

TRINITY COUNTY

PLANNING DEPARTMENT 61 Airport Road, PO Box 2819 Weaverville, CA 96093 (530) 623-1351 FAX (530) 623-1353

January 19, 2017

TO: MEMBERS IN SESSION

SUBJECT: Agenda Item 6, January 19, 2017 Planning Commission meeting.

Discuss and/or take action regarding proposal to allow cannabis nursery in the lower bench of the Trinity Alps Business Park Specific Unit Development.

PURPOSE:

The purpose of this item is for the Commission to discuss and then make recommendations and/or direction to staff concerning whether a "cannabis nursery" should be an allowable use within the lower level of the Trinity Alps Business Park Specific Unit Development.

<u>NOTE:</u> Depending on the Commission's action on item 5 (cannabis nursery in the Industrial Zone), the Commission may have similar feedback for this item.

BACKGROUND:

The Trinity Alps Industrial Park Specific Unit Development (SUD) was formed in the mid-tolate 1980's and early 1990's by the County of Trinity using various grant funding sources for the purpose of increasing employment and economic opportunities within the county. The property includes an upper level (GP: Commercial) for specified commercial uses and a lower (GP: Industrial) for specified light industrial uses. (See Exhibit "A", attached) The property includes large areas of wetlands and also floodplain of Weaver Creek. These areas are precluded from development. The berm along Weaver Creek is not engineered or constructed to federal flood protection standards. The wetland areas are to be retained by the County for wildlife habitat and public recreation purposes, including development of trails. Access to the trail system must be maintained. In addition to the normal development guidelines for the SUD, there is a requirement to ensure that proposed uses involving wells or other water withdrawals do not adversely affect the wetlands. In addition to the statement at the end of development standard "P" reading: "Alternative water sources shall not result in dewatering of the wetlands", a "Notice of Environmental Constraint" (Exhibit "B")was recorded in July 1994 by the Trinity County Board of Supervisors which includes notice that fencing to protect wetlands may be required; additional soils engineering may be required prior to issuing of building permits and the following statement regarding water withdrawals:

"Water withdrawls from surface, or subsurface drainage which could affect the wetlands is prohibited. Wells shall not be drilled without prior written approval of the Director of Transportation and Planning."

There are still some parcels available on the lower level of the SUD and at least one inquiry has been made for the potential to develop and operate a "cannabis nursery" for growing seedlings for sale to cannabis farmers. Currently, these farmers purchase their seedlings in Humboldt County and transport them to Trinity. Locating a facility in Trinity County could assist with issues of transport and, according to proponents, provide employment opportunities to the benefit of the County.

Note that when the County sells property in the lower level, there is now a clause stating that the County will not be responsible for any damage caused by flooding.

STAFF CONCERNS:

If the SUD is amended to allow a "cannabis nursery", it would be staff's recommendation that it require a Planning Commission issued use permit. The reasons a use permit should be required are to provide conditions of approval to protect the wetlands from excessive water withdrawals (a possible condition could require that water used in the operation be from the Weaverville CSD); the use of fertilizers and herbicides, even if organic, could result in damage to the wetlands (a possible condition could be to require a collection/containment system to prevent run-off from seeping into the ground or entering the wetlands). The type, quantity, use and disposal of these agents, even if considered 'organic' need to be described. Fencing, nursery drainage and containment are other considerations that lead to the need for discretionary review. Other issues could also arise during the use permit review process and review by other agencies. Agencies, such as the Regional Water Quality Control Board and the California Department of Fish and Wildlife may be 'responsible agencies' under CEQA and would need to participate in the environmental review of the project.

The main concern of staff at this time is that, to our knowledge, the State is not expected to develop standards for cannabis nurseries and transportation until 2018. If the County approves use permits or licenses that later are found to be contrary to State law, it will be faced with a new set of controversies related to existing uses or legal non-conforming uses that will need to be modified. It may be more prudent to wait until the State develops its guidelines before the County initiates actions of its own.

