

TRINITY COUNTY PLANNING COMMISSION

STAFF REPORT

PROJECT TITLE: Type 3 Cannabis Conditional Use Permit and Variance (P-19-30)

APPLICANT: Little Hill Cultivators

PROPERTY OWNER: Jeff Ghidella

REPORT BY: Skylar Fisher, Associate Planner

LOCATION: 1760 West Hettenshaw Road, Zenia (APN 020-120-025)

ZONING DISTRICT: Unclassified

GENERAL PLAN DESIGNATION: Resource

PROJECT DESCRIPTION:

The purpose of this project is to expand cannabis cultivation operations on the project site as a permitted use under the County’s cannabis ordinances. The applicant is currently licensed to cultivate up to 10,000 square feet of cannabis canopy area on the project site and the applicant is applying for a Type 3 (T3) license to expand cultivation to up to one-acre (43,560 square feet) of canopy area.

The proposed project has also applied for a Variance from Section 17.43.050.A.8 of the County Code, which requires a 500-foot setback from the property line for a medium cannabis cultivation site. As a condition of approval of the use permit, the Variance must be approved before the applicant can proceed with cultivation in the proposed cultivation area(s) requiring the Variance. The purpose of the 500-foot property line setback requirement provision in Trinity County Code Section 17.43.050.A.8. is to mitigate potential impacts (e.g., odors, noise, lighting, fugitive dust, etc.) to adjacent neighbors from cannabis cultivation activities.

Location	Land Use	Zoning District	General Plan Designation
North	Vacant	Unclassified	Resource
South	Single Family Residential/Vacant/ US Forest Service	Unclassified	Resource
East	Vacant	Unclassified	Resource
West	US Forest Service	Unclassified	Resource

Table 1: Surrounding Land Uses to Project Site

SITE INFORMATION:

The parcels immediately surrounding the project are designated by the County's General Plan as a part of the Resource (RE) land designation and are zoned as Unclassified (U). Surrounding parcels, ranging from 7.5 acres to 552.9 acres in size, include privately or publicly owned U.S. Forest Service (USFS) timberland, grazing land, and open space. Access to the site is provided by West Hettenshaw Road, by way of Ruth-Zenia Road. The subject parcel is approximately 80 acres in size. Vegetation in the area consists primarily of Douglas-fir Forest, chaparral; annual grassland; and ruderal/urbanized vegetation communities.

The proposed project is located in the Hettenshaw Valley and Upper Subbasin of the Van Duzen River watershed. This area is identified by the Trinity County General Plan as the Southern Trinity Planning Area. The topography of the project area is characterized by mountainous terrain tapering to a flat valley. The majority of the Southern Trinity Planning Area is in public ownership by the U.S. Forest Service (USFS) as part of the Six Rivers National Forest. USFS land is managed for open space, resource production, recreation, and wildlife habitat and grazing. The unincorporated community of Zenia is located approximately 5.6 miles southwest from the project. The proposed project does not fall within a Federal Emergency Management Agency (FEMA) floodplain.

PROJECT DESCRIPTION:

The applicant is currently licensed by Trinity County and the California Department of Cannabis Control (DCC) to cultivate up to 10,000 square feet of mature cannabis canopy. Six (6) existing greenhouses (total 14,832 square feet) are used for the 10,000 square feet of cultivation using the light deprivation method and one (1) existing greenhouse (1,440 square feet) is used for the propagation of immature plants and/or clones. The immature plants and/or clones are used for onsite transplant and cultivation of mature cannabis plants. Previously, two (2) additional greenhouses (each 2,700 square feet) to the west of the primary cultivation area, were utilized for cannabis cultivation but have since been retired.

The applicant currently utilizes two (2) cultivations cycles per year. Cannabis plants will be harvested, dried, processed, and stored in existing and proposed processing buildings (both buildings approximately 1,500 square feet). Additional cannabis related uses include a fertilizer and fuel storage facility, and a composting site (approximately 1,200 square feet). Vegetative waste is composted and mixed into the soil. Other uses onsite include non-cannabis related activities such as a two-bedroom residence, a shop, sheds, gardens, grazing lands, a pond, and access roads.

The headwaters of Van Duzen River flow through the eastern half of the project site. Additionally, several channels enter the subject property from the surrounding forested slopes. Some channels dissipate upon entering the grasslands of the valley floor, forming willow-scrub wetlands. Other drainages converge to form an intermittent stream, passing to the east of the existing cultivation area.

The applicant proposes to expand the existing cannabis operation by developing cultivation areas for approximately 30,000 square feet of new mature cannabis canopy. New cultivation will occur in two locations near the existing greenhouses, providing approximately 10,000 square feet and 20,000 square feet of mature cannabis canopy, respectively. Refer to Figure 2 – Site Plan for proposed locations. New cultivation will occur within raised beds, parallel rows, and/or individual

pots, and utilize full sun cultivation methods. Exclusionary fencing will form a perimeter around proposed cultivation areas. The fencing will be approximately 6 feet tall and made of metal wire. Minor grading and vegetation removal will be required to prepare the proposed cultivation areas for the construction of the raised beds and/or placement of individual pots.

As described above, the applicant proposes the addition of 30,000 square feet of outdoor cannabis cultivation. However, the Applicant's proposal also includes the potential to transition proposed outdoor cultivation areas into mixed-light cultivation areas of equal size (i.e., 30,000 square feet). In the future, should Trinity County allow the stacking of multiple cannabis cultivation license types, this CEQA document analyzes potential outdoor and mixed-light cultivation activities on the project site. Future potential mixed-light cultivation will use artificial light not to exceed 6 watts of light per square foot of mature canopy. Tarping systems would be used to shield artificial lighting and prevent light pollution in the project vicinity.

The seven (7) existing greenhouses near the center of the property will continue to be used for the cultivation of mature and immature cannabis using light deprivation methods. One (1) existing greenhouse that is currently used for the cultivation of mature cannabis will be converted to the propagation of immature cannabis plants and/or clones for onsite cultivation. At full build-out of the proposed project, the Applicant's total cultivation area will include up to one-acre of mature cannabis canopy and 3,936 square feet of immature cannabis.

The proposed project will include a minimum of two (2) cultivations cycles per year. If portions of the cultivation areas are converted to Tier 1 mixed-light cultivation in the future, using artificial lighting and tarps to shield lighting, up to three (3) cultivation cycles could occur per year. Plants will be harvested, dried, processed, and stored in existing and proposed processing buildings (both buildings approximately 1,500 square feet). Fertilizer and fuel storage will occur according to existing requirements. The existing 1,200-square foot composting site will be expanded to approximately 1,800 square feet.

Construction and Site Preparation

The proposed project would be developed near existing development within a relatively flat and open area on the property (see Figure 2 – Site Plan). Construction of the proposed project would require limited site preparation, clearing, and construction activities. Off-road construction vehicles/equipment will complete the proposed construction activities to prepare the site for cultivation activities. Construction activities will disturb less than one acre.

Employees

The applicant has identified the following types of employees for the proposed cannabis operation:

- **Permanent Employees** - There are no permanent employees at this site. Operations will be seasonal and staffed by a combination of seasonal and temporary employees.
- **Seasonal Employees** - Approximately three (3) seasonal employees will be working and living onsite in the existing residence. These employees will be onsite for 8-10 months each year. No seasonal employees will occupy the residence year-round.

- Temporary Employees - Approximately five (5) temporary employees will be used for growing and harvesting activities. The number of growing cycles per year may be variable, but at a minimum, temporary employees would be required to assist with growing and harvesting activities for at least two cycles per year. For the purposes of the analysis in this document, it is assumed that the temporary employees would commute to work each day.

Site Access

The project site is accessed by West Hettenshaw Road, an existing unpaved county-maintained road that accesses the Ruth-Zenia Road (a two-lane paved county-maintained road). A locked gate at the project site entrance limits unauthorized vehicle access. Internal access at the project site is provided by existing roads/skid trails. Vehicle trips are anticipated to consist of passenger cars, light-duty trucks, delivery vehicles (FedEx™, UPS™, and US Postal Service), larger dual axel delivery vans, and larger 3-axel semi-tractor trailers.

The project does not propose any new roads. However, the site has a total of seven (7) stream crossings, varying in design and condition. The applicant has a draft Lake and Streambed Alteration Agreement (LSAA) with the California Department of Fish and Wildlife (CDFW) for the improvement of three (3) existing stream crossings as follows (CDFW, 2018):

Stream Crossing No.1. This crossing consists of an existing low-grade seasonal ford on an unnamed Class III stream. The ford is sufficient to pass 100-year stream flow and associated debris. The stream disperses into an alluvial fan below the crossing, and sediment delivery potential to downstream surface waters is low. The road approaches, however, are at a slight grade and require erosion treatment to prevent sediment from entering the stream. The road approaches will be seeded with an erosion control mix and surfaces will be mulched with weed-free straw. There will be no project-related ground disturbance within the bed and banks of the stream at this location.

Stream Crossing No. 2. This crossing is a remnant of an abandoned county road and consists of two side by side steel culverts (one 18-inch diameter, one 24-inch diameter) within an unnamed Class III stream. The existing culverts are failing. The 18- inch culvert remains within the fill; however, the 24-inch culvert is exposed due to erosion. These culverts have been determined to be undersized for passing a 100-year storm flow event and associated debris. Sediment delivery potential to the stream from the road approaches is low; the approaches are nearly flat and heavily vegetated with annual and perennial grasses.

The culverts and remaining road fill will be removed from the crossing and an armored ford will be constructed for seasonal, dry channel access. The road approaches will be lowered to remove road fill and set slopes to 4:1 in order to accommodate 100-year flow events and associated debris passage. Approximately 20 cubic yards of 0.5 to 1.5-foot diameter angled rock will be used to construct the armored fill, extending beyond the lateral limits of a 100-year event and adjacent side slopes. Armoring will be combined with willow sprig planting to minimize erosion. Disturbance within the bed and banks of the stream will be limited to the remaining county road footprint of the crossing measuring approximately 17 feet wide by 31 feet long (527 square feet) and will require removal of approximately 10 cubic yards of earthen fill material.

Stream Crossing No. 3. This crossing consists of a seasonal ford on an unnamed Class III stream that has been abandoned and is no longer utilized. The ford is sufficient to pass a 100-year storm

flow event and associated debris. The channel and road approach grades are low and densely vegetated with annual and perennial grasses; the sediment delivery potential to the stream is minimal.

There will be no ground disturbance within the bed and banks of the stream at this location. This crossing will be monitored and erosion treatment including seeding and mulch will be applied as necessary. There is also an additional stream crossing on the project site (SC-5) that requires improvement (placement of wattles and gravel has been recommended) and is not currently included in the draft CDFW LSAA. The applicant will be required to notify CDFW of this additional improvement to determine whether an amendment to the draft LSAA will be required (TRC, 2020). The applicant shall be required to obtain a final LSAA prior to performing any work within CDFW jurisdictional areas and comply with the avoidance and minimization measures required by the agreement.

Trip Generation

As noted above, eight (8) seasonal and temporary employees are anticipated during peak operational activity for the cannabis operation. Three (3) of the employees would live onsite seasonally and five (5) are anticipated to commute to work each day.

During peak operation, the proposed project is estimated to generate up to 30 vehicle/truck trips per day. This will include 26 employee vehicles trips per day (conservative estimate of 4 trips per day per commuting employee and 2 trips per day per employee living onsite), 2 trips per day for the import of agricultural materials and supplies needed for the cultivation operation (1 in/1 out), and 2 trips per day for the export of cannabis products (1 in/1 out).

Lighting

The proposed project site currently has outdoor lighting that is used for security purposes. In addition, there is limited lighting associated with the existing residence, processing building, and other accessory buildings. These sources of light are limited and do not generate large amounts of light either on or offsite. Similar lighting would be used in the additional areas proposed for cultivation by this application. In addition, there would be limited lighting associated with the proposed processing building. The County Cannabis Cultivation Ordinance (Ordinance No. 315-823 and amendments) requires that the light generated by the proposed project meets the following requirement: 1) lighting shall be downcast, shielded and/or screened to keep light from emanating offsite or into the sky, and (2) lighting in greenhouses shall be shielded so that little to no light escapes, and light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. If portions of the cultivation areas are converted to mixed-light cultivation in the future, using artificial lighting, the applicant will be required to comply with the County Cannabis Ordinance and ensure that little to no light escapes from the greenhouses. As discussed above, the applicant proposes the use of tarps to shield artificial lighting and prevent light pollution in the project vicinity.

Sewage Disposal

An existing onsite wastewater treatment system (OWTS) serves the existing residence. The applicant proposes to use the existing OWTS for permanent and seasonal employees at the cannabis operation. The applicant will provide portable toilets for additional temporary employees

that may be needed on a seasonal basis when the number of employees exceeds six (6) persons. Portable toilet wastewater will be disposed of at a permitted disposal facility.

Water Supply

As shown in Figure 2 – Site Plan, water for the residence is primarily supplied by a domestic well, which is approximately 100 feet deep and has a flow rate of approximately 7.5 gallons per minute (gpm). Additional domestic water is supplied by a year-round spring on the property. Irrigation water for the cannabis operation is supplied by an agricultural well, which is approximately 200 feet deep and has a flow rate of approximately 40 gpm (see Figure 2 – Site Plan). The agricultural well will serve all cultivation activities and can produce over 20 million gallons annually. Irrigation methods include hand watering, drip irrigation, and sprinklers. The total water usage for the proposed cannabis project is estimated to be approximately 600,000 gallons per year.

