

TRINITY COUNTY PLANNING COMMISSION

STAFF REPORT

PROJECT TITLE: Use Permit Time Extension

APPLICANT: Kultured Cannabis Inc/Kaden Koffler

PROPERTY OWNER: Kultured Cannabis Inc

REPORT BY: Skylar Fisher, Associate Planner

LOCATION: 271 Industrial Parkway, Weaverville (APN 024-220-055)

ZONING DISTRICT: Specific Unit Development - Trinity Alps Business and Industrial Park

GENERAL PLAN DESIGNATION: Industrial

PROJECT DESCRIPTION:

A request for approval of a third extension of time for Conditional Use Permit (CUP) P-17-41 for a Commercial Cannabis Nursery.

Location	Land Use	Zoning District	General Plan Designation
North	Municipal Services	Specific Unit Development - Trinity Alps Business and Industrial Park	Industrial
South	Municipal Services	Specific Unit Development - Trinity Alps Business and Industrial Park	Industrial
East	Municipal Services	Specific Unit Development - Trinity Alps Business and Industrial Park	Industrial
West	Industrial/Municipal Services	Specific Unit Development - Trinity Alps Business and Industrial Park/Open Space	Industrial/Open Space

Table 1: Surrounding Land Uses to Project Site

BACKGROUND INFORMATION:

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.

PROJECT EVALUATION/DISCUSSION:

Project Consistency with the Trinity County Zoning Code

At this time, there has not been an application submitted regarding modifications to the original project. 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.

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.

Project Consistency with the California Environmental Quality Act (CEQA)

The California Environmental Quality Act (CEQA) under the General Rule exemption (Section 15061(b)(3)) exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission make a motion to:

1. Adopt a California Environmental Quality Act (CEQA) determination of a General Rule exemption 15061(b)(3); and
2. Adopt resolution PC-2022-08 to approve the extension of time of P-17-51.

ATTACHMENTS:

- A. Draft Resolution PC-2022-08
- B. Applicant Request for Extension Letter and Attachment
- C. Consultant Quote and Proposal
- D. Letters in Support
- E. P-17-51 Conditions of Approval
- F. Site Plan
- G. Location Map
- H. Aerial Map
- I. Zoning Districts Map
- J. General Plan Designations Map
- K. Trinity County Code Section 17.32.050 – Time limits imposed on use permits

RESOLUTION NO. PC-2022-08

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

Approving a third extension of time of 1-year for Conditional Use Permit P-17-51 (Koffler)

WHEREAS, the Trinity County Planning Department has considered a request for a third 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, 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-17-52 was expired was upheld by the Planning Commission, extending the expiration date to June 7, 2022; and

WHEREAS, the Planning Commission held a public hearing and considered this matter at the regular meeting held on July 14, 2022.

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, 2023, 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.
3. Approves the one-year extension of time set to expire June 7, 2022, for Conditional Use Permit P-17-51, subject to the conditions of approval adopted on July 14, 2022.

DULY PASSED AND ADOPTED this 14th day of July, 2023 by the Planning Commission of the County of Trinity by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:
RECUSE:

WILLIAM SHARP, CHAIRMAN
Planning Commission
County of Trinity
State of California

ATTEST:

By: _____
Edward Prestley
Secretary of the Planning Commission
County of Trinity, State of California

Request for Extension of Trinity County Conditional Use Permit 17-51

Dear Trinity County Planning Department,

On behalf of myself, Kaden Koffler, and Kultured Cannabis, Inc., I am writing to request a 1-year extension of Conditional Use Permit 17-51 on the property 271 Industrial Parkway, Weaverville, CA 96093.

The Planning Commission approved our appeal granting a second 1-year extension at a hearing last year on October 14, 2021. Prior to this, the Planning Department had interpreted Trinity County Code Section 17.32.050 on Extension of Time for Conditional Use Permits to mean only one 1-year extension was possible, after which they considered the CUP expired if the applicant had not obtained a building permit and commenced building.

At that time, our attorney Jay Harris of Pioneer Law Group provided a legal argument as to why the Planning Department was misinterpreting the wording in their own code, and how that misinterpretation conflicted with State Law precedent. I have included his 5-page argument here again for your reference. It clearly demonstrates the legal basis for multiple 1-year CUP extensions being approvable under Trinity County Code Section 17.32.050, so long as the applicant continues to show good faith effort in moving the project forward.