PUBLIC COMMENTS:

Staff received one letter from the public (See Exhibit "C", attached) submitted by Liz McIntosh. While most of her letter pertains to the Ag-Forest Zone (ref Item 4, P.C. agenda for 1/19/17), she begins the letter with comments on nurseries in various zoning districts. She mentions SUD. Specific Unit Development (Section 24 of the Zoning Ordinance) can be used for various large projects that are typically more complex than ordinarily found in one zoning classification. In urban areas, the term Planned Unit Development is often used. Most of the SUDs in Trinity County pertain to residential developments. The Trinity Alps Business Park SUD is a mix of commercial (upper level) and light industrial (lower level). She advises that nurseries producing commercial cannabis nursery products for retail sale should be permitted in the SUD, subject to first obtaining a use permit. (Note: her comments are much more detailed than this.) Later in her

letter she discusses using Section 30.A (Ambiguity) in the Zoning Ordinance to make findings of similar use.

Staff agrees with Ms McIntosh's approach. If the Planning Commission agrees that "Cannabis nursery" is similar in nature to the uses listed in <u>Section C. Lower Level</u>, of the "Trinity Alps Business Park Development Standards", which require a Planning Commission issued use permit, then the Commission could possibly adopt a resolution making the necessary findings to allow it. Again, the reason it is similar to those requiring a use permit is because of the wetland issues.

Also, it is possible that when definitions are developed for the cannabis nursery, other related retail uses could be included and/or expand nursery items that are being grown for sale. Also of issue would be how large the cannabis plants are allowed to grow before they are no longer seedlings – could seedlings that are not sold be grown to maturity on-site? Would the intended nursery become a commercial cannabis grow site? That would not normally be the intent of a nursery. The size of the facility, parking and other normal considerations would also be issues that would be addressed by the Commission.

RECOMMENDATION:

There are several options available to the Commission.

- 1. Recommend that the Board retain the Trinity Alps Business Park SUD Development Standards as they are currently written, which means that a "cannabis nursery" would not be allowed.
- 2. Recommend that the Board direct staff to initiate an amendment to the Trinity Alps Business Park Specific Unit Development Guidelines to add "cannabis nursery" to the list of uses, subject to first obtaining a Planning Commission issued use permit.
- 3. Recommend that the Board direct staff to initiate an amendment to the Trinity Alps Business Park Specific Unit Development to add "cannabis nursery" to the list of uses permitted without a use permit.
- 4. That the Planning Commission directs staff to prepare a resolution finding that "cannabis nursery" is an allowable use in the Trinity Alps Business Park SUD, subject to first securing a use permit.
- 5. Provide the Board of Supervisors with your ideas or concerns regarding allowing cannabis nurseries in the Trinity Alps Business Park SUD and recommend that no action be taken at this time, since the use cannot begin until State licensing provisions have been established in 2018, providing an opportunity for further discussion or action in the future.

Respectfully submitted,

ın Alan Jelicich, Interim Planner

Trinity Alps Business Park Development Standards

A. General Description:

The purpose of these development standards is to create a setting conducive to the development of general commercial and industrial uses, which encourage industrial diversification of the local economy and enhance employment opportunities in the area.

All projects will be reviewed by the Director of Planning (60 Glenn Rd Weaverville, CA 96093 (530) 623-1351) or his designee prior to issuance of a building permit or as stipulated in the use permit. If neither a building nor a commission issued use permit are required for a project, then a Planning Director's use permit shall be obtained prior to site disturbance.

These development guidelines supplement the Trinity County Zoning Ordinance. Where conflict may arise, they supersede the provisions of Zoning Ordinance and / or Sign Ordinance will apply.

B. Uses Permitted Without A Use Permit (Upper Level):

(Note: Any use with more than 20,000 Sq. Ft. or floor areas requires a use permit.)

Upper Level

Auto Service Station

Building materials Supply, conducted within a building

Cabinet Manufacturing, conducted within a building

Catalog Sales, Billing, or Distribution Center

Financial Institution, With/without drive-thru service

Hotel/Motel (40 units or less)

Low Intensity Manufacturing, conducted within a building

Office(s)

Office Equipment Services or Distribution Center

Pluming Supply, conducted within a building

Printing Shop

Restaurant, with/without drive-thru services

1

Retail Sales and Services, conducted within a building

Telecommunication Services

Welding/Machine Shop/Metal Fabrication, conducted within a building

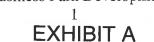
Wholesale Sales and Distribution, conducted within a building

Wood Products Manufacturing, conducted within a building

Community Collage and Technical Schools less than 6,000 square feet (Reso

PC-2006-02)

Other uses found to be similar in nature by the Planning Commission.



Lower Level

Auto Repair

Cabinet Shop

Fire House

Lumber yard / Building Materials Supply

Truck / heavy Equipment Repair

Welding / Machine Shop / Metal Fabrication

Wholