Let's look at the math hypothetically:

There is a cultivator with one of the Type III licenses. There are only 15 available at the moment and all 15 are spoken for. The county should only allow ONE Type III license per parcel. Why would the county increase the limit of Type III licenses if there are a limited number of parcels that are greater than 50 acres in the county? It does not make financial sense for the county.

The county has a list of costs for annual cultivation licenses that increases as the size increases. If this proposed update was really about stacking, one would look at identifying a BASE license and then **allowing stacking of additional licenses on top of the base license IF AND ONLY IF the base license is a Type III license.**

Currently, the county is able to support canopy sizes up to one acre. In lieu of the current proposal (that does not make sense financially for the county), one should look at increasing canopy size to a Type III in 10,000 sq ft increments and charging the cost for that size license to get added to the base cost of the license. **This BASE plus stacked license is equitable as stacking gives one individual multiple licenses and denies others those licenses.** (This assumes that there is a cap on total licenses to be given out by the county. The county also has to remember that these licenses can be used on parcels that may be very close or in neighborhoods. These licenses are not identical to home businesses as they are commercial enterprises requiring more than one person to come and go from the property).

One could use the below to show how the county will have steady income by charging for every additional 10,000 sq ft or smaller of canopy. This will also allow fairness for the smaller mom and pop growers in the county who only cultivate 10,000 sq ft and like the lifestyle that cultivation affords and would be denied a license because a larger cultivator took a potential from them for their use. **Remember there are ONLY 530 TOTAL licenses currently available** (that is unless the current Director removes this cap in the rewrite of the Type III license, and both the Planning Commission and Board of Supervisors approves the removal of the verbiage of 530 total licenses when approving the REWRITE of the TYPE III license. This approval of the REWRITE sets precedence and should not be done prior to the overall ordinance update).

For purposes of this example, calculations are based on annual renewal.

- NOTE: this is an ASSUMPTION because the rewrite of entire ordinance is TBD
- Rumors are, that there are discussions regarding a five-year renewal of licenses versus an annual renewal of licenses in the overall ordinance update
  - Does this mean a fee will be collected every year or just paid once every five years?
- Again, we should wait to make changes and avoid piecemealing as it introduces what the update is supposed to clear up

Example of the math for two options:

- 1 cultivator with a Type III cultivation license
  - Allows up to one acre = 43,560 sq ft of MATURE FLOWERING plants
  - Allows an equivalent 43,560 sq ft of IMMATURE nursery
- Total canopy desired 4 acres or 174,240 sq ft of MATURE FLOWERING plants
- Allows an equivalent 174,240 sq ft of IMMATURE nursery

1. **Proposed rewrite of Type III license**

- Stacking of 4 Type III licenses at \$9,000/license annually
- \$9,000/license \* 4 Type III licenses = \$36,000 annual cost to cultivator

Proposed rewrite yields **\$32,000 annual revenue to County**

**(2) Base Type III with addition of incremental stacked Type II or lower licenses:**

- Stacking of 1 Base Type III licenses at \$9,000/license annually
- Determine how many Type II 10,000 sq ft stacked licenses are required to meet desired 174,240 sq ft
  - $174,240 \text{ sq ft} - 43,560 \text{ sq ft} = 130,680 \text{ sq ft}$
  - $130,680 \text{ sq ft} / 10,000 \text{ sq ft} = 13 \text{ Type II licenses needed}$
- Remaining 680 sq ft will require a specialty cottage license
- Three stacked license costs
  - 1 Base Type III licenses at \$9,000/license annually
  - 13 Type II 10,000 sq ft license at \$6,000/license
  - 1 Specialty Collage license at \$1,000/license
- Stacking of 1 BASE Type III license at \$9,000/license + 13 Type II licenses at \$6,000/license + 1 specialty cottage at \$1,000/license = \$88,000 annual cost to cultivator

Base Type III + stacked licenses yields **\$88,000 annual revenue to County**

If the reason for stacking licenses is to increase county revenue while allowing cannabis in the county, it seems the PROPOSED REWRITE falls short – in fact, for the above example which is based on the example in the propose rewrite, the **rewrite section example falls short by \$52,000 of lost revenue to the county.**

Again, I am not sure why the rush or if the rumors are true, but this recommendation/rewrite is NOT READY for approval and NO CHANGES should be made until an entire ordinance update is done.