Since approval of the last 1-year extension, we have shown good faith effort in moving the project forward. Examples of this include continued monthly payments on the property note, payments to consultants, countless calls and meetings with potential investors, operating / distribution / sales / genetics partners, engineers, greenhouse and building manufacturers, and contractors.

Despite our efforts, there are certain things that have been out of our control that have delayed progress. In 2020-2021 Covid presented huge challenges across most business sectors that I do not think need any further explaining at this point. The challenges from Covid as they pertained to us specifically our attorney Jay Harris' also illustrated in his argument, that again I have included here.

Then, in late 2021, just after the Planning Commission approved our appeal for a 1-year extension, it became increasingly clear the California cannabis flower market was collapsing. This market crash pushed the price of outdoor cannabis flower below the cost of production for many Emerald Triangle cultivators, and has since put many out of business. The investors we had lined up to finance the development of our cannabis nursery project backed out at that time because the future of cultivation in Trinity County and the Emerald Triangle at large under these new cannabis flower market price pressures seemed much too uncertain to them.

Since then, we have had to revise our project development, operating, and revenue models so that they were better adapted to succeed and persist under this new cannabis flower market paradigm, and as a result have secured commitment from a new set of investors to get construction completed and the nursery operating.

The fact we have shown this level of sustained commitment to see this project through, despite setbacks and now future market uncertainty, should provide the Trinity County Planning Department with more than enough evidence of good faith effort on our part to approve another 1-year extension of our CUP.

Again, as our attorney spelled out, Trinity County Code allows for this, and State Law precedent supports it.

We have engaged Eric Keyes of Trinity Valley Consulting Engineers, who is very experienced in Trinity County development projects, to take the lead on getting our building plans drawn and submitted, and the Conditions of Approval satisfied so that we may obtain a building permit. I have included his proposal for your review.

In addition, I have included letters of support from Dwight Stewart and Pankaj Gupta. Dwight is a long time Trinity County resident and contractor who has worked on countless cannabis and construction projects. He has been collaborating with us over the last year on coordinating all the layers of construction and future nursery operation. Pankaj is an investor himself and has successfully assisted cannabis companies with capital raises since Prop 64 went into effect. He has consulted with us over the last year to put together the investment group that will be funding this project.

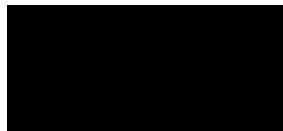
We believe this nursery will be an asset to Weaverville and Trinity County and are asking that Planning approve another 1-year extension of our CUP so we may have the opportunity to continue pursuing the project to completion. Having this request denied would be completely unfair given the amount of money and time we have continued to invest thus far, with good faith intent, to establish the cannabis nursery use on this property.

Respectfully,

A handwritten signature in black ink, appearing to read 'Kaden Koffler', with a stylized, flowing script.

Kaden Koffler

Kultured Cannabis, Inc.



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.



TRINITY VALLEY CONSULTING ENGINEERS, INC

Engineering – Surveying – Land Planning – Construction Management

Kultured Cannabis Inc.
Attn: Kaden Koffler
271 Industrial Parkway
Weaverville, CA 96093

June 7, 2022

RE: Proposal for Engineering Services
Lot Development – 271 Industrial Parkway
Weaverville, CA 96093
APN: 024-220-55

Mr. Koffler:

Per your request, Trinity Valley Consulting Engineers (TVCE) offers the following proposal for engineering planning services at the above referenced location. Services are as follows:

Design of new facilities to include construction drawings of a new cannabis nursery development, parking facilities, utilities, and drainage features. All work will be complete with design of Trinity County Conditions of Approval P-17-51, setbacks, zoning allowances, and all requirements of the California Building Code (CBC). Deliverables will include all documents required for bidding and construction of the proposed work. Items of work will include the following:

Programming and Planning- TVCE shall meet with Client and Property Owner to determine project requirements. Consultant shall research permit requirements and discuss the findings. Consultant shall visit site to review existing conditions and verify existing facilities. From record drawings, and information collected in field, consultant shall develop existing condition drawings including site plan, floor plans, and exterior elevations. A topographic survey of the site will be performed during this phase in order to accurately map the site, verify existing grades, and locate all features.

