

**TRINITY COUNTY PLANNING COMMISSION  
STAFF REPORT  
Tule Creek Commercial Cannabis Conditional Use Permit Project**

**OWNER:** Doug and Tom Evans

**APPLICANT:** Doug and Tom Evans

**REPORT BY:** Kim Hunter, Planning Director

**APN:** Trinity County 014-430-75-00

**PROPOSAL:** The applicant has applied for a Conditional Use Permit (CUP) to operate a Commercial Cannabis operation, including Commercial Cannabis Cultivation, Distribution, Commercial Nursery, a Type 6 Non-Volatile Manufacturing operation and caretakers unit. The project area includes those areas used for cultivation, manufacturing, distribution, nursery, processing; including gardens, soil staging areas, post harvest activity areas, material storage areas, ancillary buildings, irrigation system, employee areas, and access roads. The proposed project is located on the historical mill and gold dredging site on 53.9 acres a previously disturbed ground. The project applicant proposes operation of commercial cannabis cultivation as a “Small” cultivation site (allowing up to 10,000 square feet of canopy), with future expansion up to one acre of canopy, as future Trinity County regulations allow. (All project figures are included in Appendix 1 found in Attachment A of this staff report.)

**LOCATION:** The proposed project is located at 690 Tule Creek Road in Hayfork, California United States Geological Survey’s (USGS) Hayfork, California, 7.5-minute topographic map, the Site is in Sections 10, 11, and 15 in Township 31 North, Range 12 West (USGS, 2015) (Figure 1). The proposed project consists of approximately 44.6 acres of a 53.9-acre parcel identified by Trinity County assessor’s parcel number (APN) 014-430-75-00 which is zoned for heavy industrial use.

**PROJECT INFORMATION:**

General Plan Designation: Industrial (I)  
 Existing Zoning: Heavy Industrial/Manufacturing (M2)  
 Existing Land Use: Former Wood Mill and Gold Mining  
 Adjacent Land Use Information: Undeveloped, Agricultural Preserve, Rural Residential

The existing land uses, zoning and general plan designations for the properties immediately adjacent to the project are shown below. A map depicting the current zoning is provided as Figure 4.

Location	Land Use	Zoning	General Plan Designation
North	Undeveloped Forest	Rural Residential 10 Acre Minimum (RR10)	Rural Residential (RR)
South	Vacant, Undeveloped Forest	Agricultural 40 Acre Minimum (A40)	Agricultural (A), Industrial (I)
East	Undeveloped Forest	Heavy Industrial/Manufacturing (M2)	Industrial (I)
West	Rural Residential, Undeveloped Forest	Agricultural Preserve (AP)	Agricultural (A)

**PROJECT DESCRIPTION**

The applicant is seeking a Conditional Use Permit to operate a commercial cannabis operation, including Commercial Cannabis Cultivation, Distribution, Commercial Nursery and a Type 6 Non-Volatile Manufacturing operation in Trinity County, California.

The project applicant proposes the establishment of a commercial cannabis nursery. The intent of the nursery is to provide both live cannabis plants and cannabis seeds for wholesale to individuals or entities that are licensed by the State of California's Department of Food and Agriculture.

The nursery operation would be located in a mix of greenhouses and new hoop houses for propagation of live plant stock and one dedicated new building that is 5,000 square feet. The proposed new nursery building and permanent greenhouses is planned to have an odor control dispersion system to neutralize and dissipate odors. Water will be sourced from Trinity County Waterworks District #1 (TCWD #1). The Cannabis Nursery building is planned to be fully enclosed with a non-permeable floor. This building is where all commercial wholesale purchasing will occur, there will be a small 500 square foot sales floor with space for new account setups, ordering and pickup, and general customer service.

Cannabis Cultivation will occur in the central southern part of the parcel and will not require the removal of any trees or create any detectable environmental impacts. This area of the subject property was previously disturbed by the historic Lumber Mill operations, and was previously used for the drying and curing of timber. Water will be sourced from Trinity County Waterworks District #1 (TCWD #1). All proposed and any future electrical uses associated with the cultivation operations will be sourced from the existing Trinity Public Utilities District electrical service.

Initially, Cannabis is planned to be cultivated outdoors. Eventually the cultivation area will transition to cultivation inside fully enclosed greenhouses with non-permeable flooring. The outdoor cultivation and any future greenhouses will occur within the same secure cultivation area. The migration of growing methods, from outdoor to greenhouse, is planned to take place once the project reaches economic viability. If greenhouses are installed, and utilize supplemental lighting, the installation and operation may require additional CEQA review.

Cannabis Distribution, Processing, and Manufacturing will occur in the existing 27,000 sq. ft. building that runs north to south. The adaptive reuse of the peeler building will ensure the proposed project preserves the existing aesthetic of the surrounding area. Water for the operations within the peeler building will be served by Trinity County Waterworks District #1 (TCWD #1). All proposed and any future electrical uses associated with operations within the peeler building will be sourced from the existing Trinity Public Utilities District electrical service.

The proposed Cannabis "Manufacturing" or "manufacturing operations" include the packaging and labeling of cannabis flower grown onsite. In addition to in-house services, the operations will offer packaging and repackaging, and labeling for local State licensed cultivators. Furthermore, the manufacturing operations will include the rolling and packaging of pre-rolls.

The shared facilities will be divided in two separate and distinct licensed premises (Manufacturing and Distribution) and a shared common area. The shared common area will house shared employee facilities

(including adequate ADA compliant bathrooms, changing facilities and a water fountain), a lunch room with a shared kitchen, administrative support offices and security.

**COMMENTS RECEIVED:** No comments have been received from the public regarding this project.

### **STAFF RECOMMENDATION AND FINDINGS**

After reviewing the Applicant's proposed project and evaluation of the surrounding land uses and existing zoning designations, it is Planning Staff's opinion that the continued and expanded cannabis cultivation and distribution activities on the site are compatible with the General Plan and neighborhood designations, historical uses of the properties and the expected intensities of anticipated future uses.

Staff recommends the Planning Commission:

1. Adopt the resolution and findings that the Initial Study and Mitigated Negative Declaration are consistent with the California Environmental Quality Act ("CEQA") requirements, and adopt the Mitigation Monitoring and Reporting Program ("MMRP") that provides sufficient mitigations to reduce impacts from the project to a less than significant level.
2. Approve the Conditional Use Permit for development of a cannabis cultivation facility subject to the conditions of approval for that use as provided in this Staff Report and of the County's applicable commercial Cannabis ordinances.

### **PROJECT EVALUATION**

The Applicant's proposed project was routed to County Departments for review and development of recommended conditions of approval prior to the development of the CEQA document. Comments from County Departments were provided through the County Planning Department to the Applicant, who contracted with a consultant to prepare the Draft Initial Study and Mitigated Negative Declaration (IS/MND) for this project proposal.

In accordance with AB52 notification was sent to Native American Tribes in the area on February 19, 2020. No requests for consultation were returned during the 30-day response period.

After review and comment by the Planning Department, the IS/MND was submitted to the California State Clearinghouse for public and agency review, and the IS/MND was made available to the public by the County through official postings and a Notice of Availability of the CEQA document was posted on the County's website on May 4, 2020, including the entire IS/MND.

Three public comments were received by the County or the California State Clearinghouse on this project in response to the postings and Notice of Availability during the 30-day public review period. These include comments from the California Department of Food and Agriculture, the California Department of Toxic Substance Control, and the California Department of Fish and Wildlife. Each letter is responded to in this Staff Report.

### **CEQA FINDINGS**

The IS/MND along with the appendices and the Mitigation Monitoring and Reporting Program (MMRP) for the Tule Creek Commercial Cannabis Conditional Use Permit can be found online on the Planning Department website under Environmental Review at: <https://www.trinitycounty.org/Planning>.

The IS/MND for the project has been prepared in accordance with the current California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the State *CEQA Guidelines*. This is a public information document that describes the project, existing environmental setting at the project site, and potential environmental impacts of construction and operation of the project. It is intended to inform the Planning Commission of the project's potential environmental impacts and to document the lead agency's compliance with CEQA and the State *CEQA Guidelines*.

The resources in the project area were evaluated in the IS/MND based on the thresholds of significance identified in the *CEQA Guidelines*. Those resource areas that were identified in the IS to have thresholds of significance that require Mitigation Measures to reduce significant impacts of the project to a less than significant level, and those resource areas that require specific conditions of approval as a part of the Conditional Use Permit are provided below. Full text of the IS/MND, Thresholds of Significance and Findings are provided in the IS/MND, attached to the Staff Report. A listing of all other Conditions of Approval are provided in Exhibit A of Planning Commission Resolution 2020-10 (Attachment A).

Planning Staff's review of the IS and Mitigation Measures prepared for this project have found that the project, with incorporation of the Mitigation Measures will have a less than significant impact on the environment. Development of the Mitigation Monitoring and Reporting Program (MMRP) has incorporated these mitigations showing areas of responsibilities, timing and reporting requirements, as pertinent to the project.

Based on the IS/MND, the following resource areas were determined by County Planning Staff to require mitigation measures to reduce impacts to a less than significant level, or conditions of approval (COA) as a part of the Conditional Use Permits for the various projects requested to implement the project.

#### **Air Quality**

The following Mitigation Measure is recommended for inclusion into the Use Permit for the protection of air quality.

**Mitigation Measure AQ-1: Application of Pesticides.** The spray application of pesticides (e.g. neem oil, sulfur or other materials) shall occur no closer than 350 feet to adjacent residences. Spraying shall not occur at wind speeds greater than 10 miles per hour (CCR, Title 3, Division 6, 6960(b)(3)). The operator of the pesticide application shall measure the wind speed prior to and during spraying activities to ensure wind speeds are below 10 mph. Spraying activities shall cease if wind speeds are measured at greater than 10 mph.