Please forgive me for the lengthy email, however, I am extremely concerned personally and for the long term health of the County's general update and a functional and well thought out cannabis program.

Appreciate your consideration of the above and below comments in prior emails.

Nancy Schaedler-Moore

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**From:** Nancy Schaedler-Moore [REDACTED]  
**Sent:** Thursday, November 16, 2023 12:07 AM  
**To:** cfall@trinitycounty.org <cfall@trinitycounty.org>; wsharp@trinitycounty.org <wsharp@trinitycounty.org>; rbarrett@trinitycounty.org <rbarrett@trinitycounty.org>; dellis@trinitycounty.org <dellis@trinitycounty.org>; theaton@trinitycounty.org <theaton@trinitycounty.org>  
**Subject:** Fw: Nov 16, 2023/Dec 5, 2023 STACKING MTG - MICROBUSINESS, TYPE 3 MEDIUM CULTIVATION, CEQA, EARLY ADOPTERS, OPT-OUT

Planning Commission Members -

I am forwarding a copy of the below email I sent to the Cannabis Ordinance email on October 24, 2023 to ensure you have a copy for your reference; my apologies if you already have a copy. Please read my initial comments and input regarding STACKING as a whole for Trinity County. I am not sure why we need to do anything "urgently" and "immediately".

I was shocked, but not surprised, at the proposed changes being presented for you to approve November 16, 2023. Is it not odd that the proposed/recommended update to the Trinity County Municipal Code does not include the definition of "stacking"?

I disagree with the recommendation. **The changes being proposed are NOT about stacking but rather a MAJOR modification to the Type III one-acre medium license 17.43.040 of the municipal code.** Because these changes are NOT ABOUT STACKING but ABOUT A MAJOR REWRITE of the medium TYPE III one-acre license section 17.43.040, I AM IMPACTED and directly affected. In fact, it almost appears as if every right I have is being proposed to be removed by the current Cannabis Director; if you vote to approve the MAJOR REWRITE to the TYPE III MEDIUM ONE-ACRE LICENSE, I will have no rights. I have been delayed for almost FOUR YEARS (after paying a great deal of money and spending lots of time and effort). If you approve these changes, I believe it will allow the current Director to deny me a Type III one-acre license, even though I was one of the first to receive one of the fifteen Type III license application slots with Trinity County in 2016/2017. I have been paying the county fees that total close to \$42,000 just for the application and fees. I was the first TYPE III license from TRINITY COUNTY to be posted on the State Clearinghouse and have yet to get my Type III application presented for approval to the planning commission. I would love to talk to you about my Type III and helping me get the Planning Department to work on it WITH me.

But back to what these changes are supposed to be about - they are to be about STACKING - the stacking of multiple cannabis licenses on one parcel. But they are NOT.

I thought the county was doing an update to the Cannabis Ordinance to get things in alignment with the State, and also remove duplications and ambiguity. If so, why are we deviating and doing this one-off approval especially if it is MAJOR rewrite of the Type III license rather than a NEW section on STACKING like it was supposed to be? If you approve this piecemeal update and complete rewrite of section 17.43.040 tonight, it begs the question why are we doing a Cannabis Ordinance Update and spending all this money to do all these public workshops?

As for deviations, ask me about the Trinity County divergence from the State's Distribution Self-Transport license later as we used to have a separate license at the county level that mirrored the State ... and now, we don't because the current Director decided to be different than the state. (hmmm).

Back to the topic I thought the proposed changes scheduled for November 16, 2023 were to be about -  
STACKING OF MULTIPLE CANNABIS LICENSES ON A SINGLE PARCEL.

I thought this was to be a NEW section 17.43.XXX on STACKING that addresses STACKING for the ENTIRE TRINITY COUNTY CANNABIS PROGRAM. What is being proposed is deceiving. THE PROPOSAL IS NOT ABOUT STACKING. Rather the proposal/recommendation is an update to the municipal code - an update to three sections rather than the addition of a new section. The proposal and recommendation are for changes to the definitions section 17.43.010, the application requirements section 17.43.030, and then a complete rewrite of the Type III medium one acre cannabis cultivation license section 17.43.040.

Are you aware the changes remove the cap on the total number of licenses the county will allow? Currently that number is 530... but that number and cap is removed in the rewrite of section 17.43.040.