The applicant's draft CDFW LSAA includes the improvement of the existing spring diversion system. The existing diversion consists of a PVC pipe protruding horizontally from the origin of a year-round flowing spring to its confluence with an unnamed Class III stream approximately 100 feet downstream. The Class III stream terminates in an alluvial fan approximately one-half mile downstream of the confluence. The diversion will be upgraded by the installation of a gravity-feed spring box around the PVC pipe and the intake will be screened. The spring box will include two separate outlets: one for bypass flow and one for domestic diversion. The domestic diversion outlet will be placed several inches above the bypass outlet. Placing the diversion outlet above the bypass outlet is intended to ensure the majority of flow is directed into the downstream tributary and that domestic diversion only occurs when water is abundant. An in-line flow meter will be installed at the domestic outlet to measure and monitor water volumes diverted from the source. The spring box will be hand dug into the bed of the spring and will disturb an area approximately four feet by four feet. No vegetation removal is required, and work will be performed in late summer under the driest conditions possible. Any flow from the existing PVC pipe will be diverted around the work area using hose or pipe and directed back into the channel.

As indicated on Figure 2 – Site Plan, water storage for the cannabis operation includes 4,825 gallons in total. The water storage for domestic uses includes approximately 8,800 gallons in total. Water supply for fire suppression is provided by an approximately 300,000-gallon pond that captures rainwater.

Water Quality

Impacts to water quality associated with the existing cannabis cultivation activities at the project site were initially regulated by the North Coast Regional Water Quality Control Board (NCRWQCB) under Order No. 2015-0023 and were required to transition to regulations of the State Water Resources Control Board (SWRCB) Order No. WQ 2019-0001-DWQ (previously WQ 2017-0023-DWQ) by July 1, 2019. Additionally, the Cannabis Ordinances developed by the County identifies specific requirements for water use and water quality, including compliance with Senate Bill 94 (SB 94) and any applicable NCRWQCB or SWRCB regulations. These existing regulatory requirements address implementation of all applicable best practicable treatment or control (BPTC) measures and submittal of a Site Management Plan (SMP). The Site Management Plan prepared for the project site can be found in Appendix C (TRC, 2020). As the proposed build-out of the project occurs, this Plan will need to be amended to reflect the modified conditions at the site.

Electricity and Gas

Electricity is provided to the project site by Pacific Gas & Electric (PG&E). The existing trailers are not permanent and are not connected to electric or water utilities. The site utilizes two (2) propane tanks for gas service. One propane tank is for domestic use, and the other is for heating the greenhouse used for the propagation of immature cannabis plants and/or clones. If portions of the cultivation areas are converted to mixed-light cultivation in the future, using artificial lighting, it is anticipated that emergency generators will be required in the case of a power outage or public power safety shutoff. All electricity sources used for commercial cannabis cultivation shall be from renewable-compliant sources by conforming to standards consistent with California Code of Regulations Title 3, Division 8, Chapter 1, Section 8305 by January 1, 2023.

Biological Resources

Vegetation communities on the project parcel include of Douglas-fir Forest, chaparral, annual grassland, and ruderal/developed areas. The over story is dominated by Douglas fir (*Pseudotsuga menziesii*), Oregon white oak (*Quercus garryana*), California black oak (*Quercus kelloggii*), and ponderosa pine (*Pinus ponderosa*), with additional canopy coverage provided by Pacific madrone (*Arbutus menziesii*). The understory is comprised of manzanita (*Arctostaphylos* spp.) and there is adequate ground cover from grasses throughout the property. Several surface water features are located on the project parcel, including a rainwater pond, a spring, seasonal wetland, and several channels forming the headwaters of the Van Duzen River. In areas around the pond and stream channel's, riparian vegetation is primarily composed of willow (*Salix* spp.) (Appendix C; TRC, 2020).

A Biological Assessment (BA) was prepared for the project by Natural Investigations Company (Appendix A; NIC, 2019a), which analyzes the potential impacts to special-status animal and plant species from the proposed expansion of cannabis cultivation on the site. The BA concludes that with the implementation of the recommendations in the report, impacts to special-status plant and animal species would be reduced to less than significant.

STAFF AGENCY COMMENTS:

Consultation and correspondence with various culturally affiliated Tribal groups and agencies were conducted as in accordance with Public Resources Code (PRC) Section 21080.3.1 (AB 52). On December 3, 2019, the County initiated environmental review under the California Environmental Quality Act (CEQA) for the proposed project. The County sent certified project notification letters to culturally affiliated Tribal groups on December 3, 2019 and January 27, 2020, pursuant to PRC Section 21080.3.1, notifying that the project was under review and to provide the Tribes 30 days from the receipt of the letter to request consultation on the project in writing. No responses were received requesting initiation of consultation under the provisions of AB 52.

Project referrals were sent out to various County departments and applicable government agencies on 11/8/22. A summary of the comments received are contained in Table 2 on the next page.

Department/Agency	Comment	Comments Addressed?
Assessor's Office	No Comment	NA
Transportation Department	No Comment Received	NA
Building Department	No Comment Received	NA
Environmental Health	<p>“1) Cultivation wastewater drain installed in "existing shop" shall be either permanently abated or drain into a permitted septic tank and pumped regularly as needed prior to cultivation activities in "existing shop".</p> <p>2) Corrections shall be made to wastewater and run-off plans, and submitted to TCEH prior to new use.</p> <p>3) An emergency contingency plan shall be submitted to TCEH to address storm water events, due to the proximity and nature of the cultivation areas with potential to impact the Waters of the State, prior to new use.</p> <p>4) A waste management plan shall be submitted and approved by TCEH, prior to new use on property.</p> <p>5)All hazardous substances shall be documented correctly, and a hazardous materials business plan submitted to Trinity CUPA prior to new use on parcel.”</p>	Comments addressed in proposed conditions.
CAL FIRE	“All PRC 4290 Requirements apply”	Comment addressed in proposed conditions.
Ruth Lake CSD	No Comment	NA

PG&E	No Comment	NA
Forest Service	No Comment	NA

Table 2: Comments Received

PUBLIC COMMENTS RECEIVED:

As of the writing of this staff report, public comments were received from California Department of Fish and Wildlife (CDFW) and Department of Cannabis Control (DCC) on the CEQA Initial Study/Mitigation Negative Declaration (IS/MND) that was prepared for the project. A summary of the comments and responses from County staff are included below.

California Department of Fish and Wildlife (CDFW): Regional Manager Tina Bartlett of the CDFW Northern Region wrote a comment letter to the County (dated 11/21/2022) with comments on the CEQA IS/MND that was prepared for the proposed project. The comments provided by CDFW and the responses from County staff are provided below:

1. **Greenhouse Gas Emissions:** The IS/MND states “All electricity sources used for commercial cannabis cultivation shall be from renewable-compliant sources by conforming to standards consistent with California Code of Regulations (CCR) Title 3, Division 8, Chapter 1, Section 8305 by January 1, 2023.” This section of regulations for the Cannabis Cultivation Program stipulates:

Beginning January 1, 2023, all indoor, tier 2 mixed-light license types of all sizes, and nurseries using indoor or tier 2 mixed-light techniques, shall ensure that electrical power used for commercial cannabis activity meets the average electricity greenhouse gas emissions intensity required by their local utility provider pursuant to the California Renewables Portfolio Standard Program, division 1, part 1, chapter 2.3, article 16 (commencing with section 399.11) of the Public Utilities Code. As evidence of meeting the standard, licensees shall comply with the following:

(a) If a licensee’s average weighted greenhouse gas emission intensity as provided in section 8203(g)(4) is greater than the local utility provider’s greenhouse gas emission intensity, the licensee shall provide evidence of carbon offsets from any of the following sources to cover the excess in carbon emissions from the previous annual licensed period:

(1) Voluntary greenhouse gas offset credits purchased from any of the following recognized and reputable voluntary carbon registries:

- (A) American Carbon Registry;
- (B) Climate Action Reserve;
- (C) Verified Carbon Standard.

(2) Offsets purchased from any other source are subject to verification and approval by the Department.

(b) New licensees, without a record of weighted greenhouse gas emissions intensity from the previous calendar year, shall report the average weighted greenhouse gas emissions intensity, as provided in section 8203(g)(4), used during their licensed period at the time

of license renewal. If a licensee's average weighted greenhouse gas emissions intensity is greater than the local utility provider's greenhouse gas emissions intensity for the most recent calendar year, the licensee shall provide evidence of carbon offsets or allowances to cover the excess in carbon emissions from any of the sources provided in subsection (a).

The IS/MND describes how power is supplied by PG&E, with propane being used to heat the immature cultivation area and with emergency backup generators required in the case of power outages. The narrative states "all electricity sources used for commercial cannabis cultivation shall be from renewable-compliant sources" in order to comply with the above section of CCR, but the IS/MND doesn't explain how the Project will obtain or generate sufficient power from renewable-compliant sources by January 2023.

It is unclear in the impact analysis if the generator and propane use is subject to greenhouse gas reduction mandates for Tier II mixed-light licenses. If these sources of power generation are used throughout the year, even in small amounts, it is unclear if the project will be required to purchase carbon offsets. The Department recommends that the potential increase in electricity demand from the Project be clearly analyzed in the IS/MND should the applicant seek several mixed-light licenses, and explain how the Project will meet the requirements of CCR Title 3, Division 8, Chapter 1, Section 8305.

Response to Comment 1: The applicant has several options for meeting the requirements of CCR Title 3, Division 8, Chapter 1, Section 8305 including onsite renewable energy (e.g., solar panels, small hydroelectric, wind turbines, battery storage, etc.), enrolling in the PG&E Solar Choice program, and/or the purchase of carbon offset credits. Regardless of which option(s) the applicant chooses, they must comply with these regulations to legally operate their existing and proposed cannabis operation. If they are unable to achieve compliance then they could be found in violation, which could result in the loss of local and State cannabis permits/licenses. Additionally, because the applicant is not currently able to apply for several mixed-light licenses due to a prohibition on the stacking of licenses by Trinity County, the applicant has not determined how they would meet these requirements for up to one-acre of mixed-light cultivation. As such, attempting to analyze how the applicant would achieve compliance in the IS/MND would currently be speculative. The above information has been included in the IS/MND (see IS/MND pg. 49).

2. Wetland Delineation and Riparian Setbacks: A jurisdictional wetland delineation was not conducted on the subject parcel despite the presence of springs, wetlands, streams, and riparian habitat. The IS/MND claims "no jurisdictional wetlands meeting the U.S. Army Corps of Engineers three-parameter criteria were observed in the areas proposed for development", but it is unclear how this was determined if a formal delineation was not performed and the extent of potential impacts to those features is not necessarily accurate without a formal delineation.

Additionally, the polygon showing the southern area of expansion on Figure 2 is not what is depicted on the "Water Resources" map contained within the Biological Site Assessment. The site plan shown as Figure 2 does not make it clear that the areas containing potential seasonal wetlands are being avoided. Without a formal wetland delineation showing all potential water resources on the site plan, or accurate depictions of existing roads and buildings, the relative distances to nearby water features does not

necessarily represent full avoidance of these features, nor demonstrate that appropriate riparian setbacks are being met. Due to the severe declines of wetlands, coupled with ongoing drought conditions, the Department considers impacts to wetlands to be potentially significant and has a “no net loss” policy regarding wetland habitat. The Department recommends a wetland delineation using U.S. Fish and Wildlife Service’s “one-parameter” definition of wetland found in the policy, and the site plan amended to incorporate all water features.

The Department strongly discourages disturbance and/or development that has the potential to impact wetlands directly or indirectly. If wetlands are identified and impacts to wetlands are unavoidable, impacts should be quantified as permanent impacts to wetlands and should include an adequate mitigation ratio. According to the Department’s Wetland Technical Memorandum, numerous studies have shown that wetland mitigation projects often do not meet their required U.S. Army Corps of Engineers permit conditions. Along with the risk of mitigation underperformance or failure, the temporal loss of wetland function from the time of impact to the time a mitigation site is fully functional is also a factor in potentially diminishing the value of compensatory/restored wetlands. For these reasons, the Department recommends that mitigation for the loss of wetlands begin at 3:1 or greater.

Mitigation measures for adverse Project-related impacts to sensitive resources should be developed and thoroughly discussed. Mitigation measures should first emphasize avoidance and reduction of Project impacts.

Response to Comment 2: The Biological Site Assessment (BSA) that was prepared for the project included an assessment of water resources at the site. As part of the BSA, a qualified professional conducted a field visit in January 2019, which is a seasonally appropriate time for assessing the presence of wetlands. In the BSA, it was explained that the areas proposed for the expansion of cannabis cultivation activity are already disturbed/graded and contain ruderal vegetation. The BSA does not identify the presence of hydrophytic vegetation or hydrology within the proposed development areas, which are the two most commonly used primary indicators of wetland conditions. It should be clarified that a wetland delineation is not required to be prepared for all projects, especially when it is patently clear to a qualified professional that there are not indicators of wetland conditions at a site.

In the Exhibit section of the BSA, a figure labeled ‘Water Resources’ identifies the location of two seasonal wetland areas at the site (see IS/MND Appendix A, pdf pg. 26). These wetland areas are located over 50 feet from the existing cultivation area and over 150 feet from the proposed cultivation areas. As such there is no indication that wetland conditions exist within or directly adjacent to the areas proposed for the expansion of cannabis activities. The ‘Conclusions and Recommendations’ section of the BSA contains a recommendation that a formal delineation of jurisdictional waters be performed before construction work or ground disturbance is conducted near any wetland or drainage channel (see IS/MND Appendix A, pg. 16). Consistent with this recommendation and County Code Section 17.43G.030.Q, a condition of approval has been included for the project requiring a wetland delineation to be conducted and submitted to the County Planning Department prior to issuance of a building permit for the proposed improvements. Consistent with County Code Section 17.43G.030.Q, if jurisdictional wetlands (three-parameter) are detected near the proposed development areas, the

applicant shall revise the site design to propose a minimum 50-foot buffer around these features. The IS/MND has been revised to discuss the proposed condition of approval requiring a wetland delineation (see IS/MND pgs. 31-32).