#### **Cultural Resources**

Development of the project requires the applicant to comply with the Mitigation Measures as identified below and as outlined on the MMRP. Mitigation Measures were revised by the County Planning Department to provide clearer direction for the mitigation and protection of cultural resources and to be consistent with the County's previous mitigations for this resource. The revisions provide an amplification of the protections and do not provide any new direction or require the CEQA document to be recirculated.

**Mitigation Measure CR-1.** If cultural resources, such as chipped or ground stone, or bone are discovered during ground disturbance activities, work shall be stopped within 50 feet of the discovery, as required by the California Environmental Quality Act (CEQA; January 1999 Revised Guidelines, Title 14 California Code of Regulations [CCR] 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the material and offered recommendations for further action.

**Mitigation Measures CR-2.** Upon discovery of any human remains, the applicant will immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98. The following actions shall be taken immediately upon the discovery of human remains:

All ground-disturbing activities in the vicinity of the discovery shall stop immediately. The applicant will immediately notify the county coroner. Ground disturbing activities shall not resume until the requirements of Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 has been met. The applicant will ensure that the area within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5)., The Trinity County Coroner must be informed and consulted, per State law.

Per Health and Safety Code section 7050.5, the coroner has two working days to examine human remains after being notified by the person responsible for the excavation, or by their authorized representative. If the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission.

Per Public Resources Code section 5097.98, the Native American Heritage Commission will immediately notify the persons it believes to be the most likely descended from the deceased Native American. The most likely descendent has 48 hours to make recommendations to the landowner or representative for the treatment or disposition, with proper appropriate dignity, of the human remains and any associated grave goods.

If the Native American Heritage Commission is unable to identify a descendant; the mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner; or the most likely descendent does not make recommendations within 48 hours; and the most likely descendants and the landowner have not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98, the landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98.. If the landowner does not accept the descendant's recommendations, the landowner or the descendants may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k).

#### **Public Services**

The following conditions of approval are made required by the County Cannabis Ordinance for Distribution Facilities.

**COA #14.** A security plan must be developed for the distribution operations and must be approved by the County.

**Mandatory Findings of Significance**

**Mitigation Measure MFS-1:** If any buried archeological materials or indicators are uncovered or discovered during any cannabis cultivation activities, all ground-disturbing activities shall immediately cease within 100 feet of the find. The applicant will notify the Appropriate Person within 48 hours of any discovery. The Appropriate Person is the Deputy Director of the SWRCB.

**Mitigation Monitoring and Reporting Plan**

A Mitigation Monitoring and Reporting Plan (MMRP) has been prepared for the project and is attached as a part of this staff report in Appendix 1.

**RESPONSE TO COMMENTS**

As a result of the development of the Initial Study and review by the public and agencies, the County received three (3) comment letters in response to the project from the California Department of Food and Agriculture (CDFA), the California Department of Toxic Substance Control (DTSC), and the California Department of Fish and Wildlife (CDFW). Those comment letters are included in Appendix 2. Comments that are not directly related to the environmental issues of the project, such as commentary, opinion or grievances are not identified as a comment and are not responded to.

Responses to comments are provided below. The comments have been summarized to provide a context for the response. However, the full text of the comment is provided in Appendix 2.

Where it was determined that the comments provide factual information that resulted in a modification to the information provided in the IS, County staff determined that these changes were either minor clarifications, corrections or amplifications of information to better understand the environmental impacts of the proposed project, or are modifications to mitigation measures that provide additional resource protection and result in a reduction in impacts. These changes do not constitute significant new information, and do not require recirculation of the IS in accordance with State *CEQA Guidelines* Section 15088.5.

**Comment Letter 1 - California Department of Food and Agriculture**

Comment 1a - The commenter recommends elaborating on the details of the project and going into further detail regarding mitigation measures and best management practices. The commenter specifically mentions that the document could be improved if specific erosion control measures, types of permits or approvals required by other agencies, and site-specific pest management control practices were disclosed and described.

Response 1a - The comments were taken under advisement however the document is responsible for assessing the potential impact of the project on the environment and it was determined that the applicant provided adequate detail regarding mitigation of environmental impacts for the purposes of this document.

**Comment Letter 2 - California Department of Toxic Substance Control**

Comment 2a - The commenter requested that a DTSC toxicologist determine if the dioxin toxic equivalency levels were still adequately protective given that the land use is changing under the proposed permit. The

commenter stated that should the extent of dioxins/furans in the soil not be protective than further evaluation and action may be necessary.

Response 2a - This comment does not raise a new environmental concern, rather requests additional testing to confirm if additional onsite remedial activities are necessary. The comment was taken under advisement and further evaluation has been made a Condition of Approval.

Comment 2b - The commenter recommends further assessment of the groundwater for levels of diesel range organics, oil range organics, and benzene, toluene, ethylbenzene, and xylene compounds.

Response 2b - This comment does not raise a new environmental concern, rather requests additional testing to confirm if additional onsite remedial activities are necessary. The comment was taken under advisement and further evaluation has been made a Condition of Approval.

Comment 2c - The commenter recommends further assessment of soil and groundwater contaminants following previously detected levels of diesel range organics, oil range organics, and chloromethane found in samples taken from the septic leach field area.

Response 2c - This comment does not raise a new environmental concern, rather requests additional testing to confirm if additional onsite remedial activities are necessary. The comment was taken under advisement and further evaluation has been made a Condition of Approval.

**Comment Letter 3 - California Department of Fish and Wildlife**

Comment 3 - The commenter stated that based on the current project description there were no comments. No response is necessary.

**OTHER CONSIDERATIONS**

A use permit may be granted based on findings made by the County that include, but are not limited to compatibility of the project with surrounding land uses and neighborhood compatibility, compliance with the General Plan, Community or Specific Plan, the Zoning Ordinance and other related plans and ordinances that may be in effect at the time of the use permit is granted.

**Neighborhood and General Plan Compatibility**

**Zoning and Land Use Designations**

**Industrial (I):** The subject property is designated in the General Plan as Industrial (I) land and is zoned for Heavy Industrial/ Manufacturing (M2). The M2 zoning district permits agricultural uses other than hog raising. Other uses and accessory uses that are allowed with a use permit are related to welding and plumbing shops, warehouse storage and wholesale sales, repair shops, power generation, waste treatment, and chemical manufacturing. The project parcel has a 1/2-acre minimum size limit restriction. The proposed project’s activities related to cannabis cultivation, manufacturing and distribution fit into the zoning designation of the M2 district, and are permitted under the County’s cannabis use permit program.

The Hayfork Community Plan is the planning guideline for the future development of the area which establishes a framework for both private and public projects within the area to maintain the area’s high

quality of life. The plan was adopted in 1996 and addresses approximately 41.6 square miles. The plan addresses nine (9) key issues including Population and Housing, Transportation, Public Services and Facilities, Parks and Recreation, Natural Resources, Hazards, Economic Development, and Land Use and Community Development. The plan was designed to be consistent with the goals and objectives of the County General Plan while meeting the particular needs of the Hayfork area. According to the Hayfork Community Plan the subject property is designated as Industrial (M).

Both the County General Plan and Zoning Districts did not specifically anticipate development of commercial cannabis when these land use plans and zoning districts were developed. In response to California State Law that allows commercial cannabis activities under permitted and controlled conditions, Trinity County developed County-specific ordinances to regulate commercial cannabis cultivation, testing, nurseries, manufacturing, distribution, microbusiness, events and sales within the County. Ordinance 315-843 specifically regulates commercial cannabis cultivation while Ordinances 315-828, 315-834, and 315-842 establish regulations for distribution and manufacturing. All of these ordinances are referred to, collectively, in this section as the “Cannabis Ordinance.”

**Other Related Plans and Ordinances**

The cultivation, manufacturing, distribution and sales of cannabis are highly regulated in California at the State and County level. Issuance of licenses and permits for the Applicant’s project is highly regulated by the California Bureau of Cannabis Control, who issues licenses and Trinity County who regulates land uses for cannabis activities by way of the County’s Cannabis Ordinances through use permits. In addition to these regulations, the State also regulates surface water quality and erosion control through regulatory permits and the County imposes additional regulatory requirements for other development activities (septic, water, roads, air quality, etc.), in addition to building and fire code requirements.

**FINDINGS OF FACTS**

As provided for by the Trinity County Zoning Ordinance 315, Section 32 Use Permits, Subsection A, *“A use permit is granted at the discretion of the Planning Commission or the Planning Director and is not the automatic right of any applicant. In considering an application for a use permit, the following guidelines shall be observed, 1. Sound Principals of Land Use; A use permit shall be granted upon sound principals of land use. 2. Not Injurious; A use permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a public nuisance. 3. Plan Consistency; A use permit must comply with the objectives of the general or specific plan for the area in which it is located.”*

Based on the guidelines provided by the County Zoning Ordinance the following findings are made:

**1. Sound Principles of Land Use. A use permit shall be granted upon sound principals of land use.**

**Finding:** Evaluation of the project has determined that the development of the property for commercial cannabis cultivation as proposed and conditioned, and with the implementation of the mitigation measures identified in the MMRP is consistent with historical uses in the project vicinity, is compatible with the General Plan land use designations, neighborhood character and the limited intensity uses of the surrounding area; is in compliance with CEQA; and would be consistent with the land use designations and goals of the County.

**2. Not Injurious. A use permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a public nuisance.**



**Finding:** The project, as conditioned, will not cause detrimental effects to public health, safety, welfare or result in the creation of a public nuisance. Development surrounding the subject site is generally limited due to the large parcel sizes on the south, east and west sides, as well as the flood zones to the north. The project site is surrounded by County General Plan designated Agricultural (A) lands, Industrial (I) and Rural Residential (RR) lands on the opposite side of Hayfork Creek with minimal development. Access to the project parcel is well-developed and accessible by emergency vehicles.

**3. Plan Consistency: A use permit must comply with the objectives of the general plan or specific plan for the area in which it is located.**

**Finding:** The project, as proposed and conditioned, is consistent with the goals and objectives of the General Plan for cultivation, as the proposed project consists of agricultural related activities onsite, the project is considered consistent with the County M2 zoning.

#### **COMMENTS RECEIVED**

The following comment letters were received in response to the CEQA document prepared for this project.

1. California Department of Food and Agriculture
2. California Department of Toxic Substance Control
3. California Department of Fish and Wildlife

#### **ATTACHMENTS:**

- A. Planning Commission Resolution 2020-10 with Conditions of Approval
- B. Planning application with Figures
- C. CEQA Comment Letters Received

**RESOLUTION NO. 2020-10**

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE COUNTY OF TRINITY  
APPROVING A CONDITIONAL USE PERMIT  
(Doug and Tom Evans, P-19-22)**

**WHEREAS**, Doug and Tom Evans filed an application dated July 9, 2019 for the approval of a Conditional Use Permit to operate a Commercial Cannabis operation, including Commercial Cannabis cultivation, distribution, commercial nursery, a Type 6 Non-Volatile Manufacturing operation and a new caretaker's unit not to exceed 1,000 square feet in size; and

**WHEREAS**, the project site is located at 690 Tule Creek Road in Hayfork on a 44.6-acre portion of Assessor's Parcel Number 014-430-75-00; and

**WHEREAS**, County staff has reviewed the submitted application and evidence and has referred the application and evidence to all governmental and utility agencies affected by the development to allow the opportunity for conducting site inspections and providing comments and recommendations; and

**WHEREAS**, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA). A proposed Initial Study-Mitigated Negative Declaration has been prepared with respect to said project and notice has been sent to the State Clearinghouse (SCH#: 2020059002), responsible and trustee agencies, and posted for public review for a period of 30 days as required by the CEQA Guidelines; and

**WHEREAS**, after due notice of public hearing in accordance with applicable laws, the matter came on for hearing before the Planning Commission of the County of Trinity on August 13, 2020; and

**WHEREAS**, at said public hearing, due consideration was given to the proposed Initial Study-Mitigated Negative Declaration, the environmental effect of the project, and any changes connected therewith; and

**WHEREAS**, at said public hearing, due consideration was given to all oral and written comments regarding the request for approval of the Conditional Use Permit, and the Planning Commission concluded that the Conditional Use Permit should be granted subject to certain conditions set forth hereinafter.

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

1. Pursuant to the State CEQA Guidelines, the Planning Commission of the County of Trinity makes the following environmental findings:
  - A. The Planning Commission of the County of Trinity finds on the basis of the Initial Study and all comments received, that the proposed commercial development would have potential significant effects on the environment, which, with the inclusion of specific

Resolution No. 2020-10  
August 13, 2020

mitigation measures included in the Mitigation Monitoring and Reporting Program (MMRP), will be rendered less than significant. Accordingly, a Mitigated Negative Declaration is adopted pursuant to the CEQA Guidelines.

2. Pursuant to Chapter 17.32 (Use Permits) of the County Code of Ordinances, the Planning Commission of the County of Trinity makes the following findings for the Use Permit:
  - A. As conditioned and mitigated, the proposed commercial development will not be detrimental to the public health, safety or welfare, or result in the creation of a public nuisance.
3. The Planning Commission of the County of Trinity hereby approves the Conditional Use Permit P-19-22, subject to the conditions set forth in "Exhibit A" attached hereto and made a part hereof.

**DULY PASSED AND ADOPTED** this 13<sup>th</sup> day of August, 2020 by the Planning Commission of the County of Trinity by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSE:

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

ATTEST:

By: \_\_\_\_\_  
KIMBERLY HUNTER  
Secretary of the Planning Commission  
County of Trinity, State of California

**EXHIBIT “A” to Resolution PC-2020-10**  
**CONDITIONAL USE PERMIT**  
**CONDITIONS OF APPROVAL**

(Evans/Tule Creek Cannabis Project, P-19-22)

The following Conditions of Approval shall be included in the Use Permit for the Tule Creek Commercial Cannabis Project for the uses proposed by the Applicant (Doug and Tom Evans) on the parcel designated as Trinity County Assessor Parcel Number (APN) 014-430-75-00. The Conditions of Approval cited below, presume that the operations conducted by the Permittee shall comply with the laws and regulations of the State of California and Trinity County, as applicable to the uses of this permit.

Planning Department

1. The Permittee shall comply with all County Cannabis Regulations, as are applicable for the facilities of the Permittee’s use under this permit. These regulations are provided in the applicable Trinity County commercial Cannabis program ordinances including Ordinances 315-843 (cultivation), 315-828 and 315-834 (manufacturing), and 315-842 (distribution) as amended.
2. Outdoor lighting shall be limited to that necessary for safety and security. All new outdoor lighting for the property shall be downcast and shielded so as to reduce light emanating off-site or into the sky. Light shall not escape from indoor cannabis cultivation areas at a level that is visible from neighboring properties from sunset to sunrise.
3. The Permittee must be in compliance with all County building permit requirements, including, but not limited to structures, roads, electrical and water and sewer connections. Prior to issuance of building permits, a detailed and to scale site plan depicting the existing and proposed re-development of the site, including building envelopes or footprints, setbacks, parking and circulation shall be provided for review and approval by Trinity County. Adequate area for, parking and internal circulation, as well as protection of outdoor space for individual units shall be provided.
4. If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall stop within 50 feet of the discovery, as required by the California Environmental Quality Act (CEQA; January 1999 Revised Guidelines, Title 14 California Code of Regulations [CCR] 15064.5(f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior’s Standards and Guidelines, has evaluated the material and offered recommendations for further action.\*
5. In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. when the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains

and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.\*

6. The Permittee's site uses must be in compliance with State and County Fire Safe Regulations, and as directed by CALFIRE. Should CALFIRE determine that site conditions are not in compliance with the Fire Safe Regulations, the Permittee shall be required to come into compliance.
7. The spray application of pesticides (e.g. neem oil, sulfur or other materials) shall occur no closer than 350 feet to adjacent residences. Spraying shall not occur at wind speeds greater than 10 miles per hour (CCR, Title 3, Division 6, 6960(b)(3)). The operator of the pesticide application shall measure the wind speed prior to and during spraying activities to ensure wind speeds are below 10 mph. Spraying activities shall cease if wind speeds are measured at greater than 10 mph.
8. The Permittee must complete further onsite evaluations to the satisfaction of the Department of Toxic Substances Control (DTSC) to confirm that dioxin toxic equivalency levels are adequately protective for the proposed land use. See also Condition 16.
9. The Permittee must comply with County regulations that govern the use and development of septic systems, as provided for by the Trinity County Environmental Health Department.
10. The Permittee is required to provide the local fire protection district, and other State agencies as may be required by other permits, a list and physical locations of storage and use of hazardous materials on the project site, and shall have the site inspected by the local fire protection district (or their designated representative) prior to the start of cannabis manufacturing operations, and at future intervals as deemed appropriate.
11. If the Permittee grades or disturbs one (1) acre or more of land for activities associated with this permit, the Permittee is required to be in compliance with the State of California Construction General Permit, (RWQCB Order No. 2009-0009-DWQ) or the equivalent at time of disturbance, prior to the disturbance occurring.
12. If the Permittee affects or grades an area and disturbs a volume of material greater than 800 cubic yards, or an area greater than 20,000 square feet, a County mass grading permit must be secured prior to the disturbance, as outlined in County's Mass Grading Ordinance (Ordinance No. 1347).
13. The Permittee is required to submit a security plan for approval to the Planning Department as a condition of this permit.
14. The Permittee shall secure all appropriate clearances for the various structures and their uses on the property from the Building Department and Environmental Health Division. This includes provision for handicapped accessibility and sanitation facilities, if warranted.
15. This Use Permit is subject to the Permittee securing of all necessary permits for the development and eventual use of the project site for cannabis cultivation, manufacturing, and distribution activities from County, State and Federal agencies having jurisdiction over the activities at the project site, and as applicable to the Permittees uses. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit. The County shall in no-way be considered responsible for issuance or oversight of State or Federal permits/authorizations that may apply to the uses by the

Permittee under this use permit. The Permittee has the sole responsibility for compliance with all requirements and regulations.

16. This Use Permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. **Failure of the Permittee to make use of this use permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration/termination of this permit.**
17. The use and occupancy of the premises shall be established and maintained by the Permittee in conformance with the provisions of the Trinity County Code and County Zoning Ordinance, unless modified by conditions of the use permit. Additional time limits imposed on the use permit are provided for by the Zoning Ordinance No. 315, Section 32, Subsection E, Time Limits Imposed on Use Permits.
18. This Use Permit shall be subject to modification or revocation based on the conditions set forth in the County Zoning Ordinance No. 315, Section 32, Subsection G, and as amended.
19. The Use Permit Application, along with supplemental exhibits and related materials and reports, and the CEQA IS/MND and MMRP are considered elements of this Use Permit and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
20. The Permittee shall comply with applicable regulations and hazardous materials plans, that when implemented sufficiently minimizes potential exposure and risk from a spill of petroleum product.
21. Any proposed changes or modifications to the uses at the site by the Permittee will require review and approval by the Trinity County Planning Department, prior to those changes or modifications. Based on the proposed changes or modifications, the Planning Department may require additional reviews and approvals from other County/State/Federal departments or agencies as may be appropriate for the proposed changes or modifications.