Schematic Design- From information collected in field, and provided by Client and Property Owner, Consultant shall develop schematic design drawings for proposed improvements including site plan, floor plans, roof plan, exterior elevations, rough building sections and 3D views, and shall submit to Client for review and comment. Consultant shall make one round of design revisions as needed for Client's approval. Changes or increases in scope of work are not included.

Design Review- Upon Client's approval of Schematic Design Drawings, Consultant shall prepare minimum documents required for submittal to the County of Trinity, including Site Plan, Landscape Plan, Utility Plans, Exterior Elevations, and Colored 3D Rendering. Consultant shall attend one public meeting and respond as needed for Design Review approval. Attendance at additional public meetings, as well as additional design revisions requested after the first public meeting, if required, will be performed on an hourly basis.

Design Development- Upon County approval of Design Review Documents, Consultant shall develop more detailed Design Development Drawings including stair calculations, interior elevations, and room finish schedules and shall submit to Client and Property Owner for review and comment. Consultant shall make one round of design revisions as needed for Client and Property Owner approval.

Construction Documents- From Client approved design, Consultant shall develop minimum Construction Documents needed for submittal to the County of Trinity and all other effected agencies. Consultant shall coordinate as needed with Engineers and/or licensed specialty subcontractors as needed to develop a comprehensive set. Design, Drafting, Engineering of Mechanical, Electrical, Title 24 Calculations, Sprinkler Designs (if required), Plumbing, Civil, and Structural Drawings are included as part of this agreement.

Plan Check- Consultant shall submit completed drawings to County of Trinity and respond as needed for building department approval.

Initial LSAA Permit Assistance- Permit assistance is for initial coordination with CA Fish and Wildlife to determine if a LSAA is required for the project and to what degree. If one is required, TVCE will provide an estimate for complete permitting assistance.

Construction General Permit Assistance- Permit assistance is for assistance in obtaining a Construction General Permit. Permits are required for projects the disturb over 1.0 acre or where soil disturbances take place between October 15 – April 15. TVCE will develop a Stormwater Pollution Prevention Plan (SWPPP) as part of the application. TVCE will also assist with the Notice of Intent, Annual Report, and Notice of Termination.

Project Administration- Project administration shall include survey supplies, office supplies, prints, postage, contract documents, billings, and administration.

The following is an estimated budget for the above referenced work as described. Budget may be revised as the project progresses depending on final design and scope of work. Budget estimate is as follows:

➤ Programming and Planning	\$ Redacted
➤ Schematic Design	\$ Redacted
➤ Design Review	\$ Redacted
➤ Design Development	\$ Redacted
➤ Construction Documents	\$ Redacted
➤ Plan Check	\$ Redacted
➤ Initial LSAA Permit Assistance	\$ Redacted
➤ Construction General Permit	\$ Redacted
➤ Administration	\$ Redacted
Total	\$ Redacted



The following services are not included at this time, but may be requested by the client. TVCE will provide an estimate upon request:

- Hazardous Material Testing and Report
- Geological Report
- Onsite Wastewater System Design
- Hydraulic Report
- Property Line Surveys
- Flood Elevation Certificate
- Environmental Documents (CEQA)
- Plan Check Fees or Permit Fees
- Changes or Increase in Scope

A 25% retainer is required prior to beginning services. The retainer will be held until 75% completion of work. Progress payment are due upon completion of each work item. A progress invoice will be issued at the end of each phase, or once per month. Balances unpaid within 30 days will be assessed a finance of 1.5% of the unpaid balance.

Please call (530) 623-4446 if you have any questions.

