

TRINITY COUNTY PLANNING COMMISSION

STAFF REPORT

PROJECT TITLE: Initial Commercial Cannabis Cultivation Variance (CCL792)

APPLICANT: Kamila Hampson & Dorin Bulat

PROPERTY OWNER: Dorin Bulat

REPORT BY: Colton Trent – Environmental Compliance Specialist, Cannabis Division & Aida Tavakoli – Environmental Compliance Specialist, Cannabis Division

LOCATION: 3041 Wildwood Road, Platina (APN 019-680-005-000)

ZONING DISTRICT: Unclassified (UNC)

ZONING OVERLAY DISTRICT(S): N/A

GENERAL PLAN DESIGNATION: Rural Residential (RR)

PROJECT DESCRIPTION: An initial commercial cannabis cultivation request of the Planning Commission to reduce the required 350-foot cultivation setback from a neighboring residential structure, pursuant to Trinity County Code Section 17.43.050A(8). The Project would operate up to 10,000 sf of outdoor mature cannabis canopy cultivation composed of twenty (20) 6 ft. x 83 ft. hoop rows including 320 sf of immature canopy, and 1,120 sf of associated operational support buildings. Water for the Project would be provided from an existing permitted groundwater well. An onsite septic system would serve the Project’s wastewater needs. The proposed cultivation area (and property) is accessed from Hwy 36 by turning south onto Wildwood Road and passing through a locked gate.

Location	Land Use	Zoning District	General Plan Designation
North	Rural Residential	Unclassified (UNC)	Rural Residential (RR)
South	Rural Residential	Unclassified (UNC)	Rural Residential (RR)
East	Rural Residential	Unclassified (UNC)	Rural Residential (RR)
West	US Forest Service	Open Space	Resource (RE)

Table 1: Surrounding Land Uses to Project Site

PROJECT EVALUATION:**Project Consistency with the Trinity County Zoning Code****Trinity County Code Chapter 17.43 – Commercial Cannabis Cultivation Regulations**

Trinity County Code Section 17.43.050 describes the locations and zoning districts where commercial cannabis is not allowed in the county. The Rural Residential zoning district is not listed as a location that restricts commercial cannabis cultivation activities.

Within Section 17.43.050(A)(8), there are parameters given for cultivation variances:

“For specialty cottage, specialty and small licenses cultivation shall not be allowed within three hundred fifty feet of a residential structure on any adjoining parcels. For medium licenses, cultivation shall not be allowed within five hundred feet of an adjacent property line. Applications for a variance from this provision will be considered by the Trinity County Planning Commission. After obtaining an initial variance, the planning director can issue a director’s use permit for subsequent years after an inspection.”

The parameters for cultivation area are described in Section 17.43.010 where cultivation is defined as “... the planting, growing, harvesting, drying, or processing of cannabis plants or any part thereof.”

The term variance used in this chapter “is defined as Trinity County Ordinance No. 315, Section 31.”

As the license is for small (up to 10,000 sf) outdoor cultivation, it is required to have all cultivation activity be at least 350-feet from a residential structure on any adjoined parcel, unless a variance is obtained.

Site Inspections:

A site inspection was performed by Cannabis Division compliance staff on June 14, 2023 to ensure that the site plan and project description included in the Appendix C were accurately prepared. The only remaining deficiency from this visit is the need for an initial CCV. A completeness review was performed by Cannabis Division staff and determined to be complete on June 20, 2023. The only remaining deficiency for licensure from these reviews is to obtain an approved CCV from the Planning Commission. Both the site inspection and completeness review processes are designed to verify site and application compliance with Trinity County Code Chapter 17.43 (Commercial Cannabis Cultivation Regulations).

Furthermore, in preparation for this staff report, an inspection was performed on October 23rd, 2023 to assist the applicant with site configuration and verify the necessity of a CCV. The mature cultivation area, which is the closest cultivation related element on the site, was measured approximately 220-feet from the residence on APN 019-680-004-000 and approximately 330-feet from the residence on APN 019-680-020-000 (Attachment 2).

Project Consistency with the General Plan and Community Plan

The property is within a Rural Residential (RR) land use designation. The General Plan describes these areas as the following:

“Rural Residential intends to describe location of rural type residential development. Minimal county services would be provided and, in general, are not desirable in this area. Densities are designed to ensure the long-term opportunity for individual water and sewer systems. High density will be on dwelling unit per acre or larger as determined the county sanitarian and the Regional Water Quality Control Board to allow the use of both individual water and sewer systems on the same parcel. Low density will be on dwelling unit per ten acres. This is to allow limited residential development in outlying areas of the county where minimal impacts are desirable and the overall character of the landscape as well as potential for open space, recreation, or resource production is to be preserved. Special attention should be directed toward the protection of sensitive environmental resources such as water quality, unstable slopes, critical wildlife habitat, etc. This designation should not be construed as discouraging resource production activities, such as logging or grazing. This description should also provide for small home businesses, for small-scale agriculture, and for small industrial operations, subject to controls to prevent nuisances (County, Trinity County General Plan, Land Use Element, 1988) (County, Douglas City Community Plan, 1987).”

Given that the Rural Residential land use designation is intended for parcels that would allow for resource production and small-scale agriculture, subject to controls to prevent nuisance, this proposed commercial cannabis license project, with applicable mitigation measures, is an appropriate activity for the rural residential land use designation per the Trinity County General Plan.

Project Consistency with the California Environmental Quality Act (CEQA)

An Appendix C document was first submitted to the Cannabis Division for CCL 792 on October 18, 2022. Throughout the Appendix C review process, two (2) incomplete letters were sent to the applicant and their agent, followed by subsequent resubmittals of the Appendix C document on April 26, 2023 and May 31, 2023.

On May 16, 2023 the Board of Supervisors approved and adopted Resolution No. 2023-071 Commercial Cannabis Variance (CCV) renewal process. Variance Appendix C Policy Memo “Background and Guidance for the Implementation of Resolution No. 2023-071” was posted on the County website on May 26, 2023 to help facilitate applicants. As a result of the resolution, additional evaluation to Aesthetics, Air Quality, and Noise resource categories would be scoped into the applicant’s environmental document to offset any potential negative impacts to neighboring receptors. A minor modification request form was submitted on November 30, 2023, requesting the County update Appendix C resubmission to incorporate additional mitigation measures and setback reduction information within their Appendix C, and the creation of resource attenuation plans, and noise monitoring report. County environmental compliance staff, has determined that approval of this project is a “later activity” associated with the Cannabis Program EIR, as defined by subsection (c) of Section 15168, in that (i) all impacts associated with the approval of this project are within the scope of environmental review previously studied, and (ii) the requirements and mitigations required by Chapter 17.43 and 17.43G of the Trinity County Code, adequately serve to mitigate the impacts associated with approval of this project, it adequately evaluates all potential environmental impacts, and can be appropriately tiered within

the Trinity County Cannabis Programmatic Environmental Impact Report. Based on the application review, site inspection and Environmental Consultants HELIX's review of the Appendix C, County environmental compliance staff recommends this license for approval.

The proposed project is seeking a small outdoor license with a residential setback reduction. Two neighboring receptors on separate parcels were identified approximately 220-feet north and 330-feet north-east of the cultivation activities. Cannabis cultivation activities will occur in twenty (20) hoop rows, 6'x83' each (9,960 sq. ft. total) for mature canopy; two (2) 8'x40' shipping containers will be used for immature canopy; three (3) 8'x40' shipping containers for drying, processing, and harvest storage; and a 8'x20' shipping container for agricultural chemical, and generator and petroleum storage. No site reconfiguration is proposed. No additional ground disturbance is proposed. No artificial lights are used for the cultivation; therefore, a Light Attenuation Plan is not required. The project has submitted an application to PG&E to attain electricity at this site and will utilize a generator for power in the interim; therefore, a Noise Attenuation Plan was created to mitigate noise if it becomes a nuisance. An Odor Control Plan was submitted to mitigate odor if they become a nuisance.

Trinity County Code Chapter 17.31 – Variances

Trinity County Code Section 17.31.010 states that, "A variance is a waiver or modification of some requirement contained in the zoning ordinance. The statutory justification for a variance is that the owner would otherwise suffer unique hardship under general zoning regulations because his or her particular parcel is different from others to which the regulation applies due to size, shape, or topography. Variances may be granted only to authorize a change in development standards which is not otherwise authorized by the zoning regulations."

In considering a variance, the following guidelines shall be observed:

1. **No Special Privilege.** A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.

Finding: The property has topographic constraints which would make it difficult for the applicant to develop outside of the required 350-ft residential setback. Primarily, the narrow shape of the parcel lends for limited space for the site to comply with the 350-ft residential setback (Attachment 8).

2. **Use Variance Prohibited.** The consideration of "use variances" is specifically prohibited. These are variances which request approval to locate a use in a zone from which it is prohibited by ordinance.

Finding: The granting of this variance does not create a "use variance" because commercial cultivation licenses are allowed in the RR Zoning District.

3. **Disservice Not Permitted.** A variance must not be injurious to the public welfare, nor to adjacent properties.

Finding: In preparation of this staff report, a form was mailed to all adjacent property owners on February 9, 2024 for neighbors to provide consent or opposition to the commercial cannabis variance (CCV) application request. Adjacent property owners

within 300ft of the subject property were also notified of this public hearing via mail 10-days prior to this hearing. As of the date of this staff report, no responses were received from adjacent neighbors nor from the general public. Therefore, it can be assumed that the granting of this CCV would not be injurious to the public welfare, nor to adjacent properties.

4. **Not Adverse to General or Specific Plan.** A variance must be in harmony with the general purpose and intent of the zoning ordinance and cannot adversely affect the general plan or specific plans of the county.

Finding: As discussed in this staff report, the project is found to be consistent with the General Plan and there is no community plan for the Wildwood neighborhood of Trinity County.

5. **RD-1 Overlay Zone.** Prior to approval of a variance for property within the RD-1 overlay zone, permission must be granted or deemed not necessary by the Secretary of Agriculture.

Finding: The project parcel is not located within an RD-1 overlay.

STAFF RECOMMENDATION:

Planning staff recommends that the Planning Commission moves to:

- A. Adopt Resolution PC 2024-01 subject to Exhibit A – Conditions of Approval to reduce the 350-foot setback to approximately 220-feet and 330-feet from the residence on APN 019-680-004-000 and APN 019-680-020-000.

ALTERNATIVES:

If the Planning Commission does not wish to approve the CCV, the following alternatives are available:

1. In the event that more information or time is required prior to the Planning Commission making a final decision on CCV-2024-01, the Planning Commission could move to continue to a future certain meeting date.
2. The Planning Commission could deny the applicant's request for a CCV, with findings stated by the Planning Commission.

ATTACHMENTS:

1. Site Plan from Appendix C Environmental Document
2. Residential Setback Map
3. Location Map
4. Zoning Districts Map
5. General Plan Designations Map
6. Site Visit Photos

7. PC Resolution No. 2024-01

REFERENCES:

County, T. (1988). *Trinity County General Plan, Land Use Element*. Weaverville, CA: County of Trinity.

Penthouse Farms LLC; Kamila Hampson; 019-680-05-00

2023 Premises Diagram for CCL-792

Small Mixed Light Tier 1

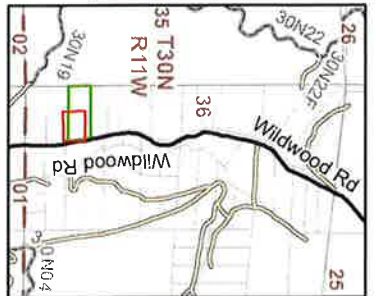
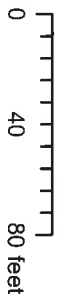


Proposed Compliant Canopy Location on Previously Disturbed Site!

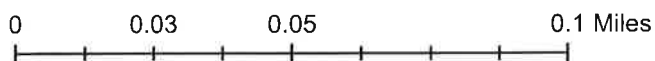
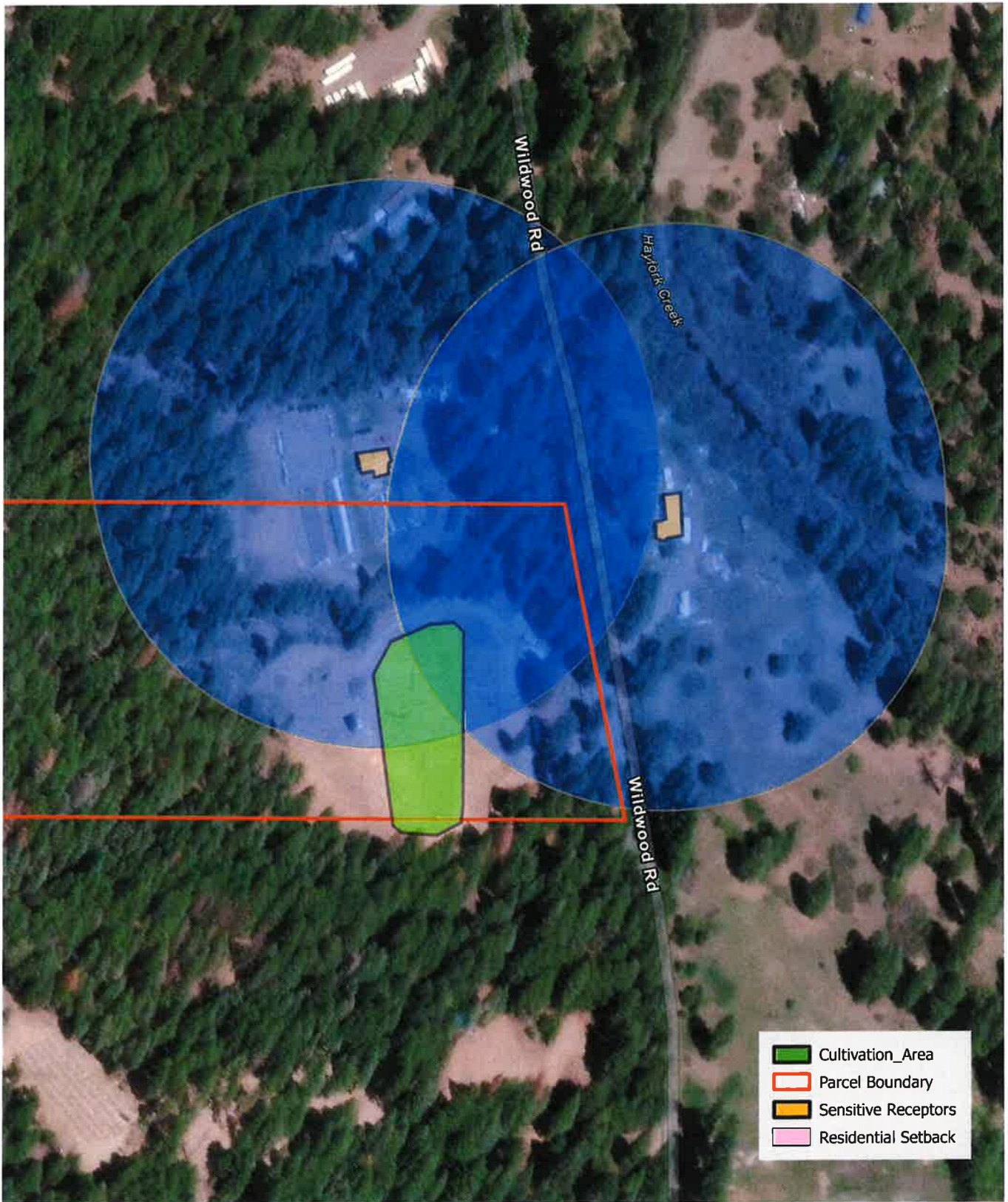
2020 NAPP Aerial Imagery



Scale: 1:800
Date: 11/13/2023
Diagram By: M. Petersen



- 380 ft Residence Buffer
- Compost
- Premises Entry/Exit
- Premises Boundary
- Structure Footprint
- Water Tank
- Mature Canopy
- Roads**
- Rocked Surface
- Native
- Highways
- Ownership**
- Property Boundaries
- PLSS Data**
- Sections
- Township Range
- Vicinity Map**



Wildwood Quad; Penthouse Farms LLC; 019-680-05-00



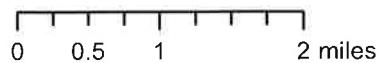
Legend

- Communities
- Quad Boundaries
- Mountain Peaks
- Trails
- Parcel of Interest
- Hydrography**
 - Perennial
 - Intermittent
 - Ephemeral
 - Lakes
- Roads**
 - Highway
 - Paved
 - Rocked
 - Dirt
 - Jeep/Skid Trail



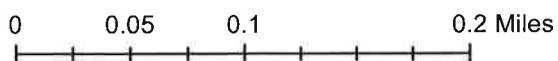
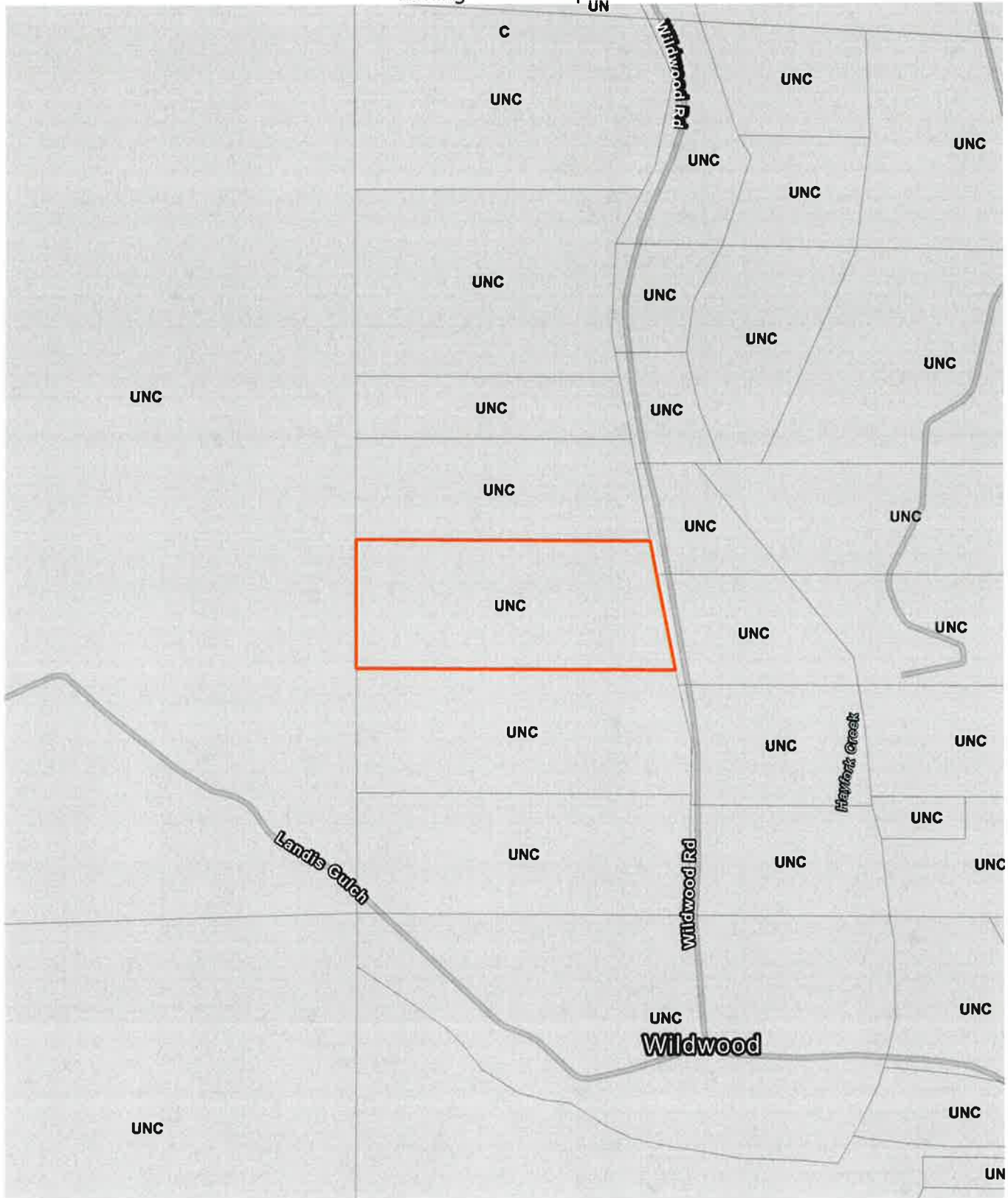
Dixon River Solutions

Scale = 1 : 80,000
Date: 4/26/2023





Commercial Cannabis Variance (CCV) | CCV-24-01 | CCL-792
APN 019-680-005-000
Attachment 4
Zoning District Map

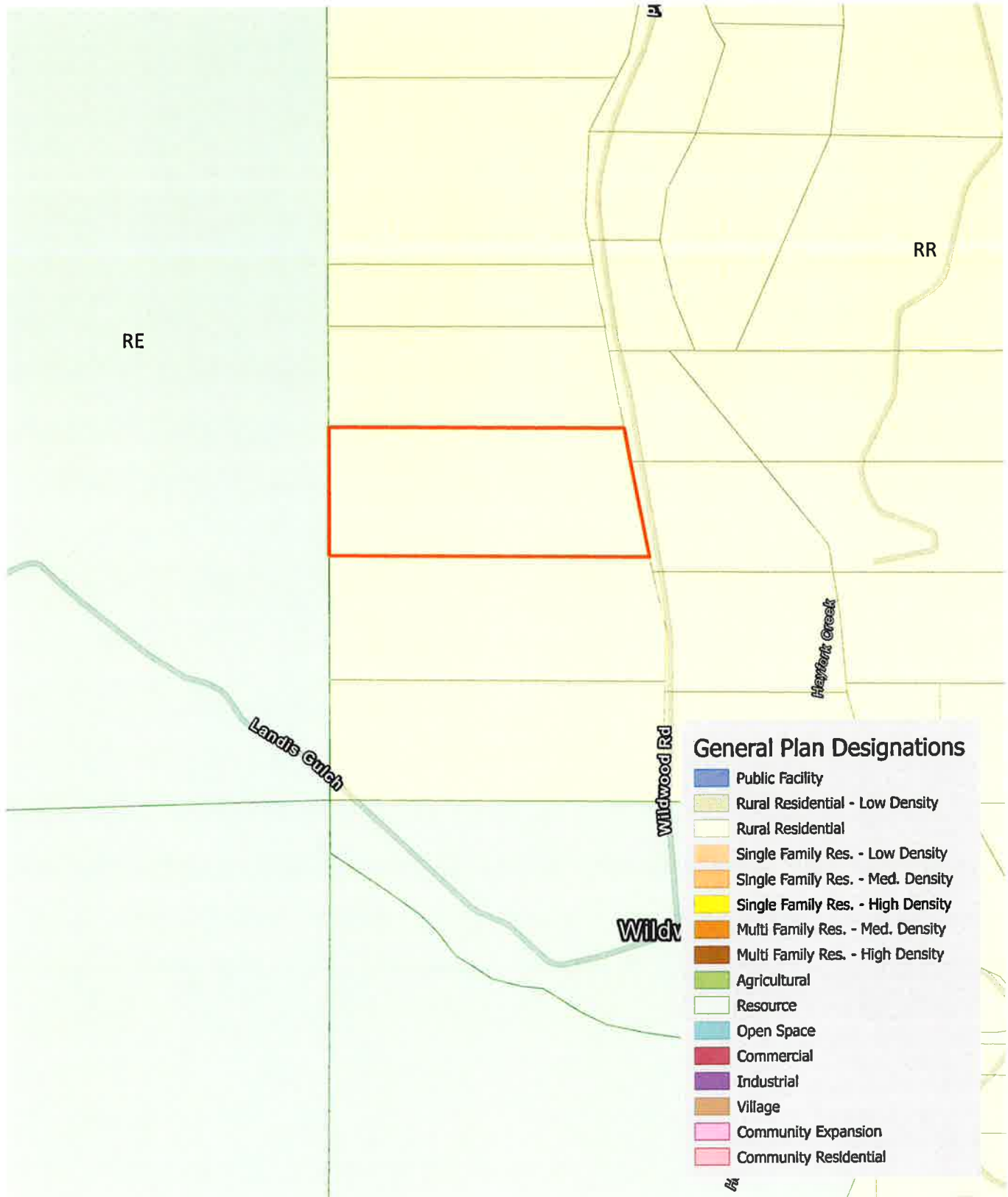


Created by: Colton
Trent

Date: 02/23/2024



Attachment 5 General Plan Designation Map



0 0.05 0.1 0.2 Miles

Created by: Colton
Trent

Date: 02/23/2024

Attachment 6 – Site Visit Photos

Current Site Conditions



Attachment 7

RESOLUTION NO. PC-2024-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF TRINITY