Because the proposal and recommendation are not about stacking, **you should deny it**. Stop adding more one-off sections prior to the completion of an entire cannabis ordinance update.

Why is the entire section 17.43.040 Type III medium one-acre license being rewritten? And why now? And why not as part of the entire ordinance update?

What happened to doing one single update to the entire Trinity County Cannabis Ordinance? What is the rush?

Since the proposed changes are essentially a rewrite of the Type III medium license and NOT STACKING as a WHOLE FOR THE COUNTY, the proposed recommended REWRITE and UPDATES should be denied.

Thank you for your time.  
Nancy Schaedler

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**From:** Nancy Schaedler-Moore

**Sent:** Tuesday, October 24, 2023 10:49 AM

**To:** Cannabis Ordinance <cannabis.ordinance@trinitycounty.org>

**Subject:** Nov 16, 2023/Dec 5, 2023 STACKING MTG - MICROBUSINESS, TYPE 3 MEDIUM CULTIVATION, CEQA, EARLY ADOPTERS, OPT-OUT

I would like to point out that STACKING has nothing to do with the MATURING of the county cannabis program.

To say the county does not address stacking in the current ordinance and that is why we have to "HURRY" to address it, is incorrect; in fact, NOT addressing STACKING in the current ordinance means that STACKING is not specifically allowed nor disallowed.

If one CAREFULLY reads the requirements around the county microbusiness and multiple cultivation canopy sized licenses, with the largest canopy size being ONE ACRE of MATURE FLOWERING CANNABIS CANOPY (aka a medium Type 3 license), one COULD INFER that only limited "stacking" of licenses is allowed in the current ordinance. While not explicitly discussed, under the current ordinance, the only type of "stacking" equivalent allowed is via a microbusiness license (that already requires a CUP/Variance) coupled with various size graduations of mature cultivation canopy sizes or via a Type 3 one-acre license (that already requires a CUP/Variance). The county already decided that it does not want to allow cultivation canopies in excess of 10,000 sq ft to be combined with a microbusiness license. NOTE - all of these license types are already addressed in the existing ordinance that describes what is allowed, maximum license types allowed, and what has been approved by the county.

If STACKING is to address the issue that people want to do more than one type of cultivation (outdoor, mixed light, or indoor) on their property, please see the section below that proposes an option called "LICENSE SPLITTING" that will allow multiple cultivation types within the current canopy size allowed by parcel size in the existing ordinance.

### **WHY THE RUSH TO CREATE A NEW ONE-OFF STACKING SECTION PRIOR TO COMPLETION of the ENTIRE CANNABIS ORDINANCE UPDATE?**

If I am reading the calendar correctly, it seems that a "carve-out" of the cannabis ordinance is being proposed to be heard on November 16, 2023 around a "NEW FEATURE" called STACKING. Carving out and "approving" a new STACKING section to the ordinance seems premature; it also seems that the purpose of the "cannabis ordinance update" was to clean-up all of the one-off updates and unify the entire cannabis ordinance.

This new STACKING section adds a new inconsistency to the current ordinance which if approved will modify the meaning of other sections in the ordinance by its mere introduction and approval separately from doing a complete approval on a comprehensive update to the cannabis ordinance. A new STACKING ordinance one-off, if approved separately by the planning commission and Board of Supervisors, just adds to the current "confusion" and "mess" and "disparate parts" in the existing ordinance.

Currently, the number of Type 3 medium/large cultivation licenses, (cultivation canopies greater than 10,000 sq ft of mature flowering cannabis) is capped at 15 (fifteen) with the option for the county to increase that number to 30 (thirty) with the requirements that the parcel is a single parcel greater than 50 acres, the parcel has been granted one of the Type 3 license slots, and if the parcel is in an opt-out zone, the owner obtained a WDID in 2016/2017 and was one of the first cultivators to sign up legally and PAY the county \$6,000/year fee for a small Type 2 small license.

Stacking may also cause CEQA piecemealing which is a violation. CEQA requires that the entire project is submitted as one single project unit. "Stacking" lets someone slowly add more and more licenses to a parcel - like boiling a frog (and I think boiling frogs would be a CDFW violation 😊).

