

**TRINITY COUNTY PLANNING COMMISSION  
STAFF REPORT**

**PROJECT TITLE:** Extension of Time Request for Conditional Use Permit P-17-51

**APPLICANT:** Steve Hagen

**PROPERTY OWNER:** Steve Hagen

**REPORT BY:** Mitchell Wexler, Assistant Planner

**LOCATION:** 271 Industrial Park Way

**ZONING DISTRICT:** Specific Unit Development (SUD)

**GENERAL PLAN DESIGNATION:** Industrial

**PROJECT DESCRIPTION:**

The applicant is requesting an extension of time for P-17-51, a cannabis nursery at 271 Industrial Park Way.

Location	Land Use	Zoning District	General Plan Designation
North/South	Unknown	Specific Unit Development (SUD)	Commercial
East	Unknown	Specific Unit Development (SUD)	Industrial
West	Cannabis Nursery	Specific Unit Development (SUD)	Industrial

Table 1: Surrounding Land Uses to Project Site

**PROJECT BACKGROUND**

The Planning Commission originally approved P-17-51, a Commercial Cannabis Nursery Conditional Use Permit, on May 24, 2018. The original applicant was SJH Timber, Inc. The applicant purchased the property in June of 2019 and notified the Planning Department of his interest to continue the project.

On September 10, 2020, an extension of time was granted by the Planning Commission which extended the project to June 7, 2021.

On July 7, 2021, the use permit was deemed expired by the department as the use had not been established. On July 28, 2021, the applicant submitted an appeal of the director's decision that the permit had expired. The applicant argued that an extension of time was necessary due to the ongoing Covid-19 pandemic and lack of timely response on behalf of the County. The appeal was upheld and the project was extended to June 7, 2022.

On June 7, 2022, the applicant submitted a request for an additional one-year extension of time. The applicant argued that an extension of time was needed due to the collapse of the cannabis flower market, which led investors to abandon the project. For them, this meant the need to revise expectations in order to meet the need.

On June 7, 2023, the use permit was deemed expired by the department as the use had not been established. On June 6, 2023, Steve Hagen, the owner of the parcel, applied for an extension to the project. The applicant argues that because the property will have new owners, the issues encountered by Kaden Koffler will not be faced by these future owners, Casey and Gina Massei. The future owners have agreed to complete the current project as it is.

#### **PROJECT EVALUATION/DISCUSSION:**

At this time, there have been one application submitted regarding new ownership of the original project. These include a letter explaining the pending change in ownership, fact that the original project shall stay as it is, signed by Steve Hagen and the two future owners. Because the project is changing ownership, this letter sent explains that Kaden Koffler, of Kultured Cannabis, Inc. is no longer a part of this project. Steve Hagen has regained possession of the property through the foreclosure process. The property is currently in escrow to Casey and Gina Massei, who will resume the project with all conditions remaining the same. Aside from the change in ownership, this extension would not change the conditions or project description of this project. It would only extend the expiration date by a year.

Trinity County Code Chapter 17.32.050C discusses the circumstances for failure to establish a use regarding a use permit. Specifically, a use must be established within two years after the permit has been issued. If the use hasn't been established within that timeframe or the applicant has not applied for an extension of time, then the use permit shall be deemed to be expired. As this use permit requires a building permit, the use shall be established, in accordance with Chapter 17.32.050C(2) when such building permit is secured and construction physically commenced.

Because the applicant has applied for an extension of time prior to the deadline of June 7, 2023, the requirement set by section 17.32.050C for the use permit to remain valid is met.

Trinity County Code Chapter 17.32.050D discusses the process for receiving an extension of time. Extensions of time may be granted by the agency which approved the use permit, in this case the Planning Commission. Good cause is the exclusive criteria listed in this section as needed to grant an extension of time.

In accordance with Trinity County Code Chapter 17.32.050D, because the project shall be under new ownership, and the previous applicant is no longer involved in this project, the Planning Department has determined there is good cause to allow for an extension.