Respectfully,



Eric Keyes, PE

Attached: Estimate No. 1636



ESTIMATE No. 1636

Kaden Koffler
Kultured Cannabis Inc.
3450 1st avenue
Sacramento
CA 95817



67 Walnut Way * Post Office Box 1567
Willow Creek, California 95573
phone: 530.629.3000 fax: 530.629.3011
email: tvce@tvce.biz

Approved By:

_____:

Quoted By: Eric Keyes

ESTIMATE

ESTIMATE DATE

3 Jun 2022

ESTIMATE TOTAL

Redacted

VALID TO

3 Jul 2022

Engineering Services

	QTY	RATE	AMOUNT
PROGRAMMING AND PLANNING Redacted			
Survey Instrument Robotic SX10 Total Station & Operator	1:00	Redacted	
Tony O'Rourke Licensed Land Surveyor: Survey Oversight	4:00	Redacted	
Eric Keyes Professional Engineer: Project Oversight, Consulting, and Coordination	8:00	Redacted	
Nathaniel Gravette Field Surveyor	16:00	Redacted	
Michael Korb Jr Survey Technician	8:00	Redacted	
Vehicle Survey Equipment Vehicle	1:00	Redacted	
SCHEMATIC DESIGN Redacted			
Eric Keyes Professional Engineer: Project Oversight, Consulting, and Coordination	4:00	Redacted	
Nathaniel Gravette Civil Draftsman	32:00	Redacted	
Angelo Dominick	32:00	Redacted	

Building Draftsman		
DESIGN REVIEW Redacted		
Eric Keyes Professional Engineer: Project Oversight, Consulting, and Coordination	8:00	Redacted
Nathaniel Gravette Civil Draftsman	12:00	Redacted
Angelo Dominick Building Draftsman	16:00	Redacted
DESIGN DEVELOPMENT Redacted		
Eric Keyes Professional Engineer: Project Oversight, Consulting, and Coordination	4:00	Redacted
Nathaniel Gravette Civil Draftsman	8:00	Redacted
Angelo Dominick Building Draftsman	20:00	Redacted
CONSTRUCTION DOCUMENTS Redacted		
Eric Keyes Professional Engineer: Structural Engineering	16:00	Redacted
Nathaniel Gravette Field Surveyor: Civil Design	50:00	Redacted
MEP Engineering Outside Service	1.00	Redacted
Angelo Dominick Draftsman: Building Design	60:00	Redacted
Title 24 Outside Service	1.00	Redacted
Fire Sprinkler Design Outside Service	1.00	Redacted
PLAN CHECK Redacted		
Eric Keyes Professional Engineer: Project Oversight, Consulting, and Coordination	8:00	Redacted
Nathaniel Gravette Field Surveyor: Civil Design	4:00	Redacted
Angelo Dominick Draftsman: Building Design	4:00	Redacted
INITIAL LSAA PERMIT ASSISTANCE Redacted		
Eric Keyes	4:00	Redacted

Professional Engineer			
CONSTRUCTION GENERAL PERMIT Redacted			
Storm Water Pollution Prevention Plan Report Development	1.00	Redacted	
Eric Keyes Professional Engineer: Notice of Intent	4:00	Redacted	
Eric Keyes Professional Engineer: Annual Report	2:00	Redacted	
Eric Keyes Professional Engineer: Notice of Termination	4:00	Redacted	
ADMINISTRATION Redacted			
Administration . Administration, Prints, Postage, and Supplies	14:00	Redacted	

Subtotal	Redacted
Tax	Tax Exempt
Total USD\$	Redacted

Terms: This is an estimate, actual costs will be billed on a time and material basis.
Client is responsible for all County and State permitting fees which are not included in this estimate.

Letter in Support of Request for Extension of Trinity County Conditional Use Permit 17-51

Dear Trinity County Planning Department,

This letter is in support of Kaden Koffler and Kultured Cannabis' request for a 1-year extension of their Trinity County Conditional Use Permit 17-51.

I am a long-time resident of Trinity County and a local General and Electrical Contractor. I have worked with the Trinity County Planning and Building Departments and Trinity County clients on a wide range of construction projects over the years, many of which have been cannabis related.