3. **Lighting:** The Department recognizes the adverse effects that artificial lighting has on birds and other nocturnal species such as bats. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that cannabis cultivation avoids artificial lights that are not fully contained within structures such that no light escapes. This will minimize photo-pollution and spillover of light onto adjacent wildlife habitat. The use of tarps does not guarantee that light is prevented from escaping a greenhouse. The Department recommends the following as a mitigation measure or condition of approval:

- A Light Attenuation Plan should be submitted, approved (in consultation the Department), and implemented prior to the use of lights as applicable to the Project; artificial light used for cannabis cultivation operations (including ancillary nurseries) shall be fully contained within structures such that no light escapes (e.g., through automated blackout curtains) between 30 minutes prior to sunset and 30 minutes after sunrise to prevent disruption to crepuscular and nocturnal wildlife. The details of a Light Attenuation Plan would indicate the timing of light use for cultivation including start and end time within a 24-hour period throughout the calendar year and describe how light shields will be engaged/disengaged. Security lighting shall be motion activated and comply with the International Dark-Sky Association standards and Fixture Seal of Approval Program; (<https://www.darksky.org/our-work/lighting/lighting-for-citizens/lighting-basics>). Standards include, but are not limited to the following: 1) light shall be shielded and downward facing, 2) shall consist of Low Pressure Sodium (LPS) light or low spectrum Light Emitting Diodes (LED) with a color temperature of 3000 kelvins or less, and 3) only placed where needed.

Response to Comment 3: The impact analysis in Section IV – Biological Resources of the IS/MND has been revised to explain that all lighting associated with the operation is required to comply with County Code Sections 17.43.060.L and 17.43.060.M (see IS/MND pg. 30). Section 17.43.060.L requires that all lighting associated with the proposed project shall be downcast, shielded and/or screened to keep light from emanating offsite or into the sky. Section 17.43.060.M requires that “Those cultivations using artificial lighting for mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.” The lighting performance standards in the County Code are also consistent with CCR Section 8304(c) and 8304(g) regarding state licensing requirements for cannabis cultivation.

With the exception of the propagation of immature plants (which would be subject to County Code Section 17.43.060.M), the project proposes mixed-light cultivation that would occur with the use of blackout tarps (light deprivation) to allow the applicant to have multiple harvests during the growing season. If the applicant modified their operations to switch to artificial lighting for mixed-light cultivation activities, this activity would also be subject to the requirements of County Code Section 17.43.060.M. The EIR prepared for the County’s Cannabis Program determined that implementation of the lighting

performance standards in the County Code would result in less than significant impacts to special-status species on an individual and cumulative basis (see EIR pgs. 3.4-59 and 4-8). The lighting performance standards of the County Code have been included as a condition of approval for the project.

4. **Noise:** Human induced noise pollution may adversely affect wildlife species in several ways including abandonment of territory, loss of reproduction, auditory masking (inability to hear important cues and signals in the environment), hindrance to navigation, and physiological impacts such as stress, increased blood pressure, and respiration. The impact analysis for noise only considers sensitive receptors as they relate to human neighbors and noise levels only need to be measured from the property line. The discussion on impacts from potential noise sources do not consider biological resources. The Department recommends that all sound emitting sources used on the premises utilize noise dampening techniques. The Department recommends the following as a mitigation measure or condition of approval:
 - A Noise Attenuation Plan should be submitted, approved (in consultation with the Department), and implemented prior to the use of generators and fans as applicable to the Project. Noise released shall be no more than 50 decibels measured from 100 feet from the source or edge of NSO habitat whichever is closer. Details of a Noise Attenuation Plan would describe any secondary containment if incorporated or proposed and the noise dampening techniques used other than secondary containment.

Response to Comment 4: The impact analysis in Section IV – Biological Resources of the IS/MND has been revised to explain that all lighting associated with the operation is required to comply with County Code Section 17.43.060.B (see IS/MND pgs. 30-31). Section 17.43.060.B requires that “The cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan: 55 A-weighted decibels (dBA) from 7:00 a.m. to 7:00 PM and 50 dBA from 7:00 PM to 7:00 AM measured at the property line, except that generators associated with a commercial grow are not to be used between 10:00 PM and 7:00 AM (Section 315-843[6][b]). The following additional noise performance standards shall apply to generator use: 1) Project-generated sound must not exceed ambient nesting conditions by 20-25 dBA; and 2) Project-generated sound, when added to existing ambient conditions, must not exceed 90 dBA.” The EIR prepared for the County’s Cannabis Program determined that implementation of the noise performance standards in the County Code would result in less than significant impacts to special-status species on an individual and cumulative basis (Trinity County, 2020; see EIR pgs. 3.4-59 to 3.4-60 and 4-8). The noise performance standards of the County Code have been included as a condition of approval for the project.

5. Lake or Streambed Alteration Agreement: The landowner submitted a Notification for Streambed Alteration on February 23, 2018 and received a draft agreement for stream crossing upgrades and improvements to the spring for the diversion of water on the subject parcel. The draft agreement was accepted and signed by the permittee on May 30, 2018. The Department will finalize the agreement with the Notice of Determination published after the approval of the Project.

Response to Comment 5: Comment noted.

6. Other Potential Impacts to Wildlife: The Department recommends the following measures be included as conditions of Project approval or mitigation measures to further reduce potential impacts to wildlife:
- To minimize the risk of wildlife entrapment, synthetic netting (e.g., plastic or nylon) including photo or biodegradable plastic netting for the purpose of cultivation operations (such as plastic trellising) is prohibited.
 - Refuse should be contained in wildlife proof storage containers, at all times, and disposed of at an authorized waste management facility.
 - All imported soil, including perlite, located onsite be fully contained and setback a minimum of 150 feet from watercourses and/or wetland areas. All discarded soil and trash present onsite be removed and properly disposed of at a waste management facility.

Response to Comment 6: These recommendations have been included as conditions of approval for the project.

Department of Cannabis Control (DCC): Licensing Program Manager Lindsay Rains of DCC wrote a comment letter to the County (dated 11/9/22) with comments on the CEQA IS/MND that was prepared for the proposed project. The comments provided by DCC and the responses from County staff are provided below:

1. Reliance on Trinity County Cannabis Program EIR: The IS/MND indicates that the Trinity County Cannabis Program EIR (Program EIR) (SCH No. 2018122049) is incorporated by reference. The IS/MND's discussion of that EIR states: "The EIR acknowledged that subsequent projects/actions under the Cannabis Program would occur in multiple years and locations. As those projects/actions are proposed, such as the project, they are being evaluated to determine whether the entitlements/actions proposed fall within the scope of the approved EIR and *incorporate all applicable performance standards and mitigation measures identified therein*" (IS/MND, p. 4, emphasis added). In multiple resource sections of the IS/MND (e.g., Aesthetics, Air Quality, Greenhouse Gas Emissions, Hydrology/Water Quality), the analysis indicates that the Proposed Project is subject to mitigation measures from the Program EIR; however, these analyses then conclude that the impact would be less than significant. The IS/MND would be improved if it were revised so that all mitigation measures being relied on, whether from the Program EIR or the IS/MND itself, are identified and impact conclusions reflect whether mitigation is required to reduce the impact to a less-than-significant level.

In addition, the IS/MND indicates that the Program EIR identified several significant and unavoidable impacts (e.g., particulate matter from vehicle travel on dirt roads, exceedance of noise standards). The IS/MND would be strengthened if it indicated whether the Proposed Project would fall within the assumptions described in the Program EIR for these significant and unavoidable impacts or whether the Proposed Project would result in more severe impacts than anticipated in the EIR.

Response to Comment 1: Where applicable, the IS/MND refers to specific mitigation measures from the Cannabis Program EIR, County Code sections, and other regulatory

requirements that, when implemented, would reduce impacts of the project to less than significant. It is important to clarify that the mitigation measures from the Cannabis Program EIR are enforceable standards in the County Code (e.g., see County Code Chapters 17.43 – Commercial Cannabis Cultivation Regulations and 17.43G - Mitigation Measures for All Cannabis Uses). As such, these requirements, whether referred to as EIR mitigation measures or County Code sections, are existing laws that the project must comply with if they are applicable to the specific circumstances of the project. For clarification purposes, all references to EIR mitigation measures in the IS/MND have been revised to the corresponding County Code sections.

In regard to the cumulatively significant and unavoidable impact determinations in the Cannabis Program EIR, the IS/MND already addresses whether the proposed project would result in a cumulatively considerable contribution to the relevant potential significant and unavoidable impacts. The IS/MND also already clearly states on pg. 4 that "...the project proposes cannabis activities that are consistent with the assumptions and analysis conducted in the EIR and it is not anticipated that any new significant impacts or substantially more severe impacts would occur from implementation of the proposed project." The discussion of particulate matter from vehicle travel on dirt roads is addressed on IS/MND pgs. 21 and 91. The discussion of the potential exceedance of County noise standards is addressed on IS/MND pgs. 68-69 and 92-93.

2. Site Specific Reports and Studies: The IS/MND references certain project-specific plans, studies, and project-specific data, including a Biological Resources Assessment, Cultural Resources Assessment, Odor Control Plan and Site Management Plan. To ensure that DCC has supporting documentation for the IS/MND, DCC requests that the County advise applicants to provide copies of all project-specific plans and supporting documentation with their state application package(s) for any annual cannabis business license(s) to DCC.

Response to Comment 2: This request has been noted by the Trinity County Cannabis Division and will be forwarded to all applicable applicants.

3. Description of Project: The IS/MND indicates that the Proposed Project is an expansion of existing activities. DCC assumes that the IS/MND evaluates all Proposed Project operations and maintenance activities, including both existing and proposed activities. The IS/MND would be improved if the County clearly confirmed (or clarified) this assumption.

Response to Comment 3: At the end of the third paragraph in Section 1.3 of the IS/MND (pg. 1) it states the following: "This IS/MND evaluates the proposed project's operations and maintenance activities for both existing and proposed activities at full project build out (e.g., when all construction phases have been completed)." As such, the IS/MND already clearly states that it addresses both the existing and proposed cannabis activities.

4. Air Quality: Although the document indicates that 90 percent of the roads leading to the cultivation site are paved, the remaining stretch of unpaved road would be 1.8 miles. The IS/MND also states that Proposed Project would generate 30 trips daily. The document would be strengthened if it provided a quantitative analysis of the PM2.5 and PM10 emissions that would be generated by vehicle travel on dirt roads during project

operations. The analysis should also include an examination of potential cumulative impacts related to fugitive dust emissions.

In addition, the 2020 Trinity County Cannabis Program FEIR found that air quality impacts (PM_{2.5} and PM₁₀ emissions) would be cumulatively significant and unavoidable, due to vehicle travel on dirt roads. The IS/MND should provide an analysis of whether the Proposed Project's contribution to cumulative air quality impacts would be cumulatively considerable.

Response to Comment 4: As requested, a quantitative analysis of the PM_{2.5} and PM₁₀ emissions that would be generated by vehicle travel on dirt roads during project operations was conducted using the California Emissions Estimator Model (CalEEMod) and is included as an attachment to the IS/MND (see IS/MND pg. 21 and Appendix D). An examination of potential cumulative impacts related to fugitive dust emissions and air quality has already been included in this document in Section XXI - Mandatory Findings of Significance (see IS/MND pgs. 91); this section was updated with pertinent information resulting from the requested quantitative analysis (see IS/MND pg. 91). Consistent with the existing analysis in the IS/MND, the quantitative analysis determined that the project would result in less than significant impacts from vehicle travel on dirt roads.

5. Biological Resources: The document would be improved if it referenced all applicable mitigation measures in the 2020 Trinity County Cannabis Program FEIR related to biological resources and described how the Proposed Project would comply with such measures.

Response to Comment 5: Section IV – Biological Resources of the IS/MND has been revised to reference all applicable biological survey requirements of the County Code, which implement the mitigation measures in the Cannabis Program EIR (see County Code Chapter 17.43G - Mitigation Measures for All Cannabis Uses and IS/MND pgs. 28-32). The Biological Site Assessment prepared for the project identifies the available habitats at the site and the potential for species occurrence, which provides the basis for determining the biological resource requirements that are applicable to the project. In addition to referencing the applicable code sections, the IS/MND explains how the project would comply with these measures (e.g., pre-construction surveys, etc.).

6. Mandatory Findings of Significance: The IS/MND would be more informative if it identified any other cannabis growing operations that exist or have been proposed in the vicinity of the Proposed Project, and whether the Proposed Project would make a considerable contribution to any cumulative impacts from these other projects.

Response to Comment 6: Section XXI – Mandatory Findings of Significance of the IS/MND has been revised to include additional information about other cannabis cultivation operations in the project vicinity (see IS/MND pg. 90). As noted in the revised discussion, there are two cultivation operations in the project vicinity. One has withdrawn from the Cannabis Program and the other is not anticipated to result in significant cumulative impacts in combination with the proposed project.

GENERAL PLAN CONSISTENCY

The project site has been designated Resource (“RE”) in the County General Plan. As discussed in the General Plan Land Use Element, “RE” designated areas are designated for the production of the variety of natural resources that occur within Trinity County. Natural resources include timber production, mineral production, and important grazing areas. Activities necessary for the production of the various resources are encouraged in this area. The County General Plan did not specifically anticipate commercial cannabis cultivation when the “RE” designation was adopted. However, when the County adopted its Cannabis Program, it determined that several General Plan designations and zoning districts were appropriate for commercial cannabis activities. The “RE” designation was determined to be an appropriate location for the existing cannabis activities at the site (i.e., cultivation) and the activities proposed in this application (i.e., expansion of cultivation activity). Additionally, the proposed accessory structures are consistent with the “RE” designation as they are appurtenant to the proposed activity. Therefore, the proposed cannabis operation is found to be consistent with the General Plan.

PROJECT EVALUATION:

Project Consistency with the Trinity County Zoning Code

Both the County General Plan and County Code did not specifically anticipate development of commercial cannabis activities when they were prepared and adopted. 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. Based on the uses proposed by the applicant, the following sections of the County Code would apply to the project:

Chapter 17.43 – Commercial Cannabis Cultivation Regulations

Chapter 17.43G – Mitigation Measures for All Cannabis Land Uses

These regulations are part of the collection of Trinity County Municipal Code chapters, collectively referred to as the “Cannabis Ordinance.”

The project site is located in the Unclassified zoning district, which is contained in Section 17.11 of the County Code. Per Section 17.11, the Unclassified zoning district principally permits a single-family dwelling, Christmas tree farm, forestry, orchard, row and field crops, and the keeping of certain livestock. With a use permit, the Unclassified zoning district allows any use other than what is allowed principally.

The proposed project consists of developing cannabis-related agricultural activities. Therefore, the project is considered consistent with the purpose and intent of the Unclassified zoning district. As discussed below, the proposed cannabis uses are consistent with the uses allowed by the County Cannabis Ordinance in the Unclassified zoning district.

As described above, the project site has an existing Type 2 (Small Mixed-light) license. Per Section 17.43 (Commercial Cannabis Cultivation Regulations), the proposed project is an allowable cannabis use in the Unclassified zoning district.

Per Section 17.43.040 of the County Cannabis Ordinance, to be eligible for a Type 3 cultivation license, the applicant must have already obtained a commercial cultivation license, be applying for property that is fifty acres or more and apply for and obtain a Conditional Use Permit. This Conditional Use Permit application is for a property that meets the requirements of the ordinance making it eligible for a Type 3 commercial cultivation license. Table 3 compares the design of the proposed project (i.e., structures for cannabis activities and accessory structures) to the applicable development standards in the County Code (see Section 17.11 – Unclassified Zoning).

Table 3 compares the design of the proposed project (i.e., structures for cannabis activities and accessory structures) to the applicable development standards in the County Code (see Section 17.11 – Unclassified Zoning).

County Code Development Standard	County Code Requirement	Proposed by Project	Compliant with Code?
Minimum Lot Dimensions	Five Acres	80	Yes
Minimum Lot Depth	300 Feet	>300 Feet	Yes
Minimum Lot Width	100 Feet	>100 Feet	Yes
Minimum Lot Coverage	25%	>20 Acres	Yes
Minimum Front Yard	20 Feet	>20 Feet	Yes
Minimum Side Yard	10 Feet	>10 Feet	Yes
Minimum Read Yard	20 Feet	>20 Feet	Yes
Maximum Building Height	40 Feet	>40 Feet	Yes
Off-Street Parking	No specific standards applicable to the proposed cannabis activities	Sufficient for the proposed number of employees	NA

Table 3: Summary of County Code Compliance

As illustrated on the Project Site Plans (see Att. 7) and noted in Table 3, the proposed project has been mostly designed to be consistent with the development standards in the County Code. The proposed project is concurrently applying for a Variance from Trinity County Code Section 17.43.050.A.8. to reduce the property line setback for the cultivation areas from 500 ft to 347 feet from APN 020-120-024 to the north and 435 feet from APN 020-120-010 to the south. With the reduced setback from the property lines, the proposed project would still meet the functional equivalent of the minimum 500-foot setback since the nearest residence is over 670 feet away from the closest cultivation area.

Variance Discussion

Trinity County Code Section 17.31.010 states the following:

The project site is surrounded by vacant, undeveloped land or agricultural uses and there are no structures or sensitive receptors immediately adjacent to the site. Proposed cultivation areas are approximately 347 feet from APN 020-120-024 to the north and 435 feet from APN 020-120-010 to the south. The basis for the Variance request is that due to forested slopes and drainage-wetland setbacks on the property, there is limited area for the proposed cannabis cultivation activity to occur without encroaching into the 500-foot setback. If the 500-foot setback were complied with, it has the potential to result in greater impacts to the forested slopes and surface water features than would occur under the proposed project design. According to the applicant, the nearest sensitive receptor (residence) is located on parcel 020-120-023 approximately 2,250 feet from the northern property line and approximately 2,600 feet from the nearest proposed cultivation area. In addition, two property owners to the north and south of the project site have written letters of support for the applicant and the proposed project (Caballero, 2019; Mills, 2019).

If the variance is approved, it is evaluated on an annual basis. Should impacts such as odors, noise, lighting, and fugitive dust from the project become an issue, the County could terminate the Variance approval and require relocation of the cultivation activity subject to the Variance.

“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 the Variance, the following findings are recommended pursuant to Section 17.31.010 of the Trinity County Code:

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: There are special circumstances (i.e., parcel shape, topography, terrain, drainages, vegetation, access) applicable to the project parcel that, with strict application of the Trinity County Zoning Code, deprives the property owner of privileges available to other property owners with similar zoning that plan to establish or have established a Type 3 (Medium Outdoor) cannabis cultivation license (up to 1-acre of canopy).

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: This Variance is from the 500 ft. property line setback requirement provision in Trinity County Code 17.43.050.A.8. The Variance would not locate a use which is prohibited by ordinance in the Unclassified zoning district.

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

Finding: The purpose of the 500 ft. property line setback requirement provision in Trinity County Code 17.43.050.A.8. is to mitigate potential impacts (e.g., odors, noise, lighting, fugitive dust, etc.) to adjacent neighbors from cannabis cultivation activities. The applicant is requesting a Variance to reduce the property line setback for cultivation activity from 500-feet to approximately 347 feet from APN 020-120-024 to the north and 435 feet from APN 020-120-010 to the south. With the reduced setback from the property lines, the proposed project would still meet the functional equivalent of the minimum 500-foot setback since the nearest residence is over 800 feet away from the closest cultivation area. According to the applicant, the nearest sensitive receptor (residence) is located on parcel 020-120-010 approximately 223 feet from the southern property line and approximately 678 feet from the nearest proposed cultivation area. The property owner to the south is also in the County Cannabis Program. In addition, two property owners to the north and south of the project site have written letters of support for the applicant and the proposed project. As determined in the EIR prepared for the County's Cannabis Ordinance, the 500-foot setback requirement and other regulations in the County Cannabis Ordinance minimize potential impacts to nearby sensitive receptors.

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: The general purpose of the zoning requirements in the County Code is to promote and protect the public health by providing a definite plan of development, protecting the character and the social and economic stability of land uses, and assuring orderly and beneficial development. The proposed project is substantially in compliance with the County Code provisions for commercial cannabis activities, which the County has found are necessary to reduce the potential impacts associated with cannabis uses. The one exception for the proposed project is the request for a reduction in the 500-foot property line setback requirement in Section 17.43.050.A.8. Section 17.43.050.A.8 allows for variances from this standard, consistent with the requirements for variances in State law and the County Code. The subject parcel contains special circumstances (i.e., parcel shape, topography, terrain, drainages, vegetation, access) that justify the granting of a variance from the property line setback requirement and would be appropriate for any applicant facing similar circumstances. Given the topography, forested terrain, surrounding drainages, and existing disturbed areas and access roads on the site, the applicant would not otherwise be able to utilize the full 1-acre canopy size of a Type 3 (Outdoor-Medium) cultivation license as other program applicants in the County. Additionally, the proposed project would still meet the functional equivalent of the minimum 500-foot setback since the nearest residence is roughly 670 feet away from the closest cultivation area. As such, the proposed variance is consistent with the general purpose and intent of the County Code and would not adversely affect the general plan or specific plans of the 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 site is not within an RD-1 Overlay Zone.

Conditional Use Permit Findings

Trinity County Code Section 17.32.010 states the following:

“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.”

In considering the conditional use permit, the following findings are recommended pursuant to the guidelines of Section 17.32.010 of the Trinity County Code:

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

Finding: As required by the County’s Cannabis Ordinance, the applicant is applying for a Conditional Use Permit for the expansion of an existing Type 2 “Small Mixed-light” commercial cannabis cultivation license into a Type 3 “Medium Outdoor” commercial cannabis license. Evaluation of the project has determined that the project as proposed, conditioned, and mitigated is: 1) compatible with the General Plan land use designation, neighborhood character, and the limited intensity uses of the surrounding area; 2) consistent with the County Cannabis Ordinance; and 3) compliant with CEQA.

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 proposed, conditioned, and mitigated, will not cause detrimental effects to public health, safety, welfare or result in the creation of a public nuisance. Land uses surrounding the project site include cannabis cultivation farms, rural residences, non-cannabis agricultural activity, and timberland. The closest sensitive receptor is a residence that is roughly 670 feet from the proposed cultivation area, which is functionally equivalent to 500-foot property line setback requirement in Trinity County Code 17.43.050.A.8. Therefore, it is not anticipated that nearby sensitive receptors will be significantly impacted by potential impacts from the project.

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.

Finding: The project, as proposed and conditioned, is consistent with the goals and objectives of the County General Plan and Unclassified zoning district, as the proposed project consists of the expansion of existing agricultural related activities which are a permissible use on Unclassified land.

Project Consistency with the California Environmental Quality Act (CEQA)

Since the project is subject to discretionary review by the County Planning Commission (i.e., Use Permit), a California Environmental Quality Act (CEQA) determination must be adopted as part of

the approval. Due the site conditions and characteristics, such as those involving biological resources and cultural resources, the project does not qualify for an exemption under CEQA. As such, an Initial Study-Mitigated Negative Declaration (IS/MND) has been prepared and is proposed for adoption pursuant to the CEQA Guidelines. The IS/MND identifies mitigation for impacts related to biological resources, cultural resources, and geology and soils. The potential impacts that require mitigation are related to short-term construction and long-term operation of the proposed project.

As required by CEQA Guidelines Section 15073(d), the CEQA document prepared for the project was sent to the State Clearinghouse (SCH#: 2022100233) and was circulated for review from 10/12/2022 to 11/14/2022. As required by CEQA Guidelines Section 15072(a), a 'Notice of Availability' was provided to the public, responsible agencies, and trustee agencies, and the County Clerk. As previously stated, comments were received from the California Department of Fish and Wildlife (CDFW) and Department of Cannabis Control (DCC) on the IS/MND. See a summary of the comments received and responses from County staff in the section on Public Comments above. Based on the comments received and the information provided by the applicant and their consultant, revisions were made to the IS/MND to clarify the information in the IS/MND and/or provide minor corrections or edits to the text. The revisions to the IS/MND do not identify new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Where revisions consist of added or modified text, that text is underlined and bolded (**example text**), while deleted text is struck out (~~example text~~).

The revised CEQA IS/MND can be found online at the County of Trinity website at the following address: <https://www.trinitycounty.org/Planning>

The current cannabis use permit and variance application for this project was submitted to the County in March 2019. During the processing of this application, the County adopted an Amended Cannabis Program Ordinance and a corresponding Environmental Impact Report (EIR) (SCH#: 2018122049) on 12/28/20. The EIR contains numerous mitigation measures that were also incorporated into the County's Amended Cannabis Program Ordinance as enforceable regulations. These regulations are primarily performance standards and will be required, where applicable, as conditions of approval for the proposed project. This will ensure that the project is consistent with the requirements of the County's Cannabis Ordinance and do not change any of the significance determinations in the CEQA IS/MND prepared for the proposed project.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission:

1. Adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program (MMRP);
2. Approve the Conditional Use Permit and Variance (P-19-30) based on the recommended findings in Resolution 2023-01 and subject to the conditions of approval set forth in Exhibit A to Resolution 2023-01.

ATTACHMENTS:

- A. Draft Resolution 2023-01 and Conditions of Approval
- B. CEQA Mitigation Monitoring and Reporting Plan (MMRP)
- C. Location Map
- D. Aerial Map
- E. Zoning Districts Map
- F. General Plan Designations Map
- G. Project Site Plan
- H. Residential Setback Map
- I. Site Photos

Resolution No. 2023-01
January 12, 2023

RESOLUTION NO. 2023-01

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY
APPROVING CONDITIONAL USE PERMIT AND VARIANCE**

(Little Hill Cultivators [Ghidella] Commercial Cannabis Cultivation and Variance, P-19-30)

WHEREAS, Jeff Ghidella, filed an application dated June 28, 2019 for a Commercial Cannabis Use Permit and Variance (P-19-30). The CUP is for the expansion of an existing Type 2 “Small Mixed-Light” commercial cannabis cultivation license into a Type 3 “Medium Outdoor” commercial cannabis license. The variance is to reduce the property line setback for the cultivation areas from 500 ft to 347 feet from APN 020-120-024 to the north and 435 feet from APN 020-120-010 to the south. The project is located at 1760 W Hettenshaw Rd, Hettenshaw Valley 95595 (APN 020-120-025);

WHEREAS, County of Trinity 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;

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA) and the County of Trinity is the lead agency for the project. A proposed Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared with respect to said project and a Notice of Availability was published in a newspaper of general circulation, filed with the County of Trinity Clerk-Recorder’s Office, and filed with the Governor’s Office of Planning and Research CEQA State Clearinghouse (State Clearinghouse). As required by CEQA Guidelines Section 15073(d), the CEQA document prepared for the project was sent to the State Clearinghouse (SCH#: 2022100233) and was circulated for review from 10/12/2022 to 11/14/2022;

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 January 12, 2022;

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 Variance, and the Planning Commission concluded that the Conditional Use Permit and Variance should be granted subject to certain conditions hereinafter set forth;

WHEREAS, at said public hearings, due consideration was given to the proposed IS/MND and Mitigation, Monitoring, and Reporting Program, the environmental effect of the project, and any changes connected therewith. The Planning Commission reviewed and considered the whole record before it and found that there is no substantial evidence that the project, as mitigated, will have a significant effect on the environment.

