

<b>TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</b>
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**APPLICANT:** Kaden Koffler

**OWNERS:** Kultured Cannabis Inc.

APN: 024-220-55-00

**PROJECT DESCRIPTION:**

One-year extension of time for Conditional Use Permit P-17-51 Commercial Cannabis Nursery

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

**PROJECT INFORMATION:**

Planning Area: Weaverville

Existing General Plan Designation: Industrial

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

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

Adjacent Land Use:

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

**Background:**

The Planning Commission originally approved Conditional Use Permit P-17-51 of approximately 1.8 acres, located at 271 Industrial Parkway Weaverville, to facilitate the development and operation of a Commercial Cannabis Nursery on May 24, 2018. The Conditional Use Permit was issued on June 7, 2018 and set to expire on June 7, 2020. The original applicant receiving approval was SJH Timber, Inc. The applicant for the extension of time, Mr. Kaden Koffler, purchased the property in June of 2019 and at that time, notified Trinity County Planning staff of the intent to move forward with the development of the previously

approved CUP P-17-51. On June 5, 2020 County Staff received a letter requesting the extension of time and the appropriate fees.

**Use Permit Extension of Time:**

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

**ENVIRONMENTAL DETERMINATION:**

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

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

1. Continue the public hearing to request additional information.
2. Deny the request for an extension of time. Specific findings are not required.

**CONCLUSION:** Based on the information supplied by the applicant and information available to the Planning staff, staff is of the opinion that approval of a 1-year extension of time for Conditional Use Permit P-17-51 Commercial Cannabis Nursery to be operated by current owner Kaden Koffler, CEO Kultured Cannabis Inc. is consistent with the requirements of the Trinity County Zoning Code, Section 17.32.030(D) which allows the Planning Commission to grant an extension of time up to one year upon show of good cause.

**RECOMMENDATION:** That the Planning Commission:

1. Conduct a public hearing.
2. Close the public hearing.
3. Adopt a resolution to:
  - a) find that the extension of time is not subject to California Environmental Quality Act (CEQA) under the General Rule exemption 15061(b)(3) which exempts activities where it can be seen with certainty that there is no possibility of causing a significant effect on the environment; and
  - b) adopt the recommended findings listed in Resolution 2020-11; and
  - c) approve a 1-year Extension of Time P-20-21 for Conditional Use Permit (P-17-51) based on the recommended findings and subject to the conditions of approval

**ATTACHEMENTS:**

1. Resolution 2020-11
2. May 24, 2018 Planning Commission Staff Report including the Conditions of Approval
3. Letter from the Applicant
4. Location Map / Zone District Map
5. Site Plan CUP P-17-51

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

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

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

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

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

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

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

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

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

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

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

AYES:  
NAYS:  
ABSENT:  
ABSTAIN:  
RECUSE:

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MICHAEL "DAN" FRASIER, CHAIRMAN  
Planning Commission  
County of Trinity  
State of California

ATTEST:

Kim Hunter  
Secretary of the Planning Commission

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

<p><b>TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</b></p>
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**APPLICANT:** SJH Timber, Inc.

**REPORT BY:** Colleen O'Sullivan

**OWNER:** Steve Hagen

**APN:** 024-220-55 (1.8 acres)

**PROJECT DESCRIPTION:** The applicant is seeking the necessary entitlements to establish a Cannabis nursery on property located in the Trinity Alps Business Park.

**LOCATION:** 271 Industrial Park Way, Weaverville

**PROJECT INFORMATION:**

- A) Planning Area: Weaverville
- B) Existing General Plan Designation: Industrial
- C) Existing Zoning: Specific Unit Development (SUD)
- D) Existing Land Use: vacant (formerly part of Concrete Aggregate Products' operation)
- E) Adjacent Land Use Information:

	<u>Land Use</u>	<u>Zoning</u>	<u>General Plan Des.</u>
North:	COT-wetland/residential	SUD/RR-1	Industrial/Rural Res
South:	COT/Weaver Creek	SUD/OS	Industrial/OS
East:	TPAC/COT/Trindel/soil co.	SUD	Industrial
West:	COT/Weaver Creek	SUD/OS	Industrial/OS

**BACKGROUND INFORMATION:**

The Trinity Alps Business Park was created in 1996 to provide parcels for business and industrial uses. The entire project area was designated as Industrial (General Plan), and the Specific Unit Development (SUD) zone was applied. Project development included an upper level and a lower level. Development standards were adopted to help guide general commercial and industrial development, and to indicate the type of entitlements necessary to allow various activities. They are attached as Figure 1.

Since establishment of the business park, county offices, a performing arts center, Shasta College and other businesses have located on the upper level. In the lower level, a soil company, a sand and gravel operation, and a wetlands project (jointly operated by COT and a federal agency) have been operating. The project parcel was once part of the sand and gravel business, which has since sold off its two properties (the larger parcel is owned by Evergreen Farm Feed & Garden – Figure 4).

This project is located on the lower level of the business park on a parcel that gently slopes towards Weaver Creek (Figure 3). The proposed nursery would require a Commission-issued use permit under the Development Guidelines; in addition, a Cannabis nursery requires a CUP as stipulated in Ordinance #315-826 – Cannabis Nursery Regulations. The project is located within the Weaverville Community Services District.

**PROJECT DESCRIPTION:**

The applicant would like to construct two greenhouses of 3000 square feet each to house immature plants, and to construct a commercial building of 3600 square feet for sales, research and development, storage etc. (Figures 4 and 5). Between 7 to 10 employees per shift will work at one time, with up to 15 total employees. They propose to operate the business from 10 a.m. to 6 p.m. Monday through Friday.

**PROJECT EVALUATION:**

Staff's evaluation and discussion centered on access, internal circulation and adequate parking, traffic, wastewater discharge, lighting, odors, riparian setbacks, grading and drainage plan requirements, limitations on retail sales, hours of operation, Environmental Health Department requirements, fuel storage, and security and fencing.

**Access**

Access to the project site is from Industrial Park Way (Co. Rd. # 257). An encroachment permit will be a requirement with development. The site plan indicates two encroachments from the county road, which lead to an internal road system; however, there is only one access point, near the existing ramada. The second access is across Weaverville Sanitary District property. It's unclear at this time if the applicant will be allowed to use this easement.

**Parking and Internal Circulation**

The applicant's consultant, Down River Consulting, has provided a site plan that includes onsite parking. The applicant estimates that between 7 to 10 employees could be onsite per shift (10 a.m. to 6 p.m.). There may be upwards of 15 total employees. Section 30.1.2 of the Zoning Ordinance requires a *minimum of 2 spaces for every 3 employees on the shift having the largest number of employees, but not less than one space for each 2000 square feet of gross area* (page 151). The site plan shows over 40 parking spaces to accommodate the proposed square feet of development, primarily located in the northwest part of the parcel. There appears to be adequate distance between parking areas to allow safe back-up and exit.

Internal circulation appears on the plot plan using both access points to complete a loop. If the second access is not available to project operations, internal circulation still appears to be adequate to meet onsite needs. Staff recommends that 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.

**Traffic/Trip Generation**

The Institute of Transportation Engineers publishes a Trip Generation document for various land use activities (pers. comm., Marcellino Gonzalez, Caltrans, Regional Planning, District 2). For a Wholesale Nursery, there are on average 23.40 trips a day per 1000 square feet of the project area for employees. For customers it is 39 trips per day (50% entering, 50% exiting). With 10,800 total square feet of project area, projected trips per day for customers could be as high as 390 or more. However, this project has limited retail space (720 square feet) and is not expected to generate this level of traffic. Without specific numbers, staff estimates that 150 trips per day would be a reasonable estimate. The former sand and gravel operation that occupied this site generated similar numbers, depending on source material and availability (pers. comm. Clint Robison).

**Wastewater Discharge**

The project site is within both the Weaverville Sanitary District (WSD) and the Community Services District. The parcel must be connected to these services to operate the business. The WSD has indicated that they cannot accept wastewater generated from the nursery without the operator first obtaining a Wastewater Discharge Permit from them to control for pH and other factors. The permit will include, among other requirements, a separate waste line to a tank for processing prior to discharge into sanitary sewer lines. Sampling and monitoring will be conducted by a third party. These measures will prevent effluent from leaching into the groundwater and Weaver Creek and will also not disrupt the 'bugs' in the sanitary wastewater system.