Additionally, STACKING is not neighborly – we should strive to make the ordinance create a symbiotic environment where cultivation and residential enjoyment can co-exist – and not a parasitic environment where cannabis creates discord. For instance, in areas with smaller RR parcel sizes, maybe encouraging the cultivator to do indoor rather than outdoor could be an option to allow both

owners (cultivator and non-cultivator to co-exist peacefully). Rushing in stacking without addressing the entire cannabis ordinance update as a single unit seems irresponsible. Rushing in stacking as a one-off is not a way to increase tax revenue or fees for the county; it is merely aggravating an already tense situation.

**What STACKING really appears to be is a way to work-around things like:**

1. the cap on current total licenses allowed in the county,
2. the total number of medium and large cultivation canopies (i.e.: flowering cannabis canopies greater than 10,000 sq ft) on single parcels smaller than 50 acres
3. allowing cannabis consultants to provide an evaluation of a STACKED project and possibly deliberately leaving out potential bias due to CONFLICT of INTEREST because the consultant is PAID by the CULTIVATOR to get the project APPROVED.
4. allow the sharing of a single-family dwelling across multiple parcels as long as the parcel shares the same owner.
5. allowing of the combination of multiple licenses (by-passing the restrictions on what the current ordinance allows – see Microbusiness and Type 3 license type requirements in the current 2020 cannabis ordinance).
6. Carving out rules to allow cannabis to potentially sprawl throughout county.

STACKING does not address the current total cap of 530 licenses nor the desire to increase the number when the real updates to the entire cannabis ordinance are addressed in April 2024. If stacking as a carve-out is approved separately on November 16, 2023 and December 5, 2023, no one can guarantee that the total cap will remain at a maximum of 530 total licenses. It is very possible that people will try to change the total number of licenses to the total number of parcels with a commercial cannabis business (aka rather than 530 total licenses combined and allowed under the current ordinance, people will be seeking 530 separate “parcels” with cannabis or “commercial businesses” – note that this exceeds the amount allowed under the current ordinance.

People want “stacking” added right away because the current ordinance limits which licenses can be combined and the size of mature plant cultivation based on parcel size. If stacking is approved as a one-off or carve-out of the updates, it is highly probable that when the rest of the ordinance is discussed, many will argue that the quantity of licenses allowed needs to be increased because STACKING created a desire and mechanism to propagate licenses. In fact, it seems that discussion during the workshops touched on removing or increasing the total number of allowable licenses because one property may take/consume multiple licenses.

NOTE – One does not have to “approve” stacking to allow larger cultivation canopies. Mature cannabis cultivation IS ALLOWED under the current ordinance – it is just a different cultivation license type - the name for a cultivation license that allows greater than 10,000 sq ft of cannabis cultivation is called a Type 3 medium license and allows over 10,000 sq ft and up to ONE ACRE of mature flowering cannabis canopy.

NOTE – Again, a new section on stacking is not required to allow more than one cannabis license type on a parcel. There is a license type called a MICROBUSINESS. This MICROBUSINESS license allows a maximum of 10,000 sq ft of mature flowering cultivation canopy in addition to two other cannabis licenses (like manufacturing and distribution).

**Currently in Trinity County, a MICROBUSINESS WAS NOT and IS NOT allowed to be combined with a mature flowering cultivation canopy greater than 10,000 sq ft.** The difference in the current ordinance is that the cannabis business HAS TO MAKE A CHOICE between two options. The

business has to choose - MORE THAN 10,000 sq ft cultivation (Type 3 License if the business meets the 50-acre minimum and WDID criteria) OR a MICROBUSINESS - BUT NOT BOTH! Hence it seems **STACKING is just a way to by-pass all of these original cannabis ordinance rules** that are currently in place in the name of a MATURE (“flowering”) cannabis program; has anyone looked at the metrics listed in Figure 2.1 of the 2020 Trinity County Cannabis Transition Plan? At that time, there were 308 issued active licenses under renewal and 108 pending applications submitted prior to 2021 and 80 new applications submitted in 2021. What are the current metrics?

It seems stacking is a way to put “more” cannabis into a smaller space. So is the new motto of Trinity County ... if you don't like the current rules, just say that the program is "maturing" and add a new feature like "stacking" and then say the ordinance is lacking specific rules stating it is or is not allowed and therefore there is an urgent need for the new “stacking” feature to be addressed as another one-off from an overall update to the ordinance that will probably cause more issues for the County. (Doesn't the county have enough issues?)

### **CULTIVATION LICENSE SPLITTING**

Maybe we need a section added to the ordinance on “LICENSE SPLITTING”. License splitting would allow a person with a 10,000 sq ft outdoor canopy to “split” the outdoor total canopy of 10,000 sq ft into SMALLER components such as 5,000 sq ft outdoor and 5,000 sq ft indoor while still staying within the limitations of the parcel size and location.

A split licensee or any other applicant type could then obtain a MICROBUSINESS license and have the same ability to add manufacturing and distribution to its commercial business. Remember, the current ordinance requires a MICROBUSINESS submit a CUP/Variance application that the county reviews and creates an UNBIASED MND to recommend or reject the project. Is it really better and cost effective for the applicant to pay a cannabis consultant, for the cannabis consultant (not paid for by the county but by the applicant) to create and evaluate the cannabis application (created by the cannabis consultant and paid for by the cannabis applicant), then for the cannabis consultant to review their own application (paid for by the cannabis applicant) and create an MND from the applicant's perspective for the county staff to look at? Is there a chance something in the application or the MND created and paid for by the applicant could be “accidentally” overlooked?

What is missing in the current ordinance? It seems the only answer is being able to cultivate over 10,000 sq ft of mature flowering cannabis on a parcel smaller than 50 acres. Am I missing something? Why do we need stacking done separately from an entire ordinance update that is tentatively scheduled for April 2024?

### **CURRENT MICROBUSINESS and TYPE 3 CULTIVATION (greater than 10,000 sq ft) ARE COVERED in the CURRENT Trinity County Ordinance**

A Microbusiness license already allows more than one cannabis license to be combined together on one parcel. A medium cultivation license allows mature flowering canopies up to one-acre. What is not available? What is missing?

**Why the rush to push in stacking and get it approved in November 2023 before the entire ordinance is presented and approved as a single unit?** Is STACKING being rushed because more commercial cannabis businesses on parcels less than 50 acres are interested in having greater than 10,000 sq ft mature flowering canopy, and the current cannabis ordinance does not allow them to have more? Are there other requirements these parcels don't meet that the new stacking carve-out will tailor to their specific needs so that they can cultivate and add more licenses together?

**If all these businesses have parcels greater than 50 acres, there should be no need for “stacking” as the current Trinity County Cannabis Ordinance has a provision to increase the total number of medium Type 3 cannabis cultivation licenses** (up to one-acre flowering mature canopy licenses) from a total of 15 (fifteen) to 30 (thirty). A vote to increase the number should be easy and not require a new “stacking” carve-out to the ordinance.

Is the objective of stacking to increase the total flowering canopy allowed on a single parcel to be greater than one-acre? If so, then modifying the Type 3 provision as part of the entire cannabis ordinance update to allow the conversion of one or more of the fifteen (or thirty) Type 3 licenses to allow greater than one-acre of flowering canopy should be fairly simple if the applicant's parcel is greater than 50-acres and the parcel can support it. The Type 3 license already requires a SITE SPECIFIC (PROPERTY SPECIFIC) MND to be done for the specific parcel with respect to its surroundings. Better yet, no new or special rules have to be made as the current Type 3 medium cultivation license applicants are already required to do a site specific CEQA/Variance on their specific parcel and their project has to be approved by the planning commission (rather than just the planning department).

Why complicate things and add “stacking”? Why are we doing this stacking carve-out in the winter when most of the people who have second homes are not able to attend? **We need to stop piecemealing add-ons prior to finalizing a complete comprehensive update to consolidation the ENTIRE cannabis ordinance.** Between Microbusiness and Medium cultivation licenses, what are commercial businesses wanting that cannot wait until the entire cannabis ordinance update is done and ready for approval in April 2024?

Stacking should not violate or change the microbusiness and Type 3 license rules currently in place. The medium Type 3 licenses were fairly and equitably provided to early cannabis program adopters with parcels greater than 50 acres who have paid Type 2 license fees since 2016 totaling \$42,000 to date. Some of the Type 3 applications were delayed by the planning department due to the unavailability of staff to schedule time on the planning commission calendar. The rules granted to those early adopters who paid the county starting in 2016, and are currently in the application process, or holding a microbusiness or Type 3 cultivation license type, should not be forced to chase continually changing rules.