#### Environmental Health Department

22. In manufacturing operation, an emergency spill/overflow, holding tank for hazardous waste caused by manufacturing production, or cleaning of equipment, shall be installed prior to operation start date.
23. Potentially affected of hazardous waste water areas must be tapered or constructed to such holding tank, to prevent the waste water from entering the sewer/ground, this shall be completed prior to operation start date.
24. Trinity County Environmental Health must be notified within 48 hours if hazardous waste is spilled, or is threatened to spill, pursuant emergency spill guidelines, pursuant California Office of Emergency Services California Code of Regulations, Title 19, Division 2, Chapter 4.1.
25. The applicant shall provide a plan for nutrient heavy waste water, to Trinity County Environmental Health, and receive approval prior to operation start date.
26. Enforcement Agency notification shall be submitted to Trinity County Environmental Health for non-hazardous waste, and composting plans or storage pursuant with California Health and Safety Title 14, Division 7, Chapter 3.1.

27. A plan shall be submitted detailing how it will be managed with storage, odor, heat, waste water, pH control, height, and emergency control measures prior to development of Cannabis waste composting area or storage area.
28. All hazardous waste (Cannabis plant waste contaminated with ethanol or used ethanol) shall have a designated area, with non-porous surfaces surrounding, safe storage with proper labeling and accumulation start dates, and with proper disposal from a hazardous waste contractor. All hazardous waste shall be hauled off by a licensed hazardous waste hauler and manifested to a licensed hazardous waste disposal site.
29. All necessary permits with Trinity CUPA must be obtained for storage and use of all hazardous substances, proof of permits shall be submitted prior to operation start date.
30. The applicant is required to comply with the notification requirements of Section 42301.6 of the California Health and Safety Code if this facility is within 1,000 feet of the outer boundary of a school site, proof of this must be obtained prior to construction start date.
31. A complete site facility plan shall be submitted to Trinity County Environmental Health for emergency response purposes, the manufacturing portion of this project shall include air monitoring devices shall be noted and designated in this plan, and submitted prior to start date.
32. Disclosure of manufacturing practices and discharge/off-gassing in these practices shall be accounted for and submitted to Trinity County Environmental Health and North Coast Air Quality (NCUAQMD) prior to project operation start date, and shall be re-submitted as significant variations are seen throughout operation.

#### Department of Transportation

33. The Access road onto Tule Creek Road, County Road 317, shall conform to Department of Transportation standards for a public road intersection. An encroachment permit must be obtained for the existing encroachment onto Tule Creek Road. The existing encroachment onto Tule Creek Road shall be relocated easterly along Tule Creek Road to a location which shall be approved by the Department of Transportation. Engineered plans for the encroachment shall be submitted; additional exhibits shall be provided to demonstrate safe sight distance and adequate accommodation for California Legal trucks.
34. The proposed sewer and water line improvements, and any other necessary utility improvements, within the Right of Way of Tule Creek Road, County Road 317 shall conform to Department of Transportation standards. An encroachment permit must be obtained from the Department of Transportation prior to construction of all utility improvements in Tule Creek Road. This also includes any necessary relocation or undergrounding of overhead power and communication lines to accommodate access road encroachment relocation.
35. The access road to this property and proposed structures shall meet Trinity County fire safe ordinance requirements and current State Responsibility Area Fire Safe Regulations, whichever is more restrictive, including, but not limited to:

Resolution No. 2020-10  
August 13, 2020

- a. A minimum of two ten (10) foot traffic lanes, not including shoulder and striping, as described in 14 CCR §1273.01 with additional curve widening as prescribed by the Fire Safe Ordinance in 14 CCR §1273.04; and
  - b. A minimum inside horizontal curve radius of 50' as described in 14 CCR §1273.04; and
  - c. A turnaround within 50' of each structure and at one thousand three hundred twenty-foot intervals along the access road; and
  - d. Roadway surfacing capable of supporting load required by 14 CCR §1273.02, as designed and stamped by a professional engineer. Engineering calculations for roadway surfacing shall be provided for review and approval by the Trinity County Department of Transportation.
  - e. Turnarounds conforming to 14 CCR §1273.05 shall be provided within 50' of all structures.
36. A hydrology study showing the ability to convey 100-year storm flows in all culverts and ditches shall be approved by the Director of Transportation. All culverts shall be 18" diameter or larger unless an alternative size is approved by the Director of Transportation. Ditches shall be designed and constructed to prevent 100-year flows from encroaching more than 2 feet into the travel way.
37. The development shall not cause an increase to downstream stormwater quantities. Post construction storm water runoff shall remain consistent with the current runoff conditions. Hydrology calculations stamped by an engineer shall be provided for a 2 year and 100-year storm event, and shall show that no increased flows to roadside ditches, gutters, Salt Creek or other offsite locations are expected for these rainfall events. (Alternatively, study shall show that downstream structures will not be impacted by the development.)
38. The improvement plans shall include a grading plan and erosion and sediment control plan, which incorporates standard erosion control practices and best management practices, subject to the approval of the County Engineer for disturbed areas. The plan shall be prepared by a Qualified SWPPP Developer (QSD) and shall be included in an agreement with the construction contractor. The following measures shall be included:
- a. Any mass grading shall be restricted to dry weather periods between April 1 and October 31.
  - b. If other grading activity is to be undertaken in wet-weather months, permanent erosion and sediment controls shall be in place by October 15, and construction shall be limited to areas as approved by the County Engineer. A winterization plan shall be submitted by September 15 and implemented by October 15.
  - c. In the event construction activity including clearing, grading, disturbances to the ground, such as stockpiling, or excavation result in soil disturbances of at least one acre of total land area, the applicant shall obtain and provide a Notice of Intent (NOI) from the Regional Water Quality Control Board.
  - d. Should a NOI be required, Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to issuing a construction permit. The SWPPP shall have provisions to provide at minimum monthly monitoring reports to the County during wet weather and to 1 year after completion of construction.
  - e. Projects less than one acre are exempt from obtaining a NOI unless construction activity is expected to create soil disturbances that could cause significant water quality impairment.
  - f. The internet site for information and application on the NOI can be found at [http://waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)
  - g. Sedimentation basins, traps, or similar BMP controls shall be installed prior to the start of grading.
  - h. Mulching, hydro seeding, or other suitable revegetation measures shall be implemented. Planting shall also occur on areas of cut and fill to reduce erosion and stabilize exposed areas of later



Resolution No. 2020-10  
August 13, 2020

construction phases. All disturbed areas with a slope greater than 5% shall receive erosion control.

- i. Excavated materials shall not be deposited or stored where the materials could be washed away by storm water runoff.
39. All improvements required for this use permit and as described in these conditions of approval shall be shown on construction drawings (the final improvement plans) to be submitted to the Trinity County Department of Transportation for review and approval.
  40. Prior to construction of improvements, the construction drawings shall be stamped by an engineer and approved by the County Engineer.
  41. Inspection of the improvements will be performed by Trinity County Department of Transportation staff or a County selected inspection firm. The permittee will coordinate inspections with the Department of Transportation prior to start of construction.
  42. The permittee will be responsible for all actual costs on an hourly basis associated with the required improvements, including review of construction improvement plans, performing improvement inspections, and all other related costs.
  43. An Aviation easement dedication is required for the area of the parcel within zone B2 of the Airport Land Use Compatibility Plan (ALUCP). An Avigation easement shall conform to Policy 10.1, "Avigation Easements" of the ALUCP.
  44. Airspace review by the Department of Transportation is required prior to installation of an objects over 70 feet tall.
  45. A deed notice must be recorded for all area within Zone D of the ALUCP. The deed notice shall conform to Policy 10.2, "Recorded Deed Notices" of the ALUCP.

\*CEQA Mitigation Measure

## **END of CONDITIONS**

**NOTE:** Approval of this use permit will expire on August 13, 2022. Any request for a time extension and accompanying fees must be received by the Trinity County Planning Department 30 days prior to this expiration date.

Agenda Item 2  
Attachment B



Application Number: P-19-22  
**RECEIVED**

**APR 20 2020**

**TRINITY COUNTY  
PLANNING DEPARTMENT**

61 AIRPORT ROAD  
P.O. BOX 2819  
WEAVERVILLE, CA 96093  
(530) 623-1351 FAX (530) 623-1353

TRINITY COUNTY  
PLANNING DEPARTMENT

Application Form For:  
**USE PERMIT, VARIANCE,  
REZONING & GENERAL  
PLAN AMENDMENT**

- Conditional Use Permit
- Rezone
- Variance
- General Plan Amendment

**APPLICANT/SUBDIVIDER**

Name: Doug and Tom Evans Day Phone: ~~XXXXXXXXXX~~

Address: ~~XXXXXXXXXX~~

City: Hayfork State: CA Zip: 96041

**PROPERTY OWNER**  Check if same as Applicant (If more than one property owner is involved, attach list.)

Name: \_\_\_\_\_ Day Phone: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**REQUEST / INFORMATION**

Property Location /Address: 690 Tule Creek Road

Assessor's Parcel Number: 014-430-75-00 Present Zoning: M2

Present General Plan: Industrial Proposed Zoning if Rezone is required: \_\_\_\_\_

Conditional Use Permit Indicate Proposed Use: Cannabis Type 6 Non-volatile Manufacturing, Distributor, Cultivation, Nursery, and onsite caretaker unit.

Project Information / Development Plans: \_\_\_\_\_

**FOR OFFICE USE ONLY**

Application Received by: \_\_\_\_\_

Date: \_\_\_\_\_

First Hearing: \_\_\_\_\_

Application Fee: \_\_\_\_\_

Receipt No.: \_\_\_\_\_

I hereby certify that I am the owner of record of the property described above, or have authorization to act in behalf of the owner of the owner (note attached), and that this application and all other documents submitted are true and correct to the best of my knowledge and belief.

x [Signature] 4/21/2020  
Applicant's Signature Date

x [Signature] 4-13-2020

**PUBLICATION DATE: May 4, 2020**

**Trinity County Department of Planning**

**NOTICE OF AVAILABILITY OF  
DRAFT INITIAL STUDY/PROPOSED MITIGATED NEGATIVE DECLARATION  
Tule Creek Commercial Cannabis Project**

The Trinity County Department of Planning has prepared a Draft Initial Study/Proposed Mitigated Negative Declaration (Draft IS/MND) for the Tule Creek Commercial Cannabis Project Conditional Use Permit.