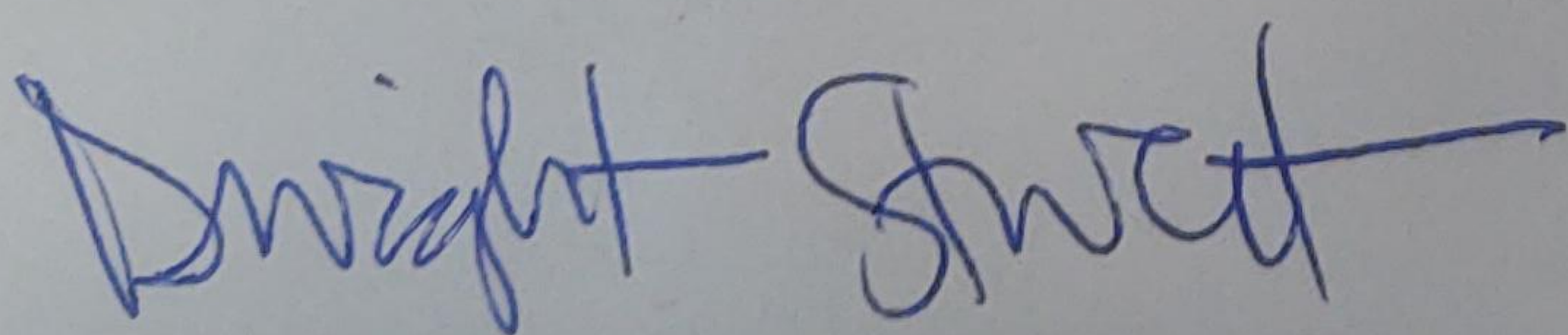
I was put in touch with Kaden Koffler of Kultured Cannabis some time back through some mutual contacts in our network and was excited to hear about their cannabis nursery project in Weaverville. I think it would be a perfect project to fill a much-needed service for Trinity County cultivators to tap into and to provide an additional source of jobs for the Weaverville community.

Over the last year I've helped Kaden revise his property development and operational strategy for building and ultimately running the nursery by leveraging my own expertise and some of my local contacts in Trinity County, all who are well versed in Trinity County Planning and Building Code. I've also assisted in bringing talented Trinity County residents to the table as potential future staff members at this facility once it's built.

Kaden has asked me to take the lead working with Eric Keyes of Trinity Valley Consulting Engineers to help them secure a building permit, and to manage the construction project once it commences. Additionally, I've agreed to play a management role in the nursery operation since I live nearby and have the contacts to ensure its success having lived in the area for so long.

Kaden has continued to put a lot of effort into this project, just in the hours spent on the phone and face-to-face meetings with myself alone. I fully support Kaden and Kultured Cannabis being issued another 1-year extension of their CUP so that they can continue to push this Trinity County project forward. I know from talking with countless cultivators in Trinity County that they would greatly benefit from a facility like this in Weaverville.

Respectfully,



Dwight Stewart
Building Logic
License # 938360



Pankaj Gupta
Front Office Solutions Inc.



June 30, 2022

Trinity County Planning Department
61 Airport Rd
Weaverville, CA 96093

RE: Letter in Support of Request for Extension of Trinity County Conditional Use Permit 17-51

Dear Trinity County Planning Department,

This letter is in support of Kaden Koffler and Kultured Cannabis' request for a 1-year extension of their Trinity County Conditional Use Permit 17-51.

Over the past year I have worked with Kaden Koffler, Kultured Cannabis, and their cannabis nursery team on securing an investment package to fund the construction and operation of their cannabis nursery. Over this time, we have developed a project plan for Trinity that will ultimately be sustainable, profitable and provide a great return to our investors.

I am an investor, and work with a network of other investors that have helped numerous cannabis companies raise capital for various projects. My investor group is very interested in this project as we believe the nursery market has less volatility than the standard flower market in California. We believe this project will be a gateway to provide access to quality cannabis strains for various highly profitable urban markets. This funding would have already been secured had it not been for the abrupt cannabis flower market crash experienced over the last year.

There's been a significant amount of legwork, planning and strategizing that has gone in to make this project attractive. My group of investors are committed to funding the project, assuming this additional 1-year extension is approved, and their CUP remains in place. Once the 1st phase of the project is launched, there will be additional funding to continue to grow and develop the project. This will be of great value to the county as the project will create jobs and ongoing growth opportunities.

The Kultured Cannabis team has all the characteristics needed to make a project like this successful, and now that I've helped them line up their financing, they will be ready to move to the next step as soon as my investors see the 1-year extension has been approved.