***California Environmental Quality Act (CEQA)***

According to California Environmental Quality Act Guidelines Section 15061 (b) (3), also known as the *General Rule* exemption, it states “where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The temporary placement of an RV qualifies for a General Rule exemption.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission:

1. Adopt a California Environmental Quality Act Determination of a General Rule exemption 15061 (b) (3); and
2. Approve P-23-15 subject to the findings included in Planning Commission Resolution PC-2023-10

**ATTACHMENTS:**

- A. Draft resolution PC-2023-10
- B. Applicant Request for Extension Letter
- C. P-17-51 Conditions of Approval
- D. Site Map
- E. Location Map
- F. Aerial Map
- G. Zoning Districts Map
- H. General Plan Designations Map

**RESOLUTION NO. PC-2023-10**

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

**Approving a fourth extension of time of 1-year for Conditional Use Permit  
P17-51 (Hagan)**

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

**WHEREAS**, approved Conditional Use Permits must be established within 2 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**, an initial 12-month extension of time was granted by the Planning Commission on September 10, 2020; and

**WHEREAS**, an appeal of the Planning Director's decision that P-17-51 was expired was upheld by the Planning Commission, extending the expiration date to June 7, 2022; and

**WHEREAS**, an additional 12-month extension of time was granted by the Planning Commission on July 14, 2022, extending the expiration date to June 7, 2023; and

**WHEREAS**, the Planning Commission held a public hearing and considered this matter at the regular meeting held on September 14, 2023.

**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 General Rule exemption 15061 (b) (3) on the basis that there are no substantial changes to the project or to the circumstances under which the project is proposed to be undertaken, and no new information has been provided that would change the project's impacts.
2. Makes the following map findings:
  - a. That an extension of time to June 7, 2024 may be granted in accordance with Title 17, Trinity County Zoning Code section 17.32.050D.
  - 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.

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Resolution No. 2023-10

9/14/2023

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- 3. The Planning Commission of the County of Trinity hereby approves the one-year extension of time set to expire June 7, 2024, for Conditional Use Permit P-17-51, subject to the conditions of approval adopted on September 14, 2023.

**DULY PASSED AND ADOPTED** this 14<sup>th</sup> day of September, by the Planning Commission of the County of Trinity by motion, second (/), and the following vote:

AYES:  
 NOES:  
 ABSENT:  
 ABSTAIN:  
 RECUSE:

\_\_\_\_\_  
 CAROL FALL, CHAIRPERSON  
 Planning Commission  
 County of Trinity  
 State of California

ATTEST:

By:

\_\_\_\_\_  
 EDWARD PRESTLEY,  
 Secretary of the Planning Commission  
 County of Trinity, State of California

Trinity County Planning Department  
530 Main St  
Weaverville, CA 96093

August 24, 2023

Steve Hagen (Escrow Seller)  
Casey & Gina Massei (Escrow Buyers)  
271 Industrial Parkway  
Weaverville, CA 96093

**Re: Request for Extension of Trinity County Conditional Use Permit P-17-41**

Dear Trinity County Planning Commission & Planning Staff,

We are writing to formally request an extension of the Conditional Use Permit (P-17-41) issued for 271 Industrial Parkway in Weaverville. Trinity County Code Chapter 17.32.050D allows the Planning Commission to grant extensions to this CUP for "good cause." We believe good cause exists in this case.

Current landowner and Escrow Seller Steve Hagen was the original applicant for CUP P-17-41. Shortly after the CUP was issued, the property was sold to Kaden Koffler of Kultured Cannabis, Inc., under the condition that he implement the CUP and maintain it in good standing. After numerous fits and starts, Steve Hagen eventually had to go through the foreclosure process and regain possession of the property, which he completed earlier this year.

In addition to not paying the mortgage, Kultured Cannabis, Inc. failed to establish use of the CUP, despite being granted time extensions by this Commission. After retaking possession of the property, the Escrow Seller was able to negotiate terms with the neighboring landowners (Escrow Buyers) who are interested in pursuing the CUP and the property is currently in escrow. The neighboring parcel also has an active CUP (P-19-38) in good standing.

Escrow Seller and Buyers want to emphasize that none of the earlier extensions granted for this CUP applied to their direct benefit. The original implementation window and all of the extensions ran while Kaden Koffler & Kultured Cannabis, Inc. was in possession of the property. Escrow Buyers would like the opportunity to implement the CUP and develop the property in accordance with it. Escrow Seller would like to continue the effort he began in 2017 and see the realization of his plans for the property.

We respectfully request that the Planning Commission grant a 1-year extension to CUP P-17-41 and allow the contemplated use to be established on the parcel.