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 cannabis development would have potential significant effects on the environment, which, with the inclusion of specific mitigation measures, will be rendered less than significant. Accordingly, a Mitigated Negative Declaration and Mitigation, Monitoring, and Reporting Program 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 required by the County's Cannabis Ordinance, the applicant is applying for a Conditional Use Permit for the expansion of an existing Type 2 "Small Mixed-light" commercial cannabis cultivation license into a Type 3 "Medium Outdoor" commercial cannabis license. Evaluation of the project has determined that the project as proposed, conditioned, and mitigated is: 1) compatible with the General Plan land use designation, neighborhood character, and the limited intensity uses of the surrounding area; 2) consistent with the County Cannabis Ordinance; and 3) compliant with CEQA.
 - B. The project, as proposed, conditioned, and mitigated, will not cause detrimental effects to public health, safety, welfare or result in the creation of a public nuisance. Land uses surrounding the project site include cannabis cultivation farms, rural residences, non-cannabis agricultural activity, and timberland. The closest sensitive receptor is a residence that is over 670 feet from the proposed cultivation area, which is functionally equivalent to 500-foot property line setback requirement in Trinity County Code 17.43.050.A.8. Therefore, it is not anticipated that nearby sensitive receptors will be significantly impacted by potential impacts from the project.
 - C. The project, as proposed and conditioned, is consistent with the goals and objectives of the County General Plan and Unclassified zoning district, as the proposed project consists of the expansion of existing agricultural related activities which are a permissible use on Unclassified zoned land.
3. Pursuant to Chapter 17.31 (Variances) of the County Code of Ordinances, the Planning Commission of the County of Trinity makes the following findings for the Variance:
 - A. There are special circumstances (i.e., parcel shape, topography, terrain, drainages, vegetation, access) applicable to the project parcel that, with strict application of the Trinity County Zoning Code, deprives the property owner of privileges available to other property owners with similar zoning that plan to establish or have established a Type 3 (Medium Outdoor) cannabis cultivation license (up to 1-acre of canopy).

- B. This Variance is from the 500 ft property line setback requirement provision in Trinity County Code 17.43.050.A.8. The Variance would not locate a use which is prohibited by ordinance in the Unclassified zoning district.
 - C. The purpose of the 500 ft property line setback requirement provision in Trinity County Code 17.43.050.A.8. is to mitigate potential impacts (e.g., odors, noise, lighting, fugitive dust, etc.) to adjacent neighbors from cannabis cultivation activities. The applicant is requesting a Variance to reduce the property line setback for cultivation activity from 500-feet to approximately 347 feet from APN 020-120-024 to the north and 435 feet from APN 020-120-010 to the south. With the reduced setback from the property lines, the proposed project would still meet the functional equivalent of the minimum 500-foot setback since the nearest residence is over 670 feet away from the closest cultivation area. According to the applicant, the nearest sensitive receptor (residence) is located on parcel 020-120-010 approximately 223 feet from the southern property line and approximately 670 feet from the nearest proposed cultivation area. The property owner to the south is also in the County Cannabis Program. In addition, two property owners to the north and south of the project site have written letters of support for the applicant and the proposed project. As determined in the EIR prepared for the County's Cannabis Ordinance, the 500-foot setback requirement and other regulations in the County Cannabis Ordinance minimize potential impacts to nearby sensitive receptors.
 - D. The general purpose of the zoning requirements in the County Code is to promote and protect the public health by providing a definite plan of development, protecting the character and the social and economic stability of land uses, and assuring orderly and beneficial development. The proposed project is substantially in compliance with the County Code provisions for commercial cannabis activities, which the County has found are necessary to reduce the potential impacts associated with cannabis uses. The one exception for the proposed project is the request for a reduction in the 500-foot property line setback requirement in Section 17.43.050.A.8. Section 17.43.050.A.8 allows for variances from this standard, consistent with the requirements for variances in State law and the County Code. The subject parcel contains special circumstances (i.e., parcel shape, topography, terrain, drainages, vegetation, access) that justify the granting of a variance from the property line setback requirement and would be appropriate for any applicant facing similar circumstances. Given the topography, forested terrain, surrounding drainages, and existing disturbed areas and access roads on the site, the applicant would not otherwise be able to utilize the full 1-acre canopy size of a Type 3 (Outdoor-Medium) cultivation license as other program applicants in the County. Additionally, the proposed project would still meet the functional equivalent of the minimum 500-foot setback since the nearest residence is roughly 670 feet away from the closest cultivation area. As such, the proposed variance is consistent with the general purpose and intent of the County Code and would not adversely affect the general plan or specific plans of the County.
 - E. The project site is not within an RD-1 Overlay Zone.
4. The Planning Commission of the County of Trinity hereby approves the Conditional Use Permit and Variance (P-19-30), subject to the conditions set forth in Exhibit "A", attached hereto and made a part hereof.

Resolution No. 2023-01
January 12, 2023

DULY PASSED AND ADOPTED this 12th day of January 2023 by the Planning Commission of the County of Trinity by motion of Commissioner _____, seconded by Commissioner _____, and the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:
RECUSE:

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

ATTEST:

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

EXHIBIT "A" to Resolution PC-2023-01

1. The Permittee shall comply with all County cannabis regulations, as are applicable for the commercial cannabis activities proposed by the Permittee under this use permit. These regulations are provided in the Trinity County Board of Supervisors Ordinances 315-823, 315-824, 315-826, 315-828, 315-829, 315-830, 315-833, 315-834, 315-835, 315-849, and as amended.
2. 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 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 shall be provided.
3. Structures on the property shall be in compliance with the California Building Code and Trinity County Code.
4. The Permittees 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.
5. This Use Permit is subject to the Permittee securing all necessary permits for the development and eventual use of the project site for commercial cannabis 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.
6. 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.
7. 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.
8. The Variance from property line setback requirements in County Code Section 17.43.050.A.8 shall be approved by the Trinity County Planning Commission before the Permittee can proceed with cultivation activities requiring the Variance. The Variance shall become effective after all applicable appeal periods have been expired or appeal

processes have been exhausted. The variance is approved for a period of one year and shall expire on the same date as the Type 3 "Medium Outdoor" Commercial Cannabis License date that this variance is proposed for; provided, however, that the variance shall be renewed annually according to the following requirements:

- The applicant has the sole responsibility for renewing the variance before the expiration date listed above. The County will not provide a notice prior to the expiration date.
- Application for renewal shall be submitted by the applicant prior to expiration of the variance and preferably no later than 60 days in advance;
- Application for renewal shall be subject to a filing fee as specified by resolution of the Board of Supervisors;
- The renewal shall not require a formal public hearing, unless specified by the Planning Director or referred to the Planning Commission; however, written notice shall be provided by the County to surrounding property owners at least ten (10) days prior to the Planning Director's decision to approve or deny the annual renewal;
- The Planning Director, at their discretion, may approve, deny or refer the annual renewal request to the Planning Commission. The director shall not add or modify conditions of approval applied by the Planning Commission. If submitted to the Planning Commission by the Planning Director for action, no additional fees will be required; and
- Action to renew the variance by the Planning Director may be appealed to the Planning Commission in accordance with Chapter 17.34 of the County Code, including the required appeal fee.

The variance shall be subject to the securing of all necessary permits, licenses, and approvals for the proposed cannabis cultivation operation from all County and State agencies having jurisdiction over any aspect of the operation.

9. A wastewater discharge plan shall be submitted to and approved by the Trinity County Environmental Health Department to account for sediment discharge, wastewater from cultivation, chemical storage, and the chemical sink/handwashing.
10. Cultivation wastewater drain installed in "existing shop" shall be either permanently abated or drain into a permitted septic tank and pumped regularly as needed prior to cultivation activities in "existing shop".
11. Corrections shall be made to wastewater and run-off plans, and approved by Trinity County Environmental Health prior to new use.
12. An emergency contingency plan shall be approved by Trinity County Environmental Health to address storm water events, due to the proximity and nature of the cultivation areas with potential to impact the Waters of the State, prior to new use.
13. A waste management plan shall be submitted and approved by Trinity County Environmental Health, prior to new use on property.

14. All hazardous substances shall be documented correctly, and a hazardous materials business plan submitted to Trinity CUPA prior to new use on parcel.
15. A renewal Lake or Streambed Alteration Agreement application shall be submitted to the California Department of Fish and Wildlife.
16. A noise attenuation plan shall be submitted to and approved by the Cannabis Division
17. A light attenuation plan shall be submitted to and approved by the Cannabis Division

The following conditions of approval include the mitigation measures from the Initial Study-Mitigation Negative Declaration (SCH#: 2022030761) that was prepared for the proposed project. The responsibility for implementation and timing of these mitigation measures is identified in the Mitigation, Monitoring, and Reporting Program.

18. **BIO-1:** If project activities cannot occur outside the bird nesting season (generally February 1 through August 31), the following steps shall be taken to prevent the abandonment of active nests:
 - A qualified biologist shall conduct surveys no more than seven days prior to activities, within the construction limits and within 100 feet (200 feet for raptors) of the construction limits.
 - If an active nest is located during the survey, a no-disturbance buffer shall be established around the nest by the qualified biologist, in consultation with CDFW and USFWS.
 - Protective buffers(no-disturbance area around the nest) will be established at a distance determined by the biologist based on the nesting species, its sensitivity to disturbance, and type of and duration of disturbance expected. Protective buffers shall remain in place until the young have fledged.
 - Construction activities outside buffers may proceed while active nests are being monitored, at the discretion of the qualified biologist. If active nests are found to be at risk due to construction activities, construction activities shall be delayed until the qualified biologist determines that the young have fledged.
19. **BIO-2:** If surface water is present at the time of construction, the permittee shall have a biologist or other qualified professional survey the site and adjacent area for fish, amphibians, and turtles within three days prior to commencing project activities. If fish, amphibians, or turtles are detected, CDFW will be contacted, and work shall not commence until authorized by a CDFW representative.
20. **BIO-3:** The following measures are provided to reduce potential impacts to special-status plant species to a less than significant level:
 - Prior to commencement of new development related to cannabis activities or execution of the Lake or Streambed Alteration Agreement No. 1600-2018-0134-R1, during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct

protocol-level surveys for special-status plants in all proposed disturbance areas following survey methods from CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018a).

- If special-status plants are not found, the botanist shall document the findings in a letter report to CDFW and the applicant, and no further mitigation will be required. Reports shall be submitted to CDFW via email at RI LSARedding@wildlife.ca.gov and shall include the project applicant's name, address, and Assessor's Parcel Number in the subject line. If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer that will be reflected in the application to the County.
21. **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.
22. **CR-2:** In the event that previously unidentified evidence of human burial or human remains are discovered during project construction, work will stop at the discovery location, 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. 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.
23. **GEO-1:** If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County. A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist

shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.

24. **UTY-1:** The applicant shall provide portable toilets when the number of employees at the site exceeds 6 persons, such as on occasions when additional temporary employees may be needed on a seasonal basis. Portable toilets shall be serviced regularly, and wastewater shall be disposed of at a permitted disposal facility.

The following conditions of approval include the relevant performance standards and mitigation measures for cannabis cultivation activities from County Code Chapter 17.43 (Commercial Cannabis Cultivation Regulations) and Chapter 17.43G (Mitigation Measures for all Cannabis Land Uses):

25. **Section 17.43.030.A.13:** Prior to the issuance of building and/or grading permits for the proposed project, the applicant shall demonstrate compliance with all applicable requirements of SWRCB Order WQ 2019-0001-DWQ, or any subsequent water quality standards that apply to all new commercial cannabis cultivation operations. This will include documentation, Site Management Plan, and grading details prepared by a qualified professional to help ensure that the site will be stable and describing how stabilization will be achieved. The documentation will also identify the location of all water quality control features for the site and associated access roads. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Road Handbook per California Code of Regulations, Title 14, Chapter 4. Compliance with water diversion standards and restrictions of SWRCB Order WQ 2019-001-DWQ, or any successor to that order, will also be provided to the County. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.
26. **Section 17.43.060.B:** The cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan: 55 A-weighted decibels (dBA) from 7:00 a.m. to 7:00 p.m. and 50 dBA from 7:00 p.m. to 7:00 a.m. measured at the property line, except that generators associated with a commercial grow are not to be used between 10:00 p.m. and 7:00 a.m. (Section 315-843[6][b]). The following additional noise performance standards shall apply to generator use:
- a. Project-generated sound must not exceed ambient nesting conditions by 20-25 dBA.
 - b. Project-generated sound, when added to existing ambient conditions, must not exceed 90 dBA.
27. **Section 17.43.060.C:** Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well, surface water diversion and/or rain catchment system. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been

or is illegally diverted from any stream, creek, river or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source.

- 28. Section 17.43.060.D:** The cultivation of Cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water. If the designated area has more than a thirty-five percent slope, the applicant shall apply for Tier 2 cultivation under the NCRWQCB Order #2015-0023, or regulations established by the SWRCB.
- 29. Section 17.43.060.E:** Cannabis grown outdoors may be contained within wildlife exclusionary fencing that fully encloses the designated area. The director shall review all wildlife exclusionary fencing for aesthetic and wildlife and/or human safety concerns, and can prohibit fencing he/she deems unacceptable.
- 30. Section 17.43.060.G:** Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children or pets, shall be stored in a secured and locked structure or device. All uses of pesticide products shall be in compliance with state pesticide laws and regulations enforced by the County Agricultural Commissioner's Office, Trinity County Environmental Health and the California Department of Pesticide Regulation.
- 31. Section 17.43.060.I:** Rodenticides that require a California Restricted Materials permit cannot be used, those that are designated as federally restricted use products can only be used by a certified Applicator.
- 32. Section 17.43.060.J:** The following rodent repellents may be used in and around cannabis cultivation sites consistent with the label: Capsicum oleoresin, putrescent whole egg solids and garlic.
- 33. Section 17.43.060.L:** All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky.
- 34. Section 17.43.060.M:** Those cultivations using artificial lighting for mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
- 35. Section 17.43.060.N:** The cultivation of cannabis shall comply with Cal Fire and CDFW regulations and any other resource agency having jurisdiction, including all activity but not limited to; clearing of land, stream crossings, water diversions and riparian buffer zones.
- 36. Section 17.43.060.O:** Applicant shall obtain coverage under the general permit for discharges of storm water associated with construction activity (construction general permit, 2009-0009-DWQ) for construction projects (individual or part of a common development) that disturb one or more acres of land surface, specifically for new site preparation and development.
- 37. Section 17.43.060.Q:** Nothing in this section shall be construed as a limitation on the County's authority to abate any violation which may exist from the cultivation of cannabis

plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure structure.