**Lighting**

On past projects, concerns have been raised regarding lighting and light pollution associated with Cannabis operations. Even though the project is located on the lower bench, the proposed greenhouses could generate significant light, which may be visible to residences to the north (Davis Road). Staff recommends that light and glare from



nursery facilities and other activities be shielded or otherwise mitigated (downward-facing and shielded lights) so as not to emanate onto neighboring properties or residential areas.

### **Odor**

On past projects, concerns have also been raised regarding odors associated with Cannabis operations. Although a Cannabis nursery is an indoor activity, air circulation and temperature control are features of conducting a successful operation. There are mechanisms to control odor emissions, including forced air systems that use carbon filters and other devices. Staff recommends that measures be implemented to control and contain odors that may emanate from the all operations.

### **Riparian Setbacks**

The project parcel is outside the 100 year floodplain of Weaver Creek, which flows from northwest to southeast. There is a well-established riparian corridor along the creek. The California Department of Fish and Wildlife (CDF&W) is requiring a 100 foot setback from the dripline or riparian edge, whichever is greater, and it should be delineated on the site plan before building permits are issued.

*gpa c* In addition, CDF&W is requiring a Lake or Streambed Alteration Agreement (LSAA) or written verification that an LSAA is not required should be demonstrated by the applicant prior to issuance of the use permit.

### **Grading and Drainage Plan Requirements**

The Trinity Alps Business Park development standards require that a Grading and Drainage Plan, including erosion control measures where necessary, should be submitted to the county Department of Transportation for review and approval prior to issuance of the use permit and building permits.

### **Retail Sales Limitations**

The Cannabis Nursery Ordinance states that "[A]uxiliary nursery sales are not permitted within the established nursery facility; however, the location of sales shall not exceed ten percent (10%) of the Cannabis nursery facility." Staff believes that the ten percent limitation applies to the non-nursery building that houses other activities. The consultant maintains that the ten percent limitation applies to the entire facilities area, including the greenhouses. The Ordinance is not clear so staff defers to the consultant's determination; therefore, the retail portion of the entire operation cannot exceed 1,080 square feet (ten percent of a total of 10,800 square feet). As represented on the site plan, 720 square feet is proposed as the retail portion of the auxiliary building.

### **Hours of Operation**

The applicant proposes to operate the facility between 10 a.m. and 6 p.m. Monday through Friday. A school bus stop is located at the corner of Industrial Park Way and Highway 299, which picks up children between 8 and 8:20 a.m. (approximately). If the applicant proposes to expand their hours, they should limit the opening time to 8:30 to avoid conflicts with the bus stop.

*begin  
business  
hours  
after 4*

**Environmental Health Department Requirements**

The county Environmental Health Department, as part of its CUPA program (Certified Unified Program Agency), is requiring a Hazardous Materials Business Plan as part of the use permit.

**Fuel Storage**

Due to the underlying tailings and porous nature of the lower bench of the Trinity Alps Business Park, staff is recommending that no fuel 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, should be kept on site at all times. Employees will be educated on the location of the kit and the proper use of the equipment prior to the start of work.

**Security and Fencing**

✓ The Cannabis Nursery Ordinance states that a security system and plan, as approved by the Trinity County Sheriff's Department, should 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 must 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.

**Other Use Permit Requirements Specific to Cannabis Nurseries**

Please see Exhibit A for a complete list of requirements as codified in the Cannabis Nursery Ordinance (Ord. #325-826).

**ENVIRONMENTAL EVALUATION:**

And initial study and proposed Negative Declaration was completed on April 18, 2018 and sent to the State Clearinghouse for review. To date, no comments were received.

**STAFF RECOMMENDATION:**

Staff recommends the following:

1. Approve the Negative Declaration,
2. Approve the Use Permit to establish a Cannabis Nursery

**Findings of Fact for the Use Permit**

1. **Finding: Sound Principles of Land Use. The use permit is granted on sound principles of land use.**

Statement of Fact: Cannabis Nurseries are allowed in this zoning district after first securing a Use Permit. Cannabis Nursery Ordinance #315-826.