Type 3 licenses in the current ordinance allow cultivation greater than 10,000 sq ft on parcels greater than 50 acres and also allow Type 3 licenses to be granted in opt-out zones if the owner met the criteria of having a registered WDID in 2016. All existing Type 3 allocated licenses should be grandfathered in and allowed to proceed under the original process if they met the 50 acre or more requirements as well as the WDID requirement in an opt-out zone.

### **WHY THE BIG PUSH TO APPROVE STACKING SEPARATELY FROM THE ENTIRE ORDINANCE?**

Why does it appear that STACKING is being rushed to get approved separate from the overall Trinity County Cannabis ordinance? **Is pushing stacking through being done to "rush" things and do a "work-around" to allow things that shouldn't be – reasons why the TAA lawsuit happened to begin with?** This seems shortsighted unless adding a new item to create yet another piecemeal to the existing ordinance is the goal/intent of trying to present stacking to the planning commission on November 16, 2023 separately from the overall update that is now projected to occur in April 2024.

What disturbs me is that "stacking" is being referred to as "expansion". It seems there may be a bias as to who the rules are being modified for and who they are not being modified for or may in fact hurt. This is sad.

The original ordinance in 2016/17 and updated in 2020 also considered and rewarded those early adopters who paid fees to the county starting in 2017 at \$6,000/year. These early adopters have paid (even when denied a renewal license due to the TAA lawsuit) \$6,000/year even when they could not grow; these early adopters paid as much as **\$42,000 since inception to TRINITY COUNTY just for the cultivation license**. Contrary to the early adopters, the "newbies" to the county program who did not apply for a license in 2016/2017 and did not even pay a fee until threatened to be fined in 2020 or 2021. These "newbies" possibly still haven't paid a dime to the county because of the lawsuit between TAA and the county. These **"newbies" want stacking to be implemented in order to by-pass the microbusiness requirements and in essence create a Type 3 license on a smaller parcel without the Type 3 restrictions and limitations.**

The new addition of "stacking" and discussion of opt-out zones and expansion denies one or more early adopters who have been patiently waiting to have their project presented to the planning commission. Early adopters had to have a legitimate house on the parcel. The new "stacking" carve-out changes the rules and allows a house on one parcel to be counted as a legitimate house for a second parcel so that an effective 20,000 sq ft canopy could exist without the cost of a house that the "early adopters" paid for. With stacking, the effective 20,000 sq ft or more flowering canopy could be allowed to be an unknown size because the rest of the cannabis ordinance will not have been reviewed or updated when and if the stacking carve-out will be approved.

**I do not believe that ONLY reviewing/adding/updating a small (new section) on stacking should be done separately from an overall review/update on the entire cannabis ordinance.** STACKING appears to be overlooking several factors. This addition of "stacking" does not appear to be a good idea, nor does it seem to be in alignment with what the objective of and why updates to the entire cannabis ordinance were being recommended; it seemed the reason provided during the public workshops on the cannabis update was to consolidate, merge, clarify, and provide a comprehensive SINGLE CANNABIS ORDINANCE for the county – and not to add yet another piecemeal addition/update.

IF the NEW STACKING section does get approved separately from the overall update as a separate subset of the overall cannabis updates in progress, the planning commission and board of supervisors will be by-passing cannabis as a whole in the county – isn't that what the objective of the county cannabis ordinance update was about? Or did I hear that incorrectly in the workshops?

I was told that the entire cannabis ordinance update had to be done at once and that piecemealing of the ordinance could not be done - in fact, it seems piecemealing is what got the county to its current situation with a "disjointed and repetitive" cannabis ordinance (or at least that is what I think was presented as the rationale behind changing the existing cannabis ordinance during the workshops).

There is no need on November 16, 2023 and December 5, 2023 to add a RUSHED **STACKING** amendment/carve-out/add-on to the current ordinance prior to the final review and approval of a comprehensive update scheduled to be completed in April 2024. **Updates to the entire cannabis ordinance should be approved at one time as a SINGLE approval,** and not approved as additional piecemealing to exacerbate the current situation. Do it RIGHT. Write one update and either approve it or don't. Don't try to rush and approve a "stacking" one-off to the current ordinance.

PS - A reply is appreciated confirming that these comments have been provided to the Consultants working on the ordinance as a whole