- 38. Section 17.43.060.T:** Environmental and animal friendly linings should be used when constructing water ponds on the property.
- 39. Section 17.43.060.V:** License applications for new cultivation sites and requests for license renewal will maintain the parcel clear of trash and debris piles. No trash or debris, including abandoned cars, various woody materials, plastic tarps, cannabis waste, or household appliances, will be allowed to accumulate on the parcel for a period greater than two weeks for the life of the license. The County will inspect compliance with this measure prior to license renewal.
- 40. Section 17.43.060.W:** Covered and solid fencing shall be designed to blend with the surrounding rural or natural conditions of the parcel and will be maintained in good working condition. If topography prevents fencing from being adequate screening, a vegetative fence will be maintained in good condition to comply with screening requirements. The County will inspect compliance with this measure prior to license renewal.
- 41. Section 17.43.060.X:** Vegetation cleared as part of cultivation operations, or for cultivation purposes, shall not be burned unless proof is submitted that all required permits have been obtained including, but not limited to, a standard burn permit, a non-standard burn permit, and/or CalFire approval for less-than-three-acre conversion.
- 42. Section 17.43.060.Y:** Cultivation sites shall not place any structures or involve any grading that alters the capacity of the 100-year floodplain. No storage of pesticides, fertilizers, fuel, or other chemicals will be allowed within the 100-year floodplain. All cultivation uses (plants, planter boxes and pots, and related materials) will be removed from the 100-year floodplain between November 1 and April 1 each year.
- 43. Section 17.43G.030.C:** Prior to the issuance of building and/or grading permits for the proposed project, the applicant shall identify invasive plant species that occur on the site to the extent practicable and where they are located, including noxious weed species prioritized by the Trinity County Weed Management Association. The applicant shall identify specific measures to be employed for the removal of invasive species and on-site management practices. The applicant shall monitor annually to ensure successful removal and prevention of new infestations and invasive species. All invasive plant species shall be removed from the site using measures appropriate to the species to the extent practicable. For example, species that cannot easily reroot, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily (e.g., English ivy) or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site. Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use, and shall be cleaned before entering the site, to reduce the risk of introducing invasive plant species. Only weed-free erosion control materials and mulch shall be used on-site.
- 44. Section 17.43G.030.N:** Before commencing any development related to cannabis activities proposed by the project, a qualified biologist approved by the County shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to

supplement survey efforts. If no evidence of bat roosts is found, then no further study will be required. If pallid bats or Townsend's big-eared bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence shall be submitted to the planning director and CDFW by the qualified biologist subject to the review and approval of the planning director in consultation with CDFW. Once approved, the applicant shall be required to implement the mitigation plan. The mitigation plan shall establish a buffer area around the nest during hibernation or while females in maternity colonies are nursing young that is large enough to prevent disturbance to the colonies.

45. **Section 17.43G.030.V** Prior to the issuance of building and/or grading permits for the proposed project, the applicant shall identify drainage and water quality controls for the site, including roads leading to and from a site, that ensure no sedimentation or other pollutants leave the site as part of project construction and operation. Compliance with this requirement may be combined with the NPDES Construction General Permit compliance measures. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Road Handbook, per CCR Title 14, Chapter 4. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.
46. **Section 17.43G.030.X:** Prior to the issuance of building and/or grading permits for the proposed project and as part of the license renewal process, the applicant shall provide the County with groundwater monitoring data for existing on-site well facilities that documents water usage and changes in groundwater levels during each month of the year. Should this monitoring data identify potential drawdown impacts on adjacent well(s), surface waters, waters of the state, and sensitive habitats, and indicate a connection to operation of the onsite wells, the cannabis operators, in conjunction with the County, shall develop adaptive management measures to allow for recovery of groundwater levels that would protect adjacent wells and habitat conditions that could be adversely affected by declining groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered and stabilized based on annual monitoring data provided to the County as part of subsequent annual inspections. Any monitoring cannabis cultivation irrigation wells that demonstrate hydrologic connection to surface waters shall be subject to surface water diversion requirements and restrictions in SWRCB Order WQ 2019-0001-DWQ, or any successor to that order. Wells shall also be sited outside of the stream setbacks as set forth in SWRCB Order WQ 2019-0001-DWQ, or any successor that order.
47. **Section 17.43G.030.Z:** Prior to the issuance of building and/or grading permits for the proposed project and as part of the license renewal process, the applicant shall, where appropriate, provide documentation showing that roadways providing site access are in compliance with Chapter 12.10: Design Policies of the Trinity County Code. New roadway water quality control and drainage features or new drainage features on existing roadways shall be designed to accommodate peak flow conditions and will be consistent with the Road Handbook per California Code of Regulations, Title 14, Chapter 4, and SWRCB Order WQ 2019-0001-DWQ, or any successor to that order.

48. **Section 17.43G.030.AA:** Prior to the issuance of building and/or grading permits for the proposed project and as part of the license renewal process, the applicant shall provide documentation showing that site access is in compliance with Chapter 8.30-Fire Safe Ordinance of the Trinity County Code.
49. **Section 17.43G.030.FF:** Western bumblebee was identified in the Biological Resources Assessment prepared for the project as having a moderate potential to occur on the project site (PWA, 2021). According to existing regulations for avoiding take of special-status bumble bees as required by Trinity County Code Section 17.43G.030.FF, consultation with CDFW shall be initiated to determine whether mitigation measures, such as protocol-level surveys, project design modifications, or relocation of the site, will be necessary and appropriate. Based on the comments from CDFW (dated May 6, 2022) on the IS-MND prepared for the proposed project, the applicant shall be required to hire a qualified biologist approved by CDFW to conduct protocol-level surveys for special-status bumble bees prior to the commencement of construction activities for the proposed project. If special-status bumble bees are observed at the project site, consultation with CDFW shall occur to determine appropriate minimization measures that could include project design modification or relocation of the site. This species is not currently listed nor a Candidate under CESA (CDFW, 2022) and therefore would not require application for an Incidental Take Permit.
50. **Section 17.43G.030.EE:** Waste compost management.
- a. Applicants for new commercial cannabis operations and relicensed sites will develop and implement a cannabis waste composting management plan if the operator proposes to dispose of cannabis waste through onsite composting. The plan shall meet all state requirements and the following requirements that will be confirmed by the County during inspections.
 - b. Designation of the composting area on a site plan that is contained within the site boundaries (must be located within the Designated Area for cultivation operations) that is of adequate size to accommodate site cannabis waste needs.
 - c. Identification of water quality control features that ensure no discharge of cannabis waste or other pollutants.
 - d. Details on routine management and equipment used in the composting area that ensures proper composting and control of odors, potential fuel hazards, and pests for the life of the cannabis operation.
51. **Section 17.43G.040.A:** All diesel-powered off-road equipment used in construction shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available construction equipment can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors.

Construction activities will implement measures to control dust such as:

- Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- Cover all haul trucks transporting soil, sand, or other loose material off-site.
- Remove all visible mud or dirt track-out onto adjacent roads.

- Limit all construction vehicle speeds on unpaved roads to 15 miles per hour.

52. Section 17.43G.040.B: Renewable diesel (RD) fuel shall be used in diesel-powered construction equipment if commercially available in reasonable proximity. RD fuel must meet the following criteria:

- meet California's Low Carbon Fuel Standards and be certified by CARB Executive Officer;
- be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables;
- contain no fatty acids or functionalized fatty acid esters; and
- have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.

The County shall require implementation of this measure of the licensed entities building a new cannabis site.

53. Section 17.43G.040.C: Limit the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels where available. This requirement does not apply to generators.

54. Section 17.43G.040.D: All generators shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available model can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors.

55. Section 17.43G.040.E: Cannabis sites shall develop and implement an odor control plan that contains the following requirements, as appropriate for each cannabis use:

1. This mitigation shall not apply to lands zoned agricultural, agriculture-forest, or agricultural preserve.
2. Identification and description of odor-emitting activities and the nature and characteristics of the emissions.
3. Location and distance of sensitive receptors (e.g., residents, youth-oriented facilities, schools, churches, residential treatment centers) from the site.
4. Demonstrate that the cannabis site's distance to receptors, wind direction, and local topographic conditions would not result in detection of cannabis odors by off-site sensitive receptors that would create a nuisance.
5. If off-site odor nuisance impacts cannot be avoided without odor controls, identify the procedures and controls for reducing and controlling odors on-site, including the following as applicable to the cannabis use and license type (outdoor, mixed-light, and indoor). The operator may propose a numeric odor detection threshold for on-site operations (such as dilution-to-threshold standard that is verified by persons of normal odor sensitivity as defined by European Standard EN 13725) subject to county review and approval.
 - a. All fully enclosed and secure structures that contain cannabis plants or products that generate odors will employ mechanical ventilation controls, carbon filtration,

or other equivalent or superior method(s) to eliminate the detection of cannabis off the parcel. This will include all drying and processing of cannabis plant material recently harvested.

- b. Outdoor operations may include different plant strains and smaller grow areas or relocation of outdoor activities indoors or, in a mixed-light facility contained within an enclosed structure, use of site design or other technology and/or use of odor easements to address odor impacts.
- c. Corrective actions to address county-verified off-site odor complaints will be identified and methods to be developed and applied for the next harvest to minimize off-site odor impacts so that they would not conflict with other applicable standards of the county's cannabis program or state license requirements.

56. Section 17.43G.040.G: All electricity sources used for commercial cannabis cultivation, manufacturing, microbusinesses, non-storefront retail, testing, nurseries, and distribution shall be from renewable sources by conforming to one or more of the following standards:

- Grid-based electricity supplied from 100 percent renewable sources
- On-site power supplied fully by renewable source (e.g., photovoltaic system)
- On-site power supplied by partial or wholly non-renewable source with purchase of carbon offset credits
- Or some combination of the above.

57. Section 17.43G.040.H: Lighting Efficiency.

- a. Only light-emitting diodes (LEDs) or double-ended high-pressure sodium (HPS) fixtures shall be used in all existing and new mixed-light cultivation operations (i.e., sites not seeking relicensing).
- b. Only high efficacy lighting shall be used in all existing and new noncultivation operations (i.e., sites not seeking relicensing).
- c. Examples of high efficacy lighting include:
 - Pin-based linear fluorescent or compact fluorescent light sources using electronic ballasts;
 - Pulse-start metal halide light sources;
 - HPS light sources;
 - Luminaries with hardwired high frequency generator and induction lamp; and
 - LEDs.

58. Section 17.43G.040.I: All outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 7:00 p.m.

59. Section 17.43G.040.J: New power lines extended to sites shall be placed underground. If power lines cannot be placed underground, fuel breaks shall be provided along power lines and any stand-alone electrical facilities in a manner that would avoid ignition of adjacent vegetation to the satisfaction of the County and CAL FIRE. Fuel breaks shall be maintained and verified by the County as part of annual license renewal.

60. Section 17.43G.040.K: The operation of outdoor motorized equipment on-site for construction and maintenance activities shall be required to be covered under a fire protection plan that includes the following provisions:

- Fire watch personnel responsible for watching for the occurrence of fire during and after equipment use shall be identified.

Resolution No. 2023-01
January 12, 2023

- Equipment shall be located so that exhausts do not discharge against combustible materials.
- Equipment shall not be refueled while in operation and not until after a cooldown period.
- Water and tools dedicated to fire fighting shall be on hand in the area of onsite construction and maintenance activities at all times.
- Designated smoking areas with cigarette disposal receptacles that are burn resistant.

61. Section 17.43G.04.L: Upon revocation of a use permit or abandonment of a licensed cultivation or nursery site, the permittee and/or property owner shall remove all materials, equipment, and improvements on the site that were devoted to cannabis use, including but not limited to concrete foundations and slabs; bags, pots, or other containers; tools; fertilizers; pesticides; fuels; hoop house frames and coverings; irrigation pipes; water bladders or tanks; pond liners; electrical lighting fixtures; wiring and related equipment; fencing; cannabis or cannabis waste products; imported soil or soil amendments not incorporated into native soil; generators; pumps; or structures not adaptable to noncannabis permitted use of the site. If any of the above described or related material or equipment is to remain, the permittee and/or property owner shall prepare a plan and description of the noncannabis continued use of such material or equipment on the site. The property owner shall be responsible for execution of the restoration plan that will reestablish the previous natural conditions of the site, subject to monitoring and periodic inspection by the County. Failure to adequately execute the plan shall be subject to the enforcement provisions by the County.

END OF CONDITIONS

NOTE: Approval of this use permit will expire on January 12, 2025. 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.

Attach. B

**CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
(Little Hill Cultivators [Ghidella] Commercial Cannabis Cultivation and Variance, P-19-30)**

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
Aesthetics							
The IS/MIND does not identify significant effects or mitigation measures in this resource area.							
Agriculture and Forestry Resources							
The IS/MIND does not identify significant effects or mitigation measures in this resource area.							
Air Quality							
The IS/MIND does not identify significant effects or mitigation measures in this resource area.							
Biological Resources							
BIO-1) Nesting Birds							
<p>If project activities cannot occur outside the bird nesting season (generally February 1 through August 31), the following steps shall be taken to prevent the abandonment of active nests:</p> <ul style="list-style-type: none"> A qualified biologist shall conduct surveys no more than seven days prior to activities, within the construction limits and within 100 feet (200 feet for raptors) of the construction limits. If an active nest is located during the survey, a no-disturbance buffer shall be established around the nest by the qualified biologist, in consultation with CDFW and USFWS. Protective buffers/(no-disturbance area around the nest) will be established at a distance determined by the biologist based on the nesting species, its sensitivity to disturbance, and type of and duration of disturbance expected. Protective buffers shall remain in place until the young have fledged. Construction activities outside buffers may proceed while active nests are being monitored, at the discretion of the qualified biologist. If active nests are found to be at risk due to construction activities, construction activities shall be delayed until the qualified biologist determines that the young have fledged. 	Permittee and construction contractor responsibility prior to construction activities.	Permittee and construction contractor responsibility prior to construction activities.	Trinity County Planning, CDFW, and USFWS	Less Than Significant			
BIO-2) Fish, Amphibians, and/or Turtles							
If surface water is present at the time of construction, the permittee shall have a biologist or other qualified professional survey the site and adjacent area for fish, amphibians, and turtles within three days prior to commencing project activities. If fish, amphibians, or turtles are detected, CDFW will be contacted, and work shall not commence until authorized by a CDFW representative.	Permittee and construction contractor responsibility prior to construction activities.	Permittee and construction contractor responsibility prior to construction activities.	Trinity County Planning, CDFW, and USFWS	Less Than Significant			
BIO-3) Special-Status Plant Species							
The following measures are provided to reduce potential impacts to special-status plant species to a less than significant level:	Permittee and construction contractor responsibility prior to construction activities.	Permittee and construction contractor responsibility prior to construction activities.	Trinity County Planning, CDFW, and USFWS	Less Than Significant			

<ul style="list-style-type: none"> Prior to commencement of new development related to cannabis activities or execution of the Lake or Streambed Alteration Agreement No. 1600-2018-0134-R-1, during the blooming period for the special-status plant species with potential to occur on the site, a qualified botanist approved by the County shall conduct protocol-level surveys for special-status plants in all proposed disturbance areas following survey methods from CDFW's Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities (CDFW 2018a). If special-status plants are not found, the botanist shall document the findings in a letter report to CDFW and the applicant, and no further mitigation will be required. Reports shall be submitted to CDFW via email at RL.SARredding@wildlife.ca.gov and shall include the project applicant's name, address, and Assessor's Parcel Number in the subject line. If special-status plant species are found, the qualified botanist shall consult with CDFW to designate a no-disturbance buffer that will be reflected in the application to the County. 					
--	--	--	--	--	--

Cultural Resources

CUL-1) Cultural and Archeological Resources

<p>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 [CCCR] 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.</p>	<p>Permittee and construction contractor responsibility during ground-disturbing activities</p>	<p>Permittee and construction contractor responsibility during ground-disturbing activities</p>	<p>Trinity County Planning and the THPOs for the Nor-Reimuk Nation, Hoopa Valley, Redding Rancheria, Round Valley, Tsungwe and Wintu Tribes</p>	<p>Less Than Significant</p>	
---	---	---	---	------------------------------	--

CUL-2) Unidentified Human Remains

<p>In the event that previously unidentified evidence of human burial or human remains are discovered during project construction, work will stop at the discovery location, 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. 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.</p>	<p>Permittee and construction contractor responsibility during ground-disturbing activities</p>	<p>Permittee and construction contractor responsibility during ground-disturbing activities</p>	<p>Trinity County Coroner and Native American Heritage Commission</p>	<p>Less Than Significant</p>	
---	---	---	---	------------------------------	--

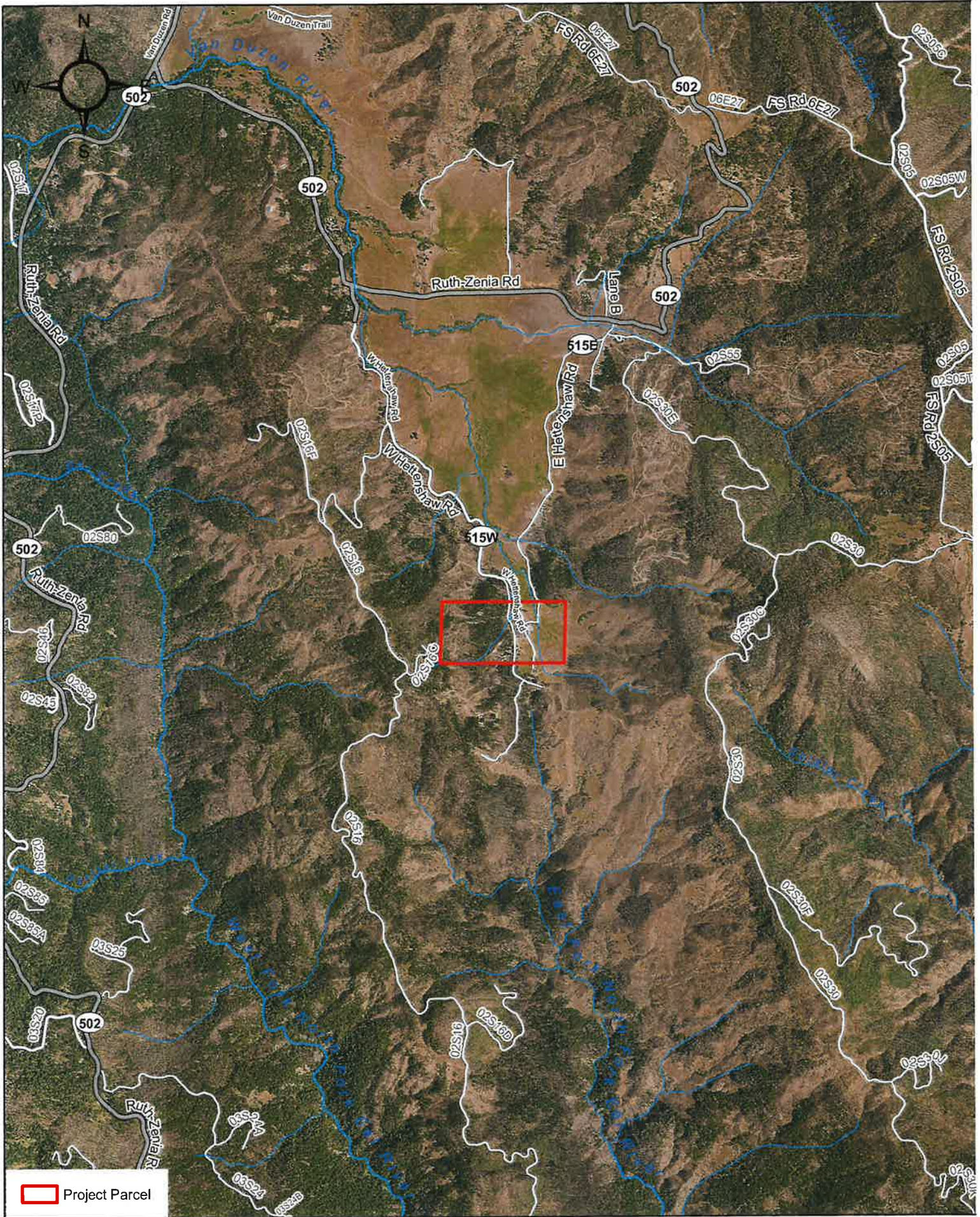
Energy

The IS/M/N/D does not identify significant effects or mitigation measures in this resource area.			Trinity County Planning	Less Than Significant			
Geology and Soils							
<p>GEO-1) Paleontological Resources</p> <p>If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County. A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.</p>	Permittee and construction contractor responsibility during ground-disturbing activities	Permittee and construction contractor responsibility during ground-disturbing activities					
Greenhouse Gas Emissions							
The IS/M/N/D does not identify significant effects or mitigation measures in this resource area.							
Hazards and Hazardous Materials							
The IS/M/N/D does not identify significant effects or mitigation measures in this resource area.							
Hydrology and Water Quality							
The IS/M/N/D does not identify significant effects or mitigation measures in this resource area.							
Land Use and Planning							
The IS/M/N/D does not identify significant effects or mitigation measures in this resource area.							
Mineral Resources							
The IS/M/N/D does not identify significant effects or mitigation measures in this resource area.							
Noise							
The IS/M/N/D does not identify significant effects or mitigation measures in this resource area.							
Population and Housing							
The IS/M/N/D does not identify significant effects or mitigation measures in this resource area.							
Public Services							
The IS/M/N/D does not identify significant effects or mitigation measures in this resource area.							
Recreation							
The IS/M/N/D does not identify significant effects or mitigation measures in this resource area.							
Transportation							
The IS/M/N/D does not identify significant effects or mitigation measures in this resource area.							

Tribal Cultural Resources						
Implementation of CR-1 (Cultural Resources)	Per CR-1 (Cultural Resources)	Per CR-1 (Cultural Resources)	Per CR-1 (Cultural Resources)	Per CR-1 (Cultural Resources)	Less Than Significant	
Utilities and Service Systems UTY-1) Portable Toilets The applicant shall provide portable toilets when the number of employees at the site exceeds 6 persons, such as on occasions when additional temporary employees may be needed on a seasonal basis. Portable toilets shall be serviced regularly, and wastewater shall be disposed of at a permitted disposal facility.	Hiring employees	During operations	Trinity County Planning and Trinity County Environmental Health	Less Than Significant		
Wildfire The IS/MND does not identify significant effects or mitigation measures in this resource area.						
Mandatory Findings of Significance Implementation of Mitigation Measures Per BIO-1 to BIO-3, CR-1 and CR-2, GEO-1, and UTY-1						
	Per BIO-1 to BIO-3, CR-1 and CR-2, GEO-1, and UTY-1	Per BIO-1 to BIO-3, CR-1 and CR-2, GEO-1, and UTY-1	Per BIO-1 to BIO-3, CR-1 and CR-2, GEO-1, and UTY-1	Less Than Significant		