Approving an Initial Commercial Cannabis Variance (Kamila Hampson & Dorin Bulat (CCV-2024-01))

WHEREAS, the Trinity County Planning Department has considered a request for an initial commercial cannabis variance, filed by Kamila Hampson & Dorin Bulat, in accordance with Title 17, Trinity County Zoning Code Section 17.43.050A(8),

WHEREAS, for specialty cottage, specialty, and small licenses, cultivation shall not be allowed within three hundred fifty feet of a residential structure on any adjoining parcels unless an initial variance is obtained by approval of the Trinity County Planning Commission,

WHEREAS, approved or conditionally approved commercial cannabis variances are subject to annual renewal by the Planning Director through the director's use permit process, and

WHEREAS, the Planning Commission held a public hearing and considered this matter at the regular meeting held on March 14, 2024,

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

1. The approval of this project is a "later activity" associated with the Cannabis Program EIR, as defined by subsection (c) of Section 15168, in that (i) all impacts associated with the approval of this project are within the scope of environmental review previously studied, and (ii) the requirements and mitigations required by Chapter 17.43 and 17.43G of the Trinity County Code, adequately serve to mitigate the impacts associated with approval of this project, it adequately evaluates all potential environmental impacts, and can be appropriately tiered within the Trinity County Cannabis Programmatic Environmental Impact Report; and
2. Makes the following findings:
 - a. The applicant will not be granted a special privilege upon the approval of the proposed commercial cannabis variance;
 - b. The approval of the proposed commercial cannabis variance is not for a variance for the use of the property;
 - c. The approval of the proposed commercial cannabis variance would not be injurious to general public welfare or to the adjacent properties;
 - d. The proposed commercial cannabis variance is not in conflict with the goals, objectives, and policies of the General Plan or any specific plans;
 - e. The project parcel is not located in a Recreation Development District (RD-1) overlay zone; and
3. Approves CCV-2024-01 to reduce the 350-foot setback requirement from the residences on APN 019-680-004-000 and APN 019-680-020-000, subject to the conditions set forth in Exhibit A of this resolution and incorporated herein.

DULY PASSED AND ADOPTED this Thursday, March 14, 2024 by the Planning Commission of the County of Trinity by the following vote:

Attachment 7

Resolution No. PC-24-01
March 14, 2024

AYES:
NAYS:
ARSENT:
ABSTAIN:
RECUSE:

Todd Heaton, CHAIR
Planning Commission
County of Trinity
State of California

ATTEST:

By: _____
EDWARD PRESTLEY
Secretary of the Planning Commission
County of Trinity, State of California

DRAFT

Attachment 7

Resolution No. PC-24-01
March 14, 2024

EXHIBIT "A" to RESOLUTION NO. PC-2024-01 COMMERCIAL CANNABIS VARIANCE CONDITIONS OF APPROVAL

(Kamila Hampson, Commercial Cannabis Variance (CCV-2024-01))

1. The commercial cannabis variance is approved for a period of one year and shall expire on the same date as the commercial cannabis license that this variance and parcel is associated with; provided, however, that the variance shall be renewed annually through the Director's Use Permit application process. The commercial cannabis renewal application shall:

1. Be submitted by the applicant or designated agent/consultant prior to expiration of the variance and preferably no later than 60 days in advance;
2. Be subject to a filing fee as specified by resolution of the Board of Supervisors;
3. Be approved, denied, or referred to the Planning Commission at the discretion of the Planning Director;

2. Structures on the property shall be in compliance with the California Building Code and Trinity County Code;

3. The applicant has the sole responsibility for renewing this commercial cannabis variance before its expiration. The County will not provide a notice prior to the expiration date;

4. No county permit or license shall be issued until the ten-day appeal period has expired. If the commercial cannabis variance approval is appealed, no county permit or license shall be issued while a commercial cannabis variance hearing or appeal is pending.

END OF CONDITIONS.