Thank you for your consideration,



Steve Hagen  
Landowner/Escrow Seller



Casey Massei  
Escrow Buyer

Einbott



*Gina Massei*

Gina Massei  
Escrow Buyer

**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.

FIGURE 4



- Legend**
- Improvements:**
    - Greenhouse
    - Legacy Remada
    - Loading Dock
    - Parking
    - Retail Store
    - Fire hydrant
    - Gate
    - Water
    - Water Spigot
    - Fence
    - Interior Road
  - Roads:**
    - Paved
    - Unpaved
  - FEMA National Flood Hazard:**
    - 100 Year Floodplain - No BFEs (Zone A)
  - Streams:**
    - Perennial
    - Epithermal
    - Intermittent

0 50 100 200 Feet



Down River Consulting

Coordinate System: NAD 1983 UTM Zone 10N  
Projection: Transverse Mercator



TRINITY COUNTY PLANNING DEPARTMENT			
APPLICANT PREPARED SITE PLAN			
Application No. _____			
Drawn By:	C. Buxton	APN:	024-220-55-00
Date:	11/6/2017	Zoning:	SUD
Scale:	1:1,000	Lot Area:	1.8 Acres

# P-22-17 Location Map

Attache



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Miles

# P-22-17 Aerial Map

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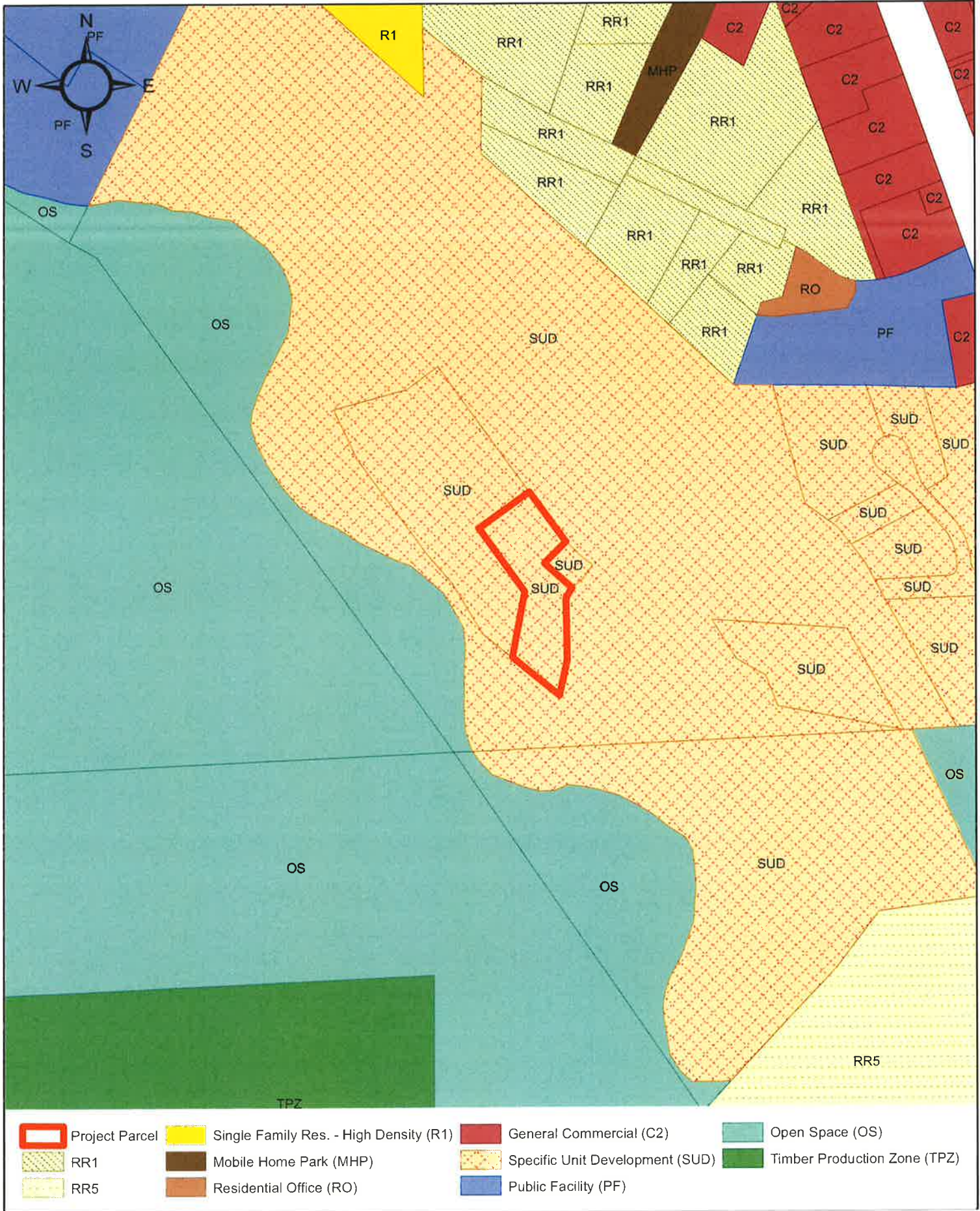
Project Parcel

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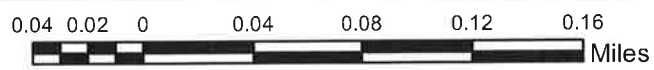
SF Date: 7/6/2022