P-19-30 Location Map

Attach. C



Project Parcel

0 1,125 2,250 4,500 6,750

SF
Date: 1/6/2023

P-19-30 Aerial Map

Attach.D

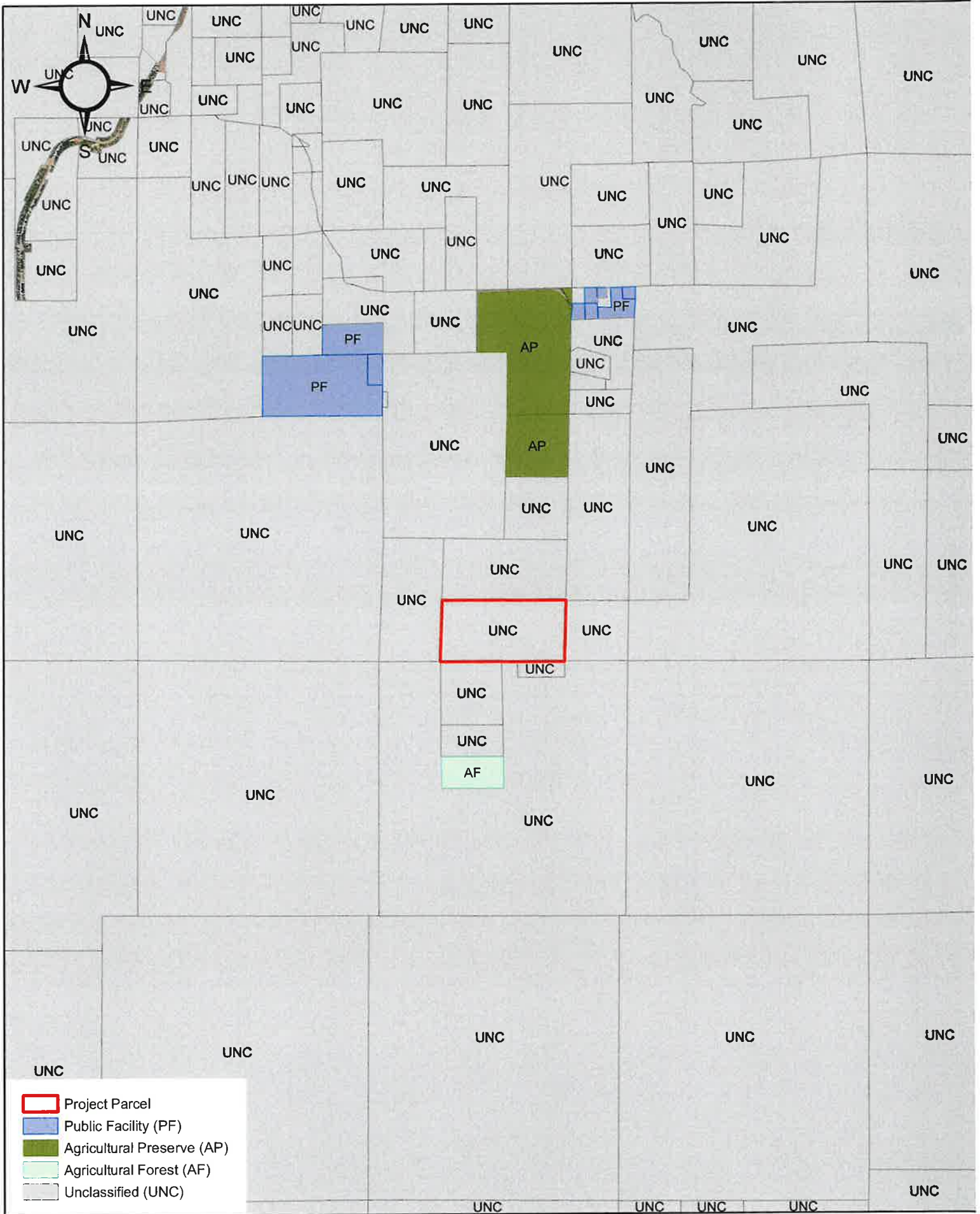


 Project Parcel

0 162.5 325 650 975

P-19-30 Zoning Districts Map

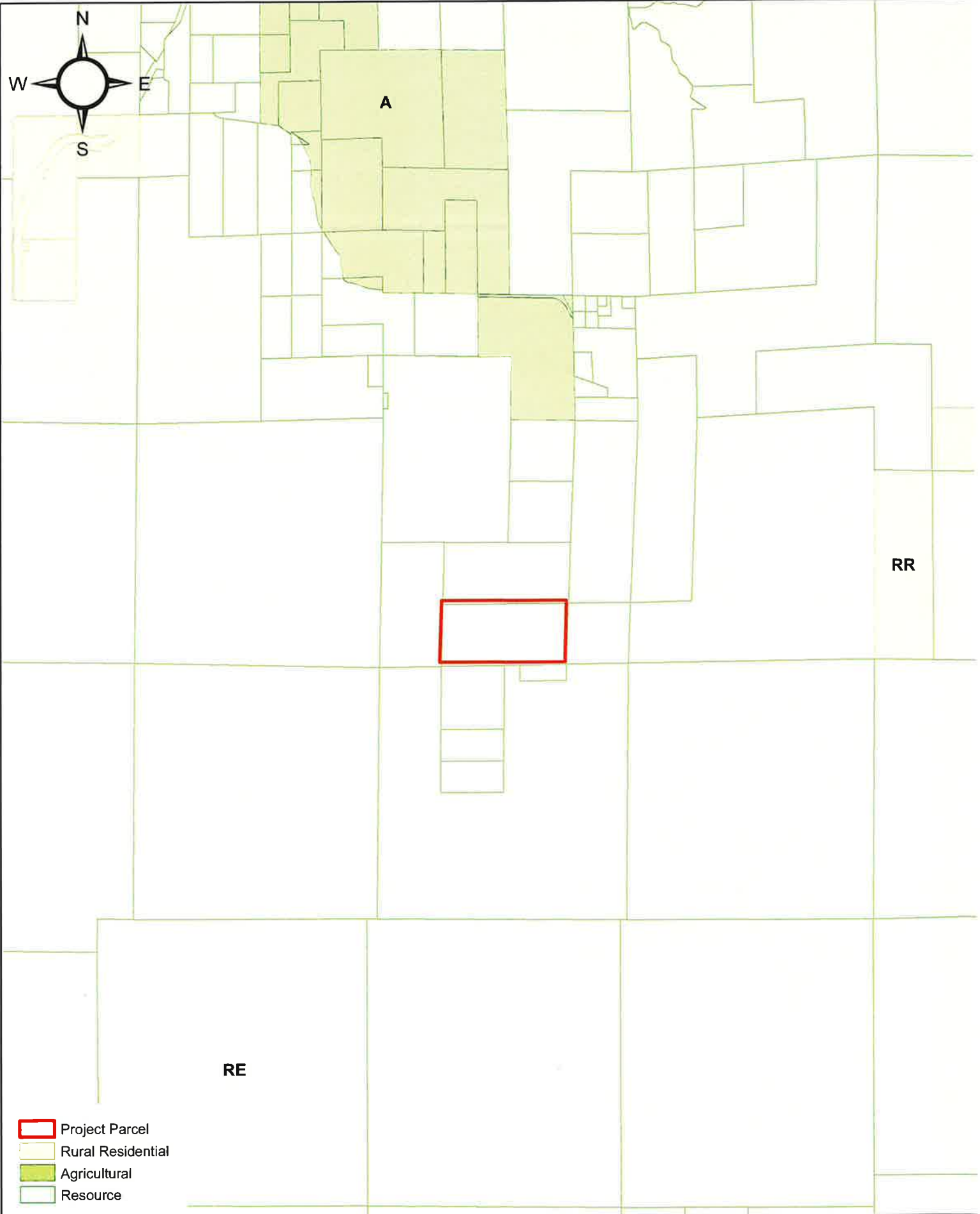
Attach E



- Project Parcel
- Public Facility (PF)
- Agricultural Preserve (AP)
- Agricultural Forest (AF)
- Unclassified (UNC)

0 1,125 2,250 4,500 6,750

P-19-30 General Plan Designations Map

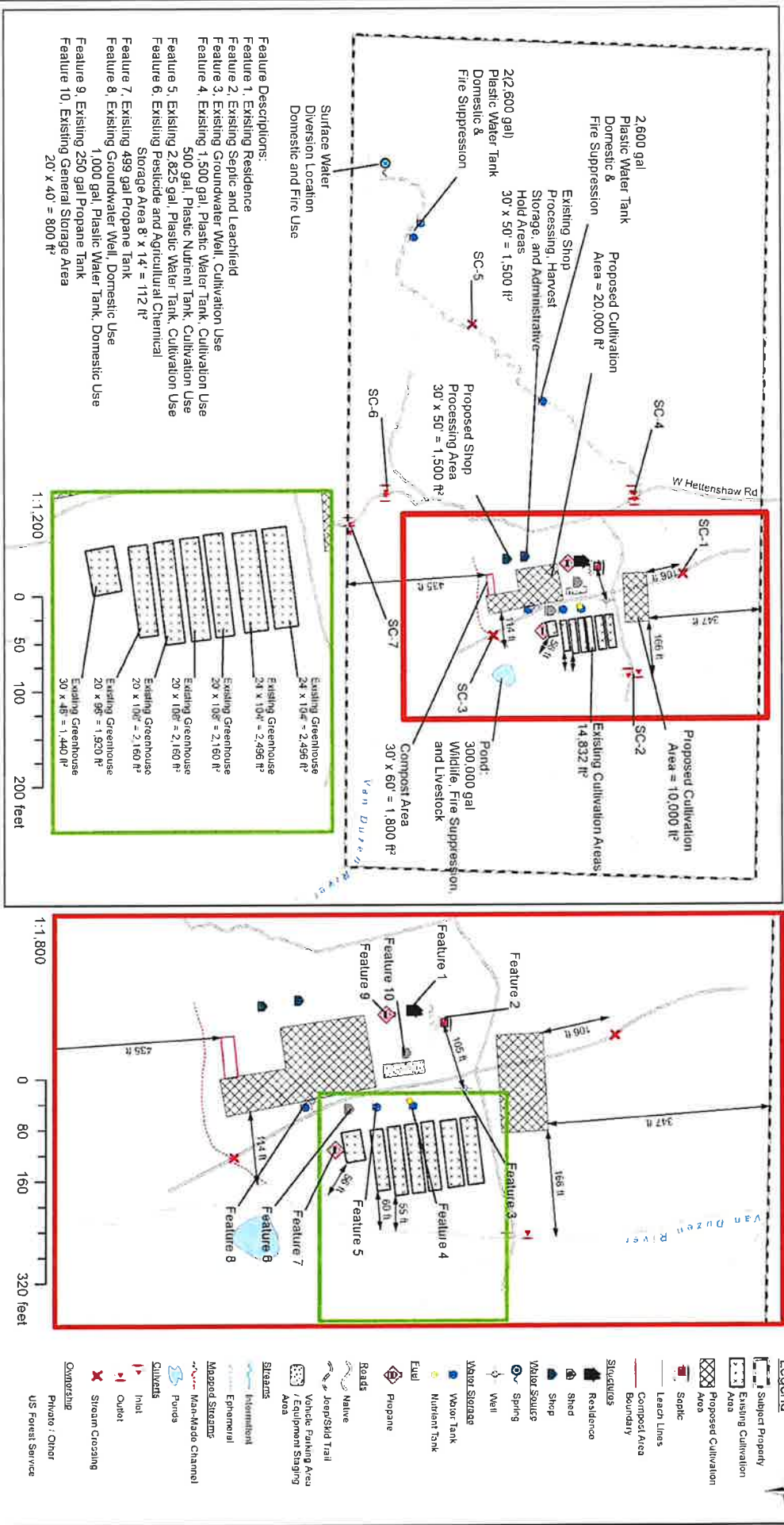


- Project Parcel
- Rural Residential
- Agricultural
- Resource

0 1,125 2,250 4,500 6,750

Attachment G

Figure 2: Site Plan



Feature Descriptions:
 Feature 1, Existing Residence
 Feature 2, Existing Septic and Leachfield
 Feature 3, Existing Groundwater Well, Cultivation Use
 Feature 4, Existing 1,500 gal, Plastic Water Tank, Cultivation Use
 Feature 5, Existing 2,825 gal, Plastic Water Tank, Cultivation Use
 Feature 6, Existing Pesticide and Agricultural Chemical Storage Area 8' x 14' = 112 ft²
 Feature 7, Existing 499 gal Propane Tank
 Feature 8, Existing Groundwater Well, Domestic Use
 Feature 9, Existing 250 gal Propane Tank
 Feature 10, Existing General Storage Area 20' x 40' = 800 ft²

Off-Site Activities:
 -*Packaging

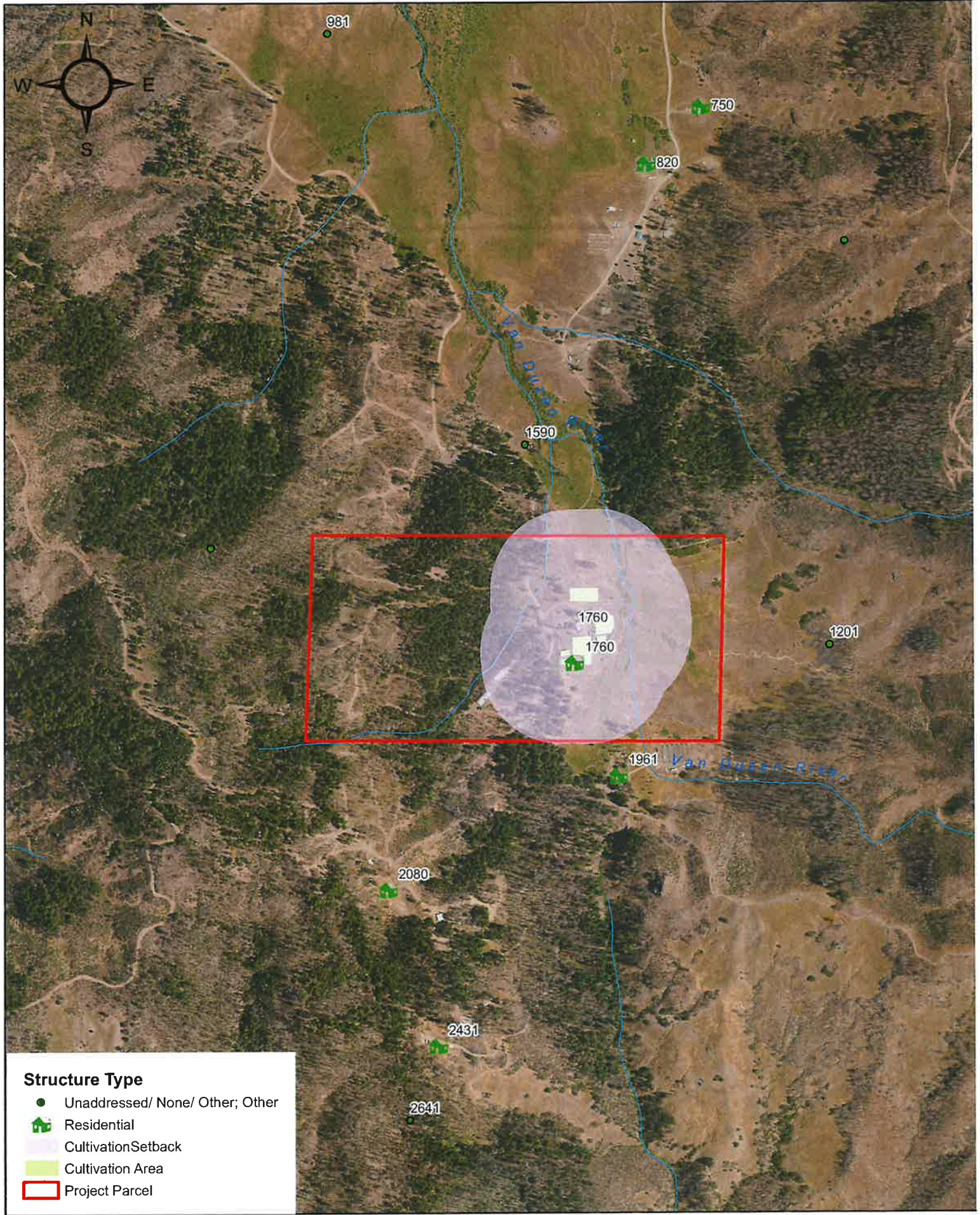


A variance is required for the 500 ft property line setback.
 No variance is required for a residential setback.
 The closest residence is located = 2,500 ft north of the proposed cultivation areas.

TRINITY COUNTY PLANNING DEPARTMENT
 APPLICANT PREPARED SITE PLAN
 Drawn By: S. Elliott
 Date: 07/13/2022
 Scale: 1:3,600
 APN: 020-120-25-00
 Zoning: UNC
 Lot Area: 80 Acres



P-19-30 Residential Setback Map



Structure Type

- Unaddressed/ None/ Other; Other
- 🏠 Residential
- 🟡 Cultivation Setback
- 🟢 Cultivation Area
- 🔴 Project Parcel



P-19-30 Site Photos



North

P-19-30 Site Photos