I look forward to your expedient approval of this extension so that we can get this project kicked off. If you have any questions or would like to discuss this further, please contact me.

Regards,

A handwritten signature in black ink, appearing to read 'P. Gupta'.

Pankaj Gupta

**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.

FIGURE 4

SITE PLAN



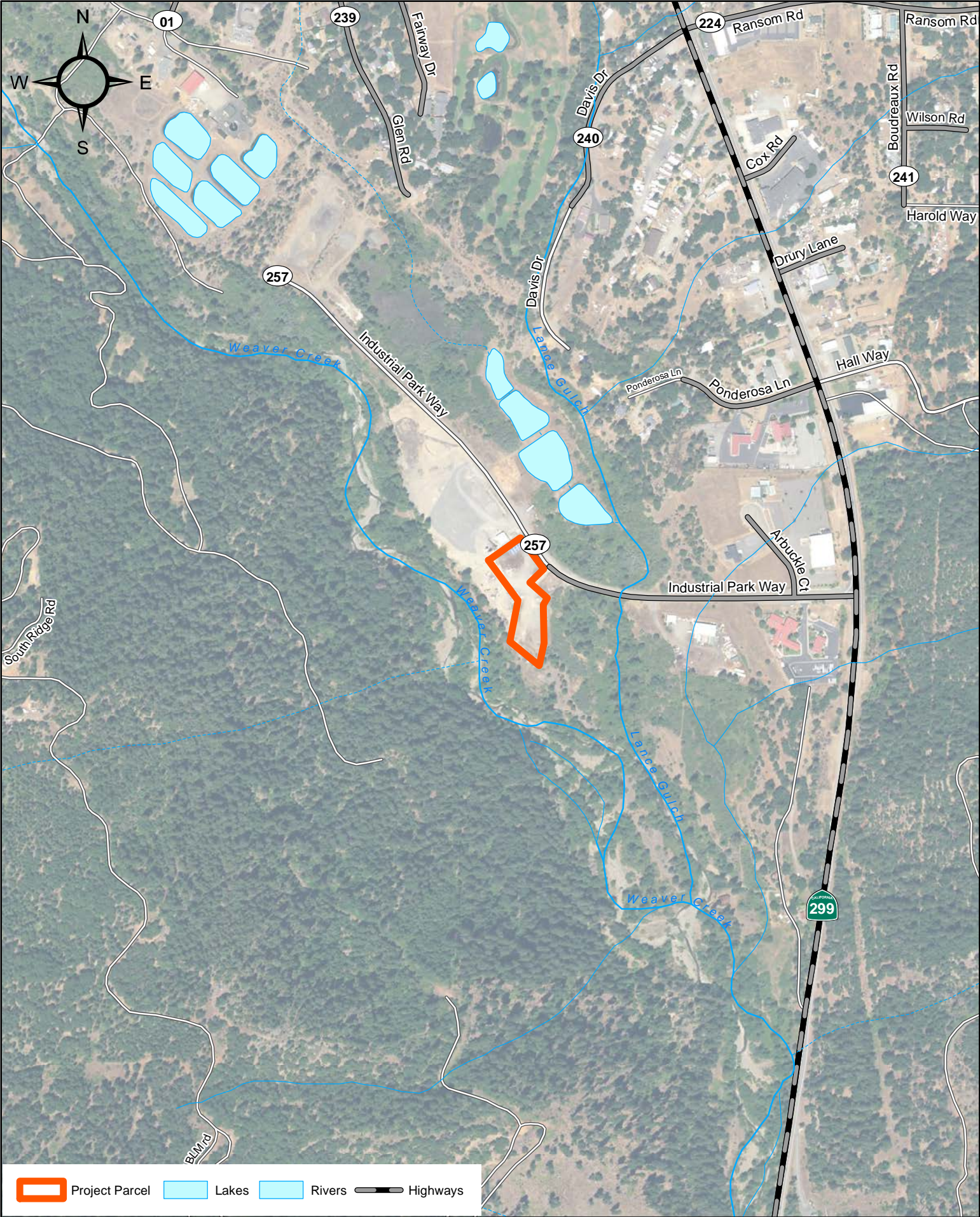
0 50 100 200 Feet



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

TRINITY COUNTY PLANNING DEPARTMENT			
APPLICANT PREPARED SITE PLAN			
Application No. _____		APN: 024-220-55-00	
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