# P-22-17 Zoning Districts Map

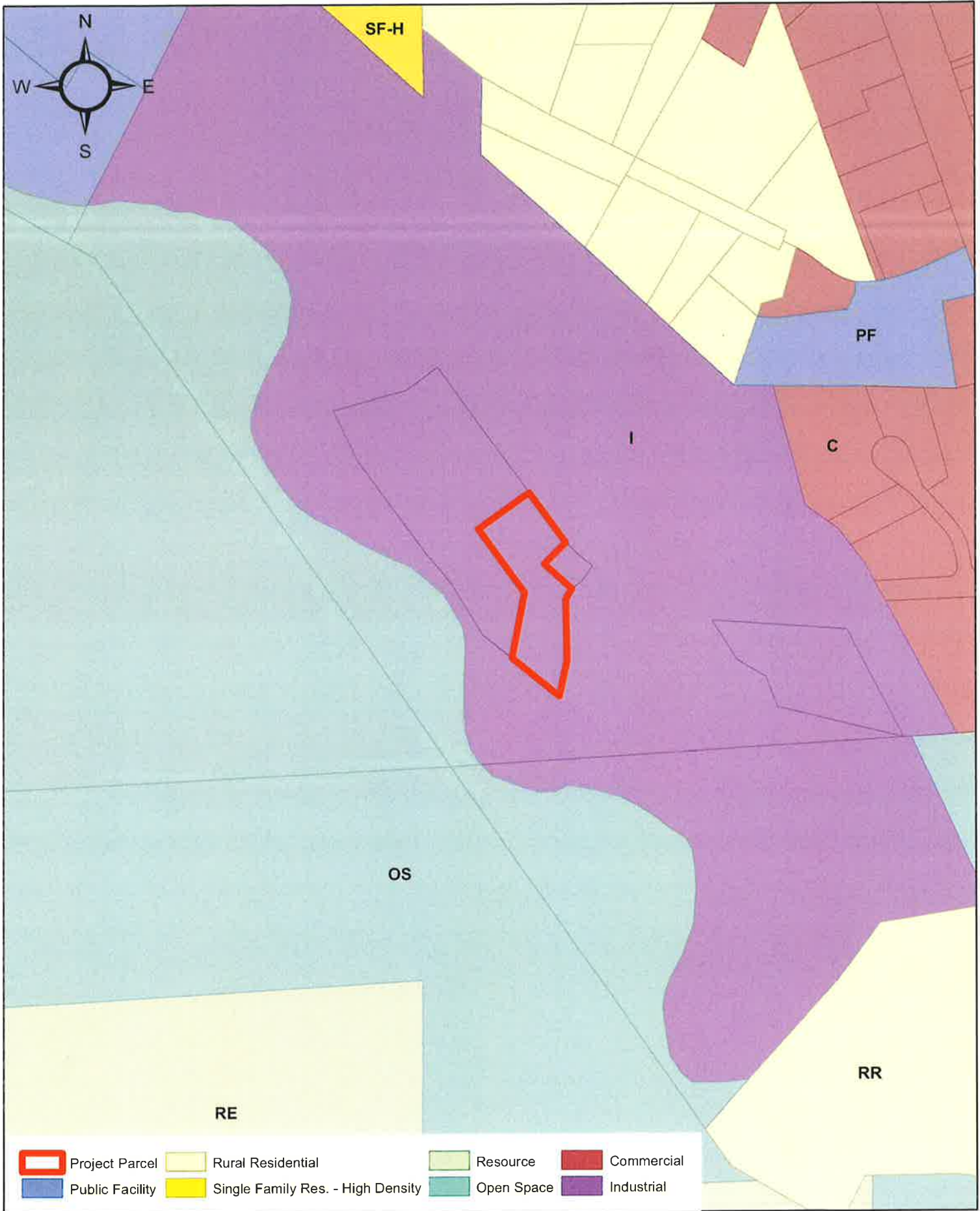
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|----------------|--|---------------------------------|------------------------------|
| Project Parcel | Single Family Res. - High Density (R1) | General Commercial (C2)         | Open Space (OS)              |
| RR1            | Mobile Home Park (MHP)                 | Specific Unit Development (SUD) | Timber Production Zone (TPZ) |
| RR5            | Residential Office (RO)                | Public Facility (PF)            |                              |



# P-22-17 General Plan Designations Map



- |                 |                                   |            |            |
|-----------------|-----------------------------------|------------|------------|
| Project Parcel  | Rural Residential                 | Resource   | Commercial |
| Public Facility | Single Family Res. - High Density | Open Space | Industrial |