**Project Location:** The Tule Creek Commercial Cannabis Project is located within Trinity County, at 690 Tule Creek Road, Hayfork, CA 96041. The 53.9-acre parcel is identified as Assessor's Parcel Number 014-430-75. The project site is shown on the U.S. Geological Survey's Weaverville USGS quadrangle map, Sections 10, 11 and 15, Township 31 North, Range 12 West, Mount Diablo Base Meridian (MDBM).

**Description of Project:** The applicant is seeking a Conditional Use Permit to operate a Commercial Cannabis company, including Commercial Cannabis Cultivation, Distribution, Commercial Nursery and a Type 6 Non-Volatile Manufacturing operation in Trinity County, California. In addition to a Conditional Use Permit, the project requires licensing to operate in Trinity County and State licensing, for each of these activities.

The project area is the sum of all the areas used for cultivation, manufacturing, distribution, nursery, processing; including gardens, soil staging areas, post harvest activity areas, material storage areas, ancillary buildings, irrigation system, employee areas, and access roads.

The proposed project is located on a historical mill and gold dredging site where all of the 53.9 acres is previously disturbed. This analysis examines the environmental impact of the activities proposed under this application. The project applicant proposes operation of commercial cannabis cultivation as a "Small" cultivation site (allowing up to 10,000 square feet of canopy), with future expansion up to one acre of canopy, as future Trinity County regulations allow. The potential environmental impacts of the future expansion of cannabis cultivation canopy is included in this analysis. Included in the commercial cannabis cultivation operation analysis is 800 square feet of Cannabis Waste and composting used for flower, stems and unmarketable plant material.

In addition to the Cannabis cultivation activities, this analysis also includes;

- 5,000 square foot new building dedicated to a commercial nursery
- Up to one-acre of commercial cannabis cultivation
- 200 square feet for petroleum storage
- 200 square feet for chemical storage
- up to 10,000 square feet dedicated to post harvest activities
- 15,000 square feet dedicated to manufacturing, processing, packaging, and labeling
- 7,500 square feet dedicated to distribution
- 3,500 square feet dedicated to shared employee space

**Environmental Topics Evaluated:** The Initial Study examines the potential impacts of the proposed project to the environment, and includes mitigation measures to reduce environmental impacts of the proposed project to a less than significant level.

**Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):** Trinity County, as Lead Agency for the proposed project, has discretionary authority over the primary project proposal. To implement this project, the applicant may need to obtain the following discretionary permits/approvals from other agencies:

- Trinity County Department of Environmental Health
- Trinity County Building Department- New Buildings
- Trinity County Solid Waste
- Trinity County Fire Chiefs Association
- California Department of Water Resources

- California Department of Fish & Wildlife (Region 1)

A copy of the Draft IS/MND is available for review at the Trinity County Department of Planning, 61 Airport Road, Weaverville, California, weekdays 9:00 A.M. to 4:30 P.M. An electronic version is available at <https://bit.ly/TuleCreekISMND>.

The public comment period begins on May 4, 2020 and will end on June 2, 2020 at 3:00 PM. Written comments can be mailed to the attention of Kim Hunter, Trinity County, Department of Planning, 61 Airport Road, Weaverville, California 96093.



014-430-75-00

Area Map

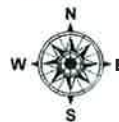
690 Tule Creek Rd, Hayfork, CA 96041



 Subject Property  Lakes

**Roads**  
 Highway  
 Paved  
 Native

0 750 1,500 3,000 US Feet



January 9, 2020  
 Project Name: TuleCreekMill  
 Applicant: Tom and Doug Evans  
 Map by Patrick Flynn - Buildaberg  
 All Rights Reserved

Figure 1: Area Map



014-430-75-00

Site Map

690 Tule Creek Rd, Hayfork, CA 96041



 Subject Property

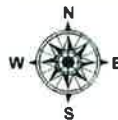
Roads

 Paved

 Native

 Lakes

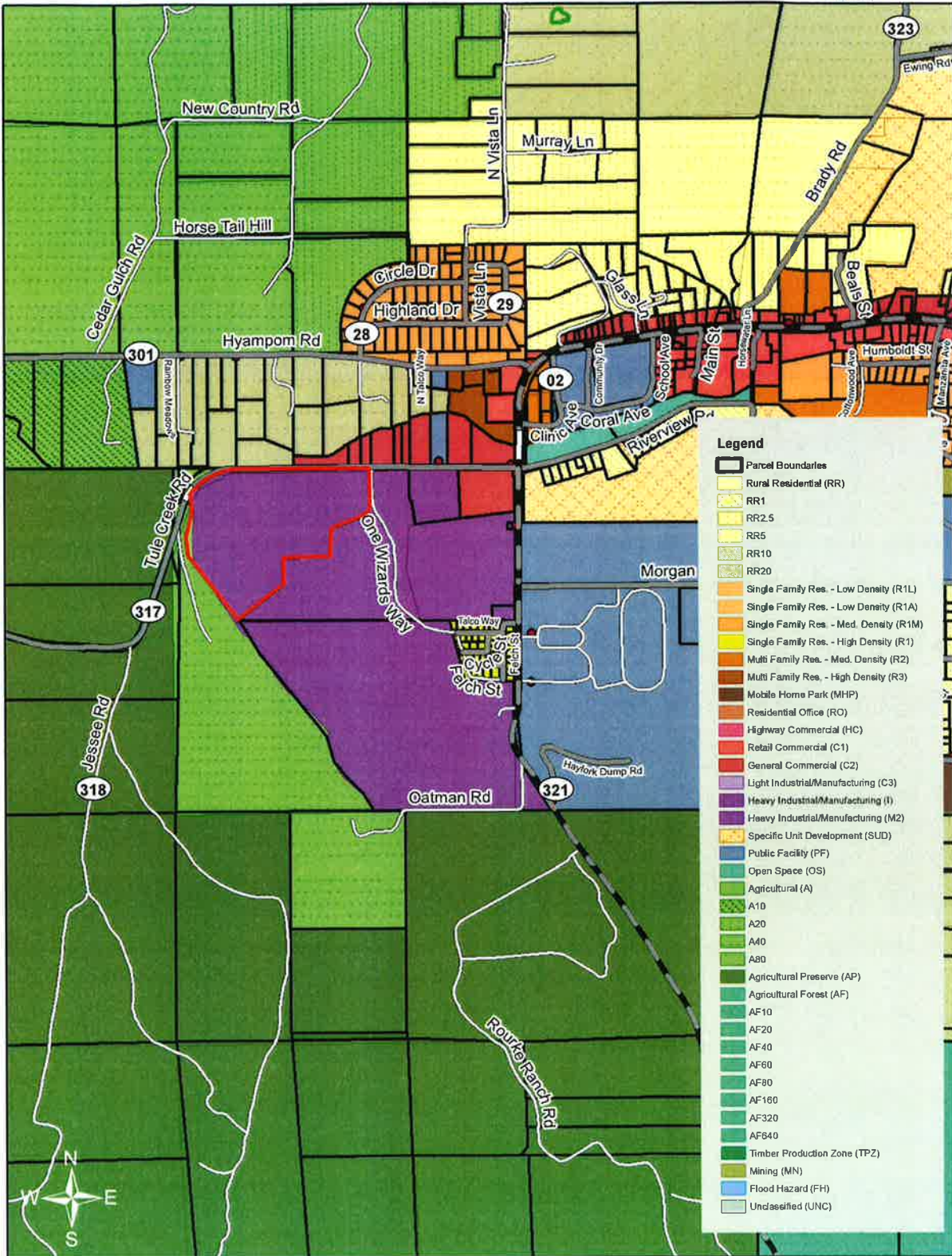
0 200 400 800 US Feet



January 9, 2020  
 Project Name: TuleCreekMill  
 Applicant: Tom and Doug Evans  
 Map by Patrick Flynn - Buildaberg  
 All Rights Reserved

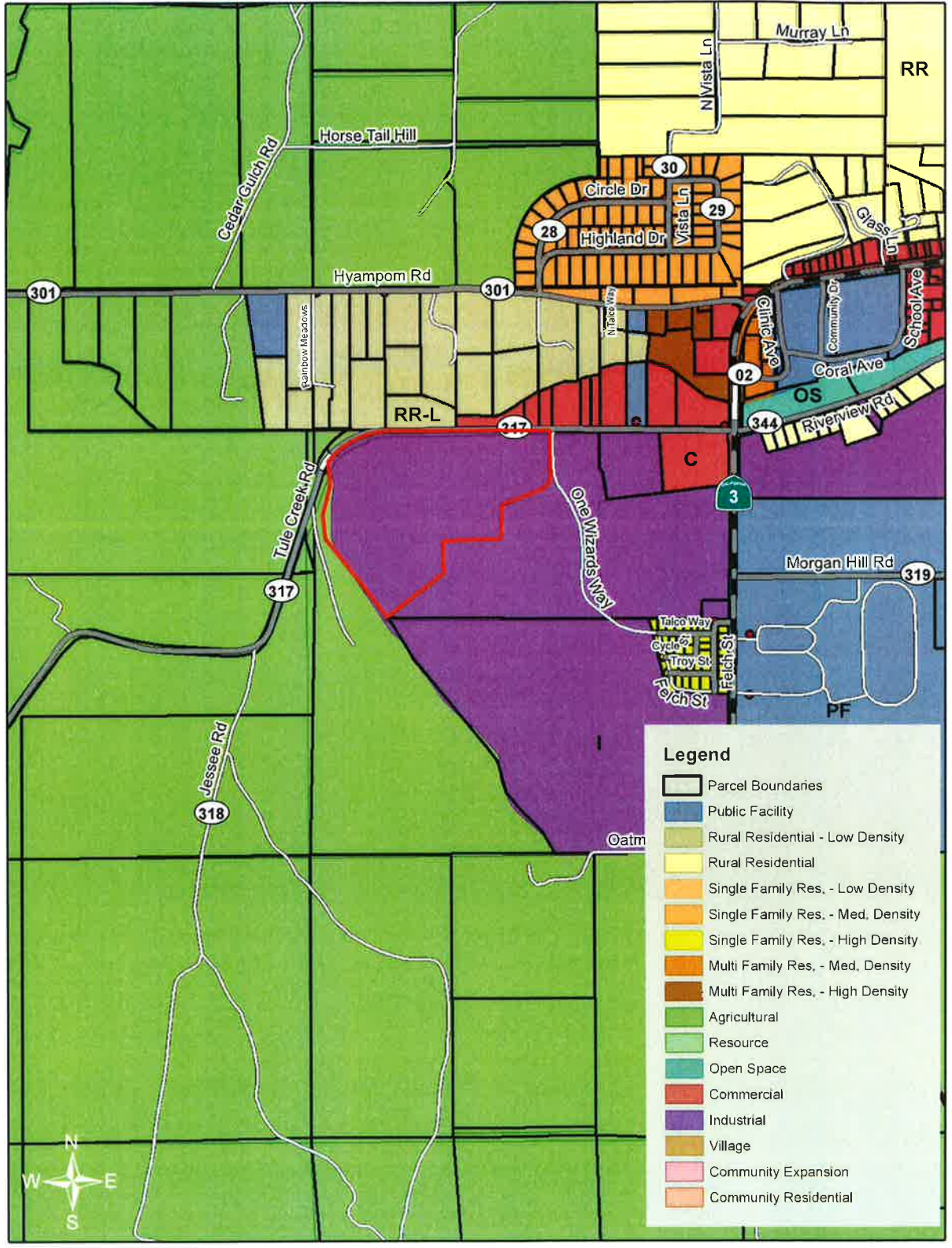
Figure 2: Site Map

**APN: 014-430-75-00**  
**P-19-22 | Tule Creek Rd Project**  
**Zoning Districts Map**

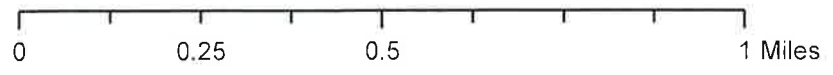


0 0.325 0.65 1.3 Miles

**APN: 014-430-75-00**  
**P-19-22 | Tule Creek Rd Project**  
**General Plan Designations Map**

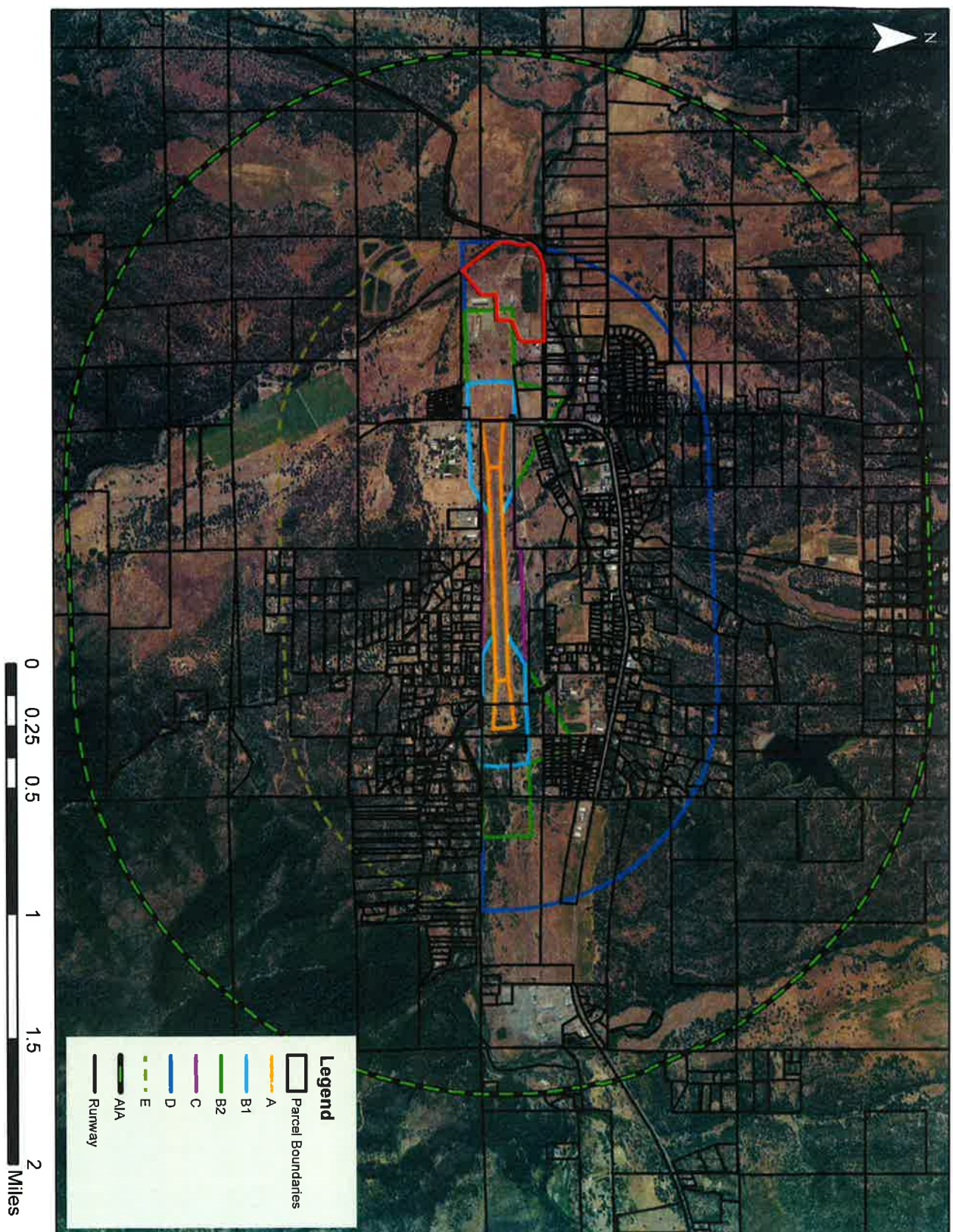


- Legend**
- Parcel Boundaries
  - Public Facility
  - Rural Residential - Low Density
  - Rural Residential
  - Single Family Res. - Low Density
  - Single Family Res. - Med. Density
  - Single Family Res. - High Density
  - Multi Family Res. - Med. Density
  - Multi Family Res. - High Density
  - Agricultural
  - Resource
  - Open Space
  - Commercial
  - Industrial
  - Village
  - Community Expansion
  - Community Residential

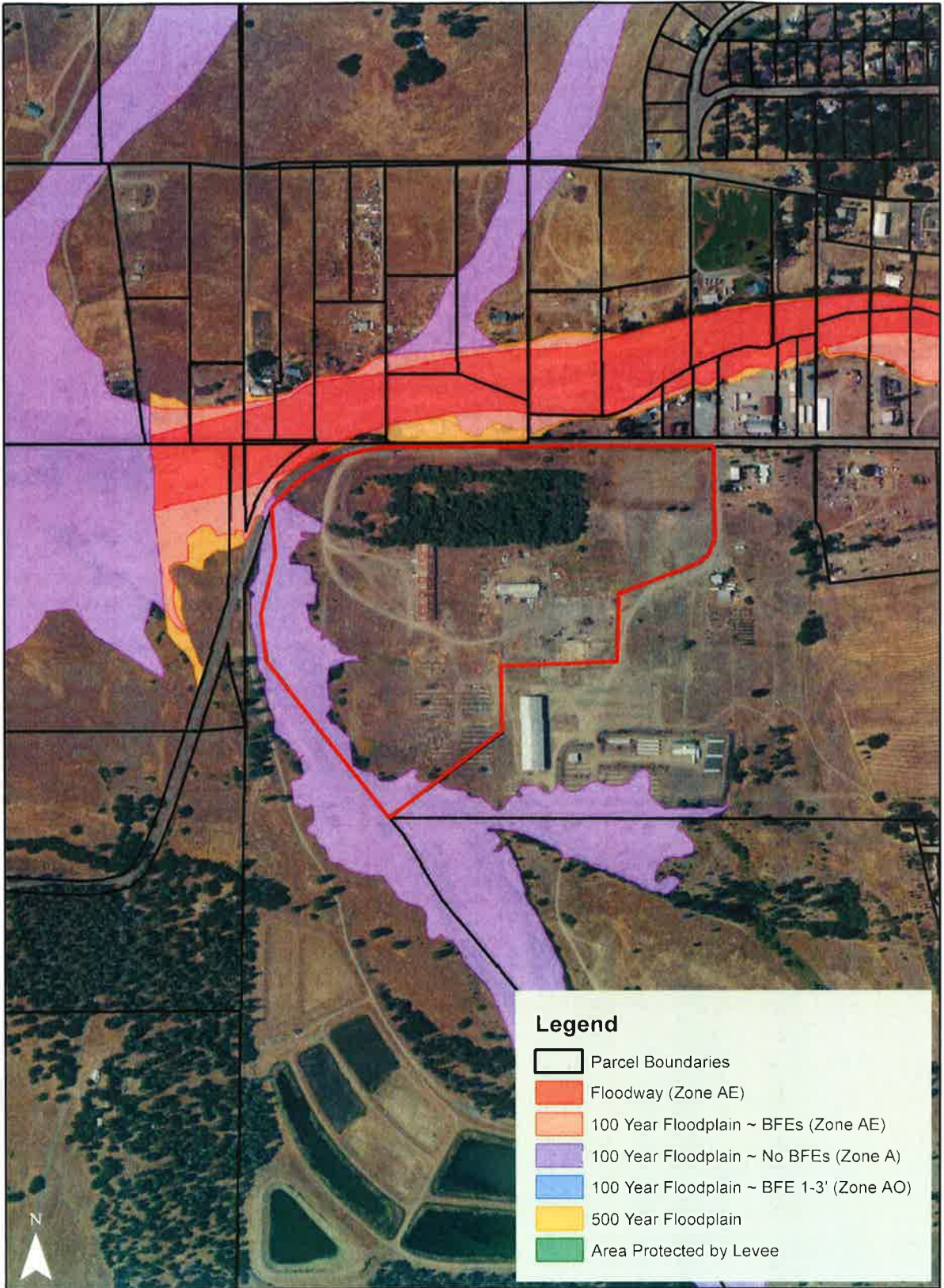




APN 014-430-75-00  
P-19-22 | Tule Creek Rd Project  
Airport Safety Zones



APN 014-430-75-00  
P-19-22 | Tule Creek Rd Project  
Flood Hazard Zones



0 0.05 0.1 0.2 0.3 0.4  
Miles



014-430-75-00  
Planned Water Supply Infrastructure  
690 Tule Creek Rd, Hayfork, CA 96041



Figure 11: Planned water supply for subject parcel



014-430-75-00  
Planned Sewer Infrastructure  
690 Tule Creek Rd, Hayfork, CA 96041

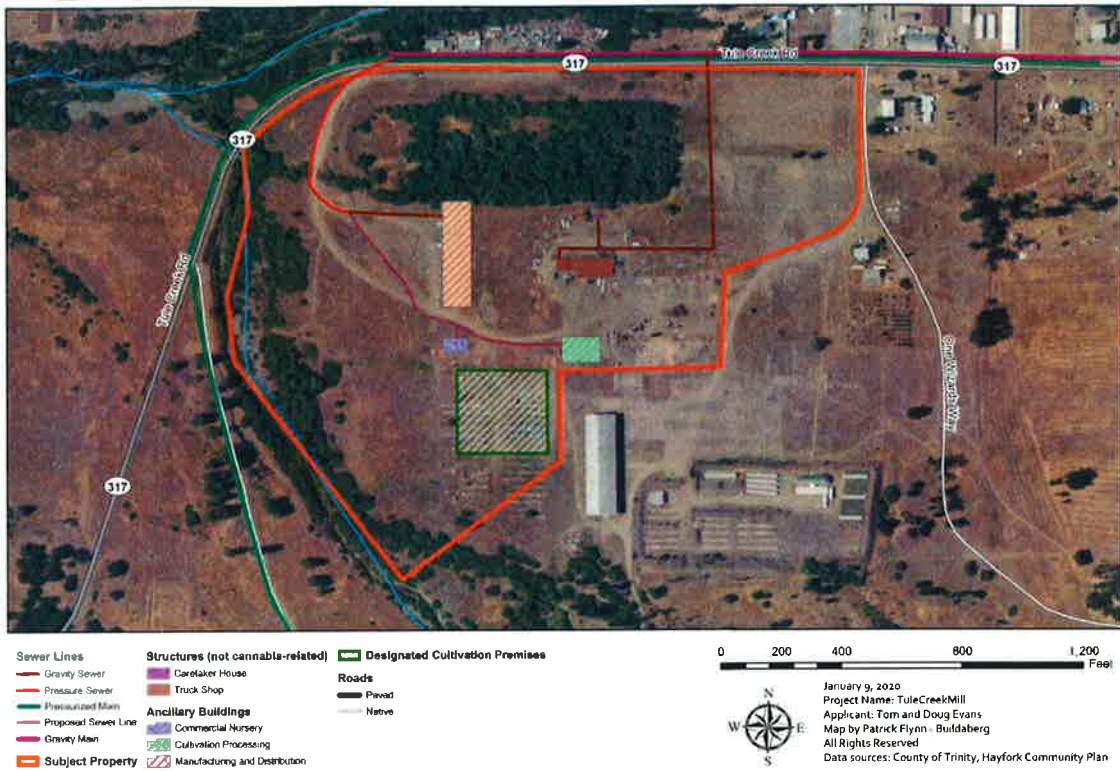


Figure 12: Planned sewer for the subject parcel

**Impact Analysis:**

- The project will require or result in relocation or the construction of new or expanded water, wastewater treatment or storm water drainage. The water and sewer will be provided by Trinity Waterworks District #1 who is the local supplier of municipal water and provides wastewater treatment. However, the construction or relocation of water, wastewater treatment or storm water drainage infrastructure is occurring in previously disturbed soils that have been tested under phase I (appendix E) and phase II environmental testing (appendix F), which indicate these improvements will not cause significant environmental effects. The proposed sewer and water lines are in Figure 11 and 12.

For these reasons the environmental impacts associated with the proposed project are considered **less than significant**.

- Trinity Waterworks District #1 has the capacity to provide water to the project for the reasonably foreseeable future. As indicated in Hydrology/Water Quality subsection (b), the California Waterboard has determined that municipal water does not interfere with groundwater recharge. For this reason, the impact is considered **less than significant**.

# Agenda Item 2 Attachment C



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Region 1 - Northern  
601 Locust Street  
Redding, CA 96001  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

GAVIN NEWSOM, Governor  
CHARLTON H. BONHAM, Director



May 28, 2020

Kim Hunter  
Trinity County Planning Department  
PO Box 2819  
Weaverville, CA 96093

**Subject: Review of the Mitigated Negative Declaration for the Tule Creek Commercial Cannabis Conditional Use Permit, State Clearinghouse Number 2020059002, Hayfork, Trinity County APN 014-430-75**

Dear Kim:

The California Department of Fish and Wildlife (Department) has reviewed the Initial Study/Mitigated Negative Declaration for the above-referenced project (Project). The Department's review of this Project is pursuant to our role as the State's trustee and responsible agency for fish and wildlife resources under the California Environmental Quality Act, California Public Resources Code section 21000 et seq. The Project proposes to operate a commercial cannabis company, which would include multiple activities, including cultivation up to 1 acre in canopy, distribution, nursery, and non-volatile manufacturing. The proposed project would be located on a historical lumber mill and gold dredging site on previously disturbed ground.

Based on the information provided, including no vegetation removal or alterations within the 150-foot riparian setback from Salt Creek and no proposed alterations within the existing pond, we have no comments at this time. If the Project description changes in any way or additional biological resource information becomes available, the Department should be notified and provided an opportunity to offer comments regarding the updated information.

We appreciate the opportunity to review this Project. If you have any questions, please contact me at (530) 225-2239, or by email at [katherine.blanchard@wildlife.ca.gov](mailto:katherine.blanchard@wildlife.ca.gov).

Sincerely,

*Kate Blanchard*

Kate Blanchard  
Senior Environmental Scientist

ec: Kim Hunter  
Trinity County Planning Department  
[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)

State Clearinghouse  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)



**Jared Blumenfeld**  
Secretary for  
Environmental Protection



## Department of Toxic Substances Control

Meredith Williams, Ph.D., Director  
8800 Cal Center Drive  
Sacramento, California 95826-3200



**Gavin Newsom**  
Governor

May 26, 2020

Ms. Kim Hunter  
Trinity County Planning Department  
P.O. Box 2819  
Weaverville, California 96093  
[khunter@trinitycounty.org](mailto:khunter@trinitycounty.org)

MITIGATED NEGATIVE DECLARATION FOR TULE CREEK COMMERCIAL  
CANNABIS CONDITIONAL USE PERMIT – DATED MAY 2020  
(STATE CLEARINGHOUSE NUMBER: 2020059002)

Dear Ms. Hunter:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration for Tule Creek Commercial Cannabis Conditional Use Permit. The proposed project is a Conditional Use Permit to operate a Commercial Cannabis company, including Commercial Cannabis Cultivation, Distribution, Commercial Nursery and a Type 6 Non-Volatile Manufacturing operation in Trinity County, California. In addition to a Conditional Use Permit, the project requires licensing to operate in Trinity County as well as State licensing, for each of these activities. The proposed project is located on a historical mill and gold dredging site where all of the 53.9 acres has been previously disturbed. Project analysis includes: 5,000 square foot (sf) new building dedicated to a commercial nursery, up to one-acre of commercial cannabis cultivation, 200 sf petroleum storage, 200 sf chemical storage, up to 10,000 sf for post-harvest activities, 15,000 sf for manufacturing, processing, and packaging, 7,500 sf for distribution, and 3,500 sf of employee space.

In 2018, Geocon Consultants, Inc. (Geocon) submitted “Final Targeted Site Investigation Report, Sierra Pacific-Hayfork, 690 Tule Road, Hayfork, Trinity County California.” The purpose of the Targeted Site Investigation (TSI) was to further assess the nature and extent of hazardous substance and petroleum product impacts that were identified during previous investigations at the Site related to the historical use of the Site as a lumber mill. The TSI employed project action levels (PALs) for chemicals of potential concern that were adopted from the USEPA Regional Screening Levels, the DTSC Human and Ecological Risk Office Note 3 screening levels, and the San Francisco Bay Regional Water Quality Control Board Environmental Screening Levels for a commercial/industrial setting. The TSI and other information for the site can be

accessed for review on DTSC's Envirostor Database at <https://www.envirostor.dtsc.ca.gov/public/> (search for "Sierra Pacific" or site code 102340).

Per the TSI, DTSC recommends that the following issues be evaluated prior to moving forward with the Tule Creek Commercial Cannabis Conditional Use Permit.