0.07 0.035 0 0.07 0.14 0.21 0.28 Miles

P-22-17 Aerial Map

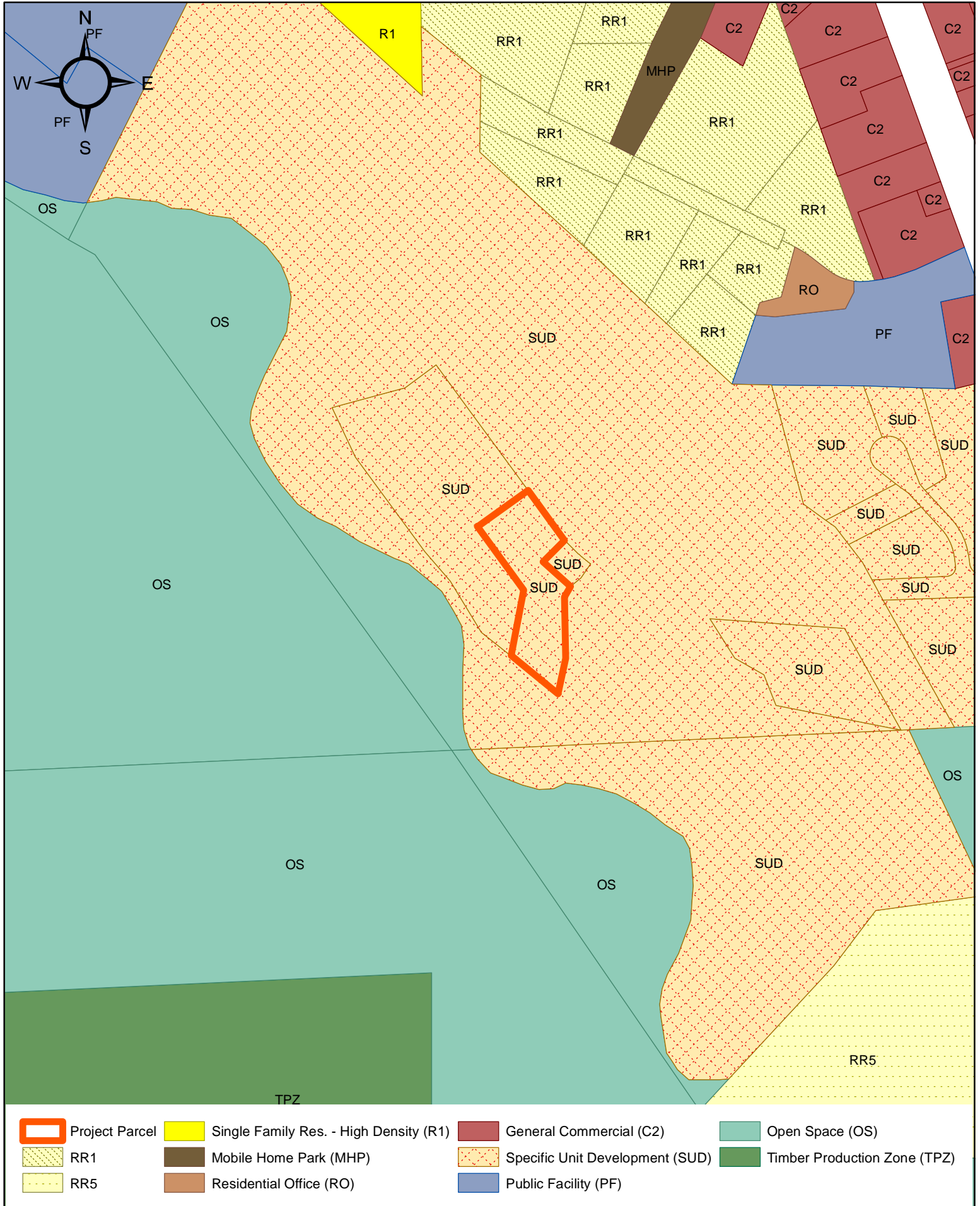


 Project Parcel

0.008 0.004 0 0.008 0.016 0.024 0.032 Miles

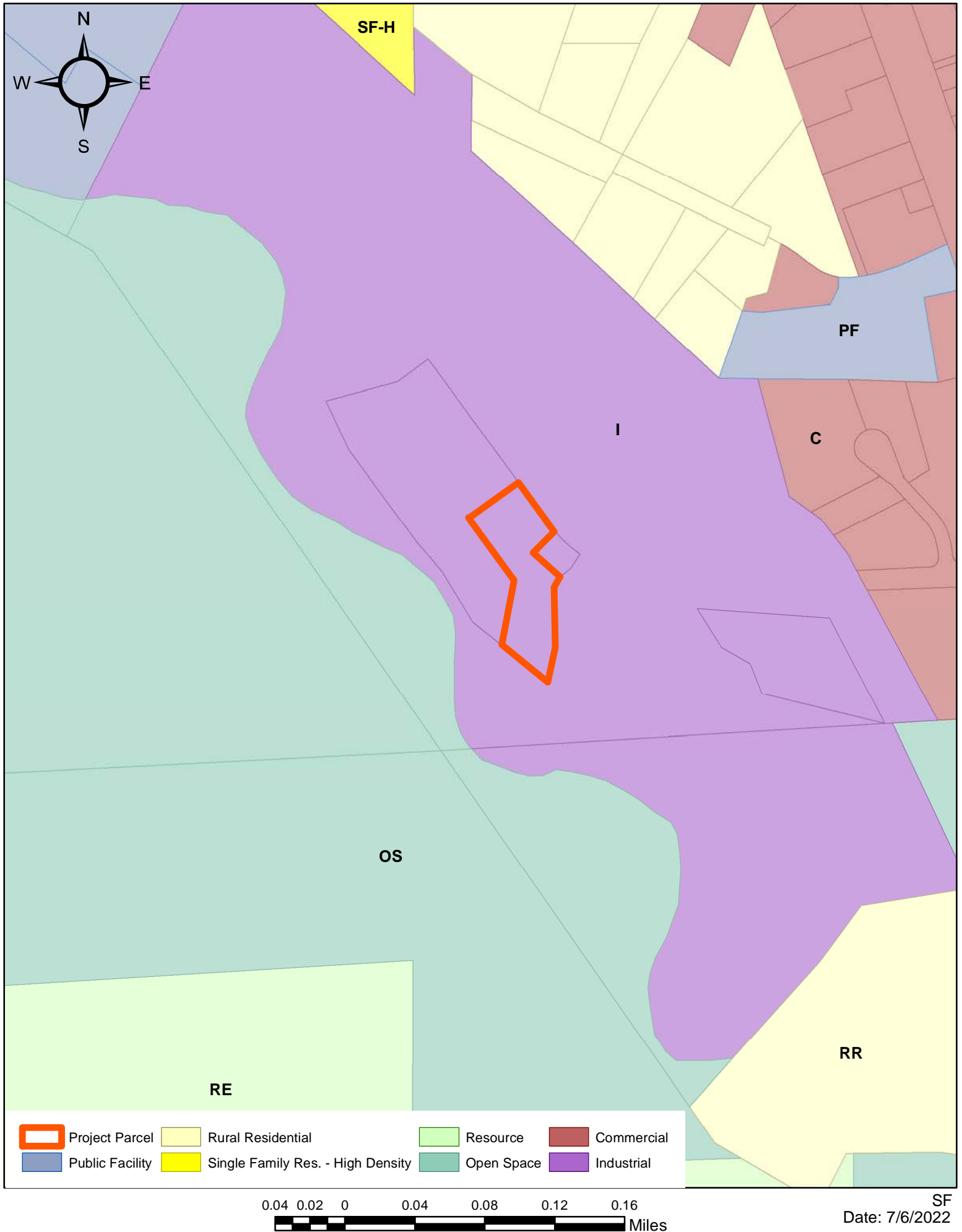
SF
Date: 7/6/2022

P-22-17 Zoning Districts Map



0.04 0.02 0 0.04 0.08 0.12 0.16 Miles

P-22-17 General Plan Designations Map



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.