- 2. Finding: Not Injurious. Granting the use permit will not be detrimental to the public health, safety, or welfare, nor will it create a public nuisance.**

Statement of Fact: The use permit, as conditioned, will mitigate for potential drainage, lighting, odor, traffic and internal circulation impacts, as well as mitigate for wastewater discharge, riparian setbacks, security and fencing requirements, and other requirements as stipulated in Ordinance #315-826

- 3. Finding: The use permit complies with the objectives of the general plan for the area in which it is located.**

Statement of Fact: The use permit is consistent with the objectives of the Weaverville Community Plan and the Trinity Alps Business Park of establishing and supporting industrial uses on the lower bench of the Park. The use permit is also consistent with the Cannabis Nursery Ordinance of allowing this use in Industrial zoning, subject to conditions of both the Ordinance and staff evaluation.

**CONDITIONS OF APPROVAL  
P-17-51  
CANNABIS NURSERY USE PERMIT**

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.
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 the Trinity County Sheriff's Department, 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.



Kultured Cannabis, Inc.

3104 O St, #128

Sacramento, CA 95816

May 28, 2020

Trinity County Planning Department

P.O. Box 2819

Weaverville, CA 96093

Dear Trinity County Planning,

We are writing to request an extension on our cannabis nursery CUP that was approved on our property located at 271 Industrial Pkwy, Weaverville, CA 96024. We have enclosed the signed form as well as a check for the extension fee.

Our organization is multi-faceted and owns another piece of property with multiple licenses in Sacramento, and until recently has had to focus a lot of our effort there. Once we got the approvals we needed, we were able to shift our focus to our Weaverville property, which we now have our architect wrapping up building plans for in anticipation of submitting to Trinity County very soon. We apologize for the delay but want to assure you we are moving quickly at this point and are excited to get this nursery operational and supporting the Trinity County cultivation community.

We are in the financial position to start building as soon as we have our building plans approved, so hope to be breaking ground within the couple months.

Thank you in advance,

A handwritten signature in black ink, appearing to read "Kaden Koffler", with a long horizontal flourish extending to the right.

Kaden Koffler

CEO, Kultured Cannabis

[kaden@kulturedcannabis.com](mailto:kaden@kulturedcannabis.com)