1. Shallow soil samples in the area of the former boiler room and former refuse burner were evaluated for potential dioxin impacts to soil. Analytical results indicated that dioxin toxic equivalency (TEQ) values were less than the PAL of 220 picograms per gram (pg/g). However, since land use will change under the proposed permit, a DTSC toxicologist must determine if 220 pg/g is still adequately protective. If it is not protective, then the extent of dioxins/furans in boiler area soil may need to be further evaluated.
2. In the former underground storage tank (UST) of the site, diesel range organics (DRO), oil range organics (ORO), and benzene, toluene, ethylbenzene, and xylene (BTEX) compounds were detected in soil at concentrations lower than the respective PALs for each contaminant. DRO and ORO were detected in groundwater at concentrations in excess of PALs. DTSC recommends further assessment to determine the lateral extent of DRO, ORO, and BTEX in soil and groundwater near the former UST area.
3. DRO, ORO, and chloromethane were detected in soil and groundwater samples in the septic leachfield area. Further assessment of soil and groundwater contaminants are recommended for this area.

DTSC has not determined if the site is safe for proposed activities in the Conditional Use Permit. Furthermore, if the site is not safe for unrestricted (residential) use, then a land use covenant should be placed on the site to prevent sensitive uses or uses that may disturb contaminants that remain in-place. As a first step, the project proponent should submit a request for Lead Agency Oversight Application, which can be found at: [https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP\\_App-1460.doc](https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/VCP_App-1460.doc). This will enable regulatory oversight of any additional evaluation, investigation, or remediation conducted by the project proponent. Additional information regarding voluntary agreements with DTSC can be found at: <https://dtsc.ca.gov/brownfields/>.

Ms. Kim Hunter  
May 26, 2020  
Page 3

DTSC is prepared to assist the project proponent to ensure the site will be safe for its future use. If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov](mailto:Gavin.McCreary@dtsc.ca.gov).

Sincerely,



Gavin McCreary  
Project Manager  
Site Evaluation and Remediation Unit  
Site Mitigation and Restoration Program  
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research  
State Clearinghouse  
[State.Clearinghouse@opr.ca.gov](mailto:State.Clearinghouse@opr.ca.gov)

Ms. Lora Jameson, Chief  
Site Evaluation and Remediation Unit  
Department of Toxic Substances Control  
[Lora.Jameson@dtsc.ca.gov](mailto:Lora.Jameson@dtsc.ca.gov)

Mr. Dave Kereazis  
Office of Planning & Environmental Analysis  
Department of Toxic Substances Control  
[Dave.Kereazis@dtsc.ca.gov](mailto:Dave.Kereazis@dtsc.ca.gov)

California Department of Fish and Wildlife  
[R1LSARedding@wildlife.ca.gov](mailto:R1LSARedding@wildlife.ca.gov)

California Department of Food and Agriculture  
CalCannabis Cultivation Licensing Division  
[CalCannabis@cdfa.ca.gov](mailto:CalCannabis@cdfa.ca.gov)

State of California North Coast  
Regional Water Quality Control Board  
[NorthCoast@waterboards.ca.gov](mailto:NorthCoast@waterboards.ca.gov)





CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

May 20, 2020

Kim Hunter, Director of Planning  
Trinity County Department of Planning  
61 Airport Road  
Weaverville, CA 96093  
khunter@trinitycounty.org

**Subject:** Initial Study/Mitigated Negative Declaration (IS/MND) for Tule Creek Commercial Cannabis Conditional Use Permit Project, Doug and Tom Evans, Application P-19-22, APN 014-430-75-00, State Clearinghouse (SCH) No. 2020059002

Dear Ms. Hunter:

Thank you for providing the California Department of Food and Agriculture (CDFA) CalCannabis Cultivation Licensing Division (CalCannabis) the opportunity to comment on the Initial Study/Mitigated Negative Declaration (IS/MND) (SCH#2020059002) prepared by Trinity County for the proposed Tule Creek Commercial Cannabis Conditional Use Permit (CUP) Project, Doug and Tom Evans (Proposed Project).

CDFA has jurisdiction over the issuance of licenses to cultivate, propagate and process commercial cannabis in California. CDFA issues licenses to outdoor, indoor, and mixed-light cannabis cultivators, cannabis nurseries and cannabis processor facilities, where the local jurisdiction authorizes these activities. (Bus. & Prof. Code, §26012(a)(2).) All commercial cannabis cultivation within California requires a cultivation license from CDFA. For a complete list of all license requirements, including CalCannabis Licensing Program regulations, please visit: [https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text 0 1162019 Clean.pdf](https://static.cdfa.ca.gov/MCCP/document/CDFA%20Final%20Regulation%20Text%201162019%20Clean.pdf).

CDFA expects to be a Responsible Agency for the Proposed Project because the project will need to obtain an annual cultivation license from CDFA. In order to ensure that the IS/MND is sufficient for CDFA's needs at that time, CDFA requests that a copy of the IS/MND, revised to respond to the comments provided in this letter, and a signed Notice of Determination (NOD) be provided to the applicant, so the applicant can include them with the application package it submits to CDFA. This should apply not



only to the Proposed Project, but to all future CEQA documents related to cannabis cultivation applications in the County of Trinity.

CDFA offers the following comments concerning the IS/MND.

## **General Comments (GC)**

### **GC 1: Project-Specific Plans and Supporting Documentation**

The IS/MND references several project-specific plans, such as State Water Quality Control Board Site Management Plan for Erosion, Sedimentation and Stormwater Discharge (p.73), Waste Management Plan (p. 107), and an Integrated Pest Management Plan (p.113). In order to ensure that CDFA has supporting documentation for the IS/MND, CDFA requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package for annual cultivation license to CDFA.

### **GC 2: Best Management Practices**

In several locations the IS/MND refers to the implementation of best management practices. For example, on page 53 the IS/MND states, “[D]uring all construction phases, Best Management Practices (BMPs) and other project specific erosion control measures would be implemented in accordance with the State of California Waterboard General Order.” The IS/MND would be improved if those practices were identified more specifically and the impact analysis described how and whether those measures would reduce significant impacts to less than significant.

## **Specific Comments and Recommendations**

In addition to the general comments provided above, CDFA provides the following specific comments regarding the analysis in the IS/MND.

<b>Comment No.</b>	<b>Section</b>	<b>Page No(s).</b>	<b>Resource Topic(s)</b>	<b>IS/MND Text</b>	<b>CDFA Comments and Recommendations</b>
1	Environmental Checklist Overview	5	N/A	Other Public Agencies Requiring Approval	Because the applicant would be required to procure a cultivation license from CDFA, CDFA should be included in the list of agencies requiring approval. In addition, the IS/MND would be improved if it included the types of permits or approvals required from each of the listed agencies.
2	Introduction	24	Proposed Project Development	Phasing will spread the construction activities over a longer period of time and will include Best Management Practices to ensure soil and erosion are controlled to avoid inadvertent sediment reaching Hayfork Creek and Salt Creek.	As noted above, the IS/MND would be improved if these BMPs were specifically listed or described. (See GC 2.) The Project Description might specify practices that have been incorporated into the project design for each phase of the Proposed Project to reduce impacts related to soil and erosion control at Hayfork Creek and Salt Creek. Then, under each resource topic impact analysis, the IS/MND could indicate how and whether these specific BMP measures would reduce significant impacts to a less-than-significant level.
3	Environmental Impacts Overview	34	Agriculture and Forestry Resources (Question c)	With the creation and implementation of CalCannabis's commercial cannabis licensing	The IS/MND would be improved by providing evidence to support the assertion that the State's CalCannabis cultivation licensing program and/or the County's CEQA requirements would directly or

Comment No.	Section	Page No(s).	Resource Topic(s)	IS/MND Text	CDFA Comments and Recommendations
				<p>program and requirements that all properties meet CEQA analysis, there is reason to believe the remote timberland and lower lying hills surrounding the Hayfork valley are not cost-effective to develop, in relation to the prevalence of existing cannabis cultivation sites.</p>	<p>indirectly impact timberland zoning, development, and/or production in the Proposed Project region.</p>
4	Environmental Impacts Overview	71	Hydrology/Water Quality (Question a)	<p>...the applicant must implement pest management Best Practical Treatment or Control (BPTC) practices into their project to be in compliance with CDFA CalCannabis regulations... implementation of pest management BPTCs, as</p>	<p>CDFa regulations require applicants include a pest management plan that includes integrated pest management protocols, including chemical, biological, and cultural methods the applicant anticipates using to control or prevent the introduction of pests on the cultivation site (Cal. Code Regs., tit. 3 § 8106(a)(3)(b)). Note that pest management control practices would be considered within the context of the cultivation type (e.g., outdoor, indoor, mixed light), cultivation size, and site-specific environmental</p>

Comment No.	Section	Page No(s).	Resource Topic(s)	IS/MND Text	CDFA Comments and Recommendations
				<p>required by CalCannabis regulations, ensure minimal runoff and discharge of harmful pesticides and fertilizers used to treat pests.</p>	<p>conditions, including climate, hydrology, and soil conditions. For this reason, the regulations do not limit cultivators to any specific pest management practices.</p> <p>The IS/MND would be improved if site-specific pest management control practices were disclosed and the IS/MND explained how and whether these practices would reduce potential impacts related to runoff and discharge. If this information is included within the Proposed Project's Integrated Pest Management Plan, this plan should be provided to CDFa with the applicant's state application package for annual cultivation license (refer to GC 1).</p>

## Conclusion

CDFA appreciates the opportunity to provide comments on the IS/MND for the Proposed Project. If you have any questions about our comments or wish to discuss them, please contact Kevin Ponce, Senior Environmental Scientist, at (916) 576-4161 or via e-mail at [Kevin.Ponce@cdfa.ca.gov](mailto:Kevin.Ponce@cdfa.ca.gov).

Sincerely,

**Lindsay Rains**

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Lindsay Rains,  
Licensing Program Manager