760-889-2571

RECEIVED

JUN 05 2020

TRINITY COUNTY  
PLANNING DEPARTMENT



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

Receipt Number: PL2020-00047

**Payer/Payee:** KULTURED CANNABIS INC  
3450 1ST AVE  
SACRAMENTO CA 95817-2015

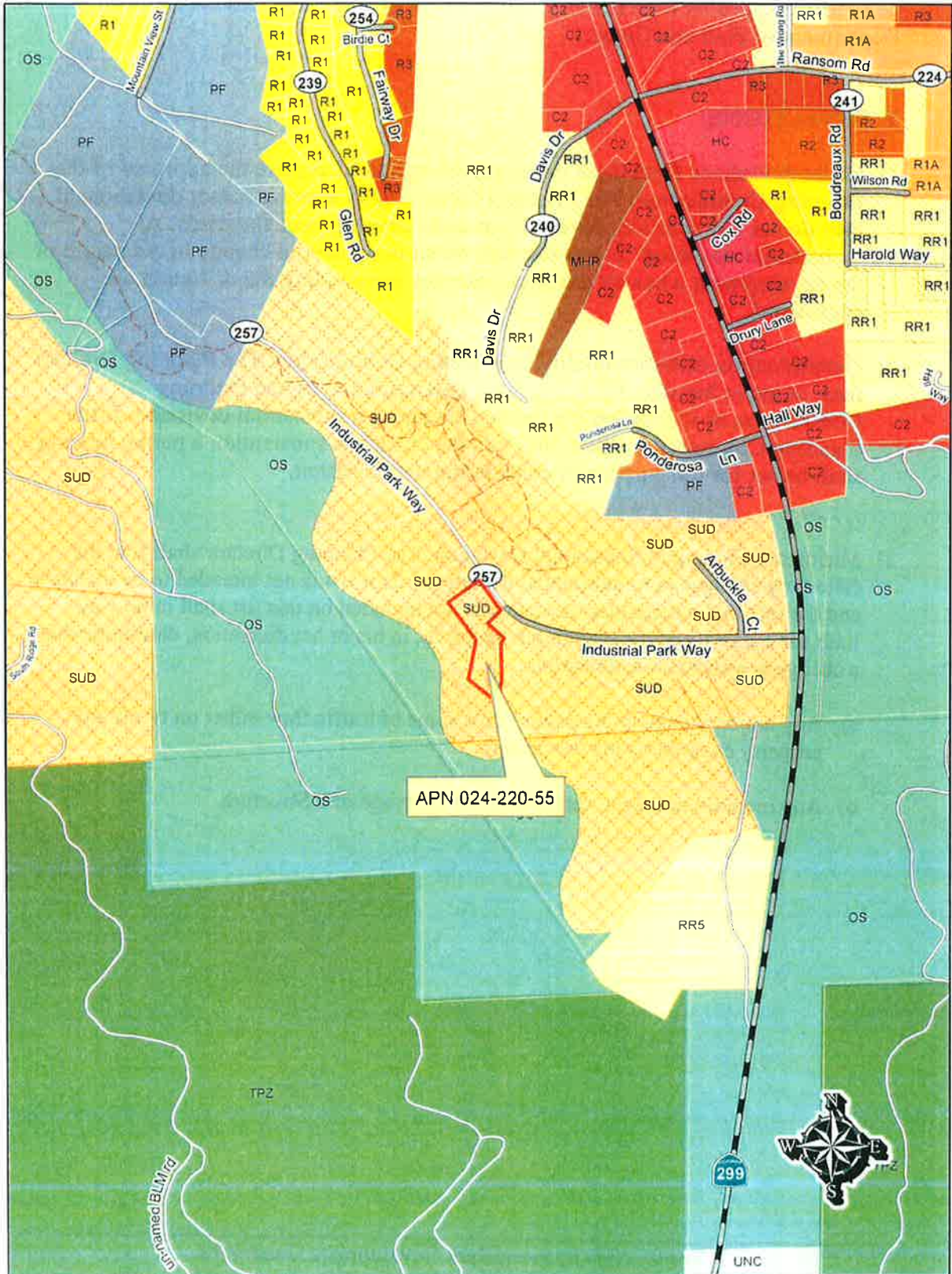
**Cashier:** Bella Hedtke

**Date:** 06/08/2020

<b>P-20-21</b>	<b>USE PERMIT TIME EXTENSION</b>	<b>271 Industrial Parkway WVR</b>			
<b>Fee Description</b>			<b>Fee Amount</b>	<b>Amount Paid</b>	<b>Fee Balance</b>
	TIME EXTENSION (USE PERMIT)		\$500.00	\$500.00	\$0.00
	PLANNING ENVIRONMENTAL HEALTH REVIEW FEE1 \$76		\$76.00	\$76.00	\$0.00
			<b>\$576.00</b>	<b>\$576.00</b>	<b>\$0.00</b>

<b>Payment Method</b>	<b>Reference Number</b>	<b>Payment Amount</b>
CHECK	1886	\$576.00
<b>Total Paid:</b>		<b>\$576.00</b>

**- PROJECT LOCATION AND ZONING MAP  
P-17-51 SJH TIMBER INC - CANNABIS NURSERY USE PERMIT**



# SITE PLAN



- Legend**
- Improvements
    - Greenhouse
    - Legacy Ramada
    - Loading Dock
    - Parking
    - Retail Store
    - Fire Hydrant
    - Gate
    - Meters
    - Water Spigot
    - Fence
    - Interior Road
  - Roads
    - Paved
    - Rocked
  - FEMA National Flood Hazard
    - 100 Year Floodplain - No DFE (Zone A)
  - Streams
    - Perennial
    - Epithermal
    - Wetlands

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

0 50 100 200 Feet

**Down River Consulting**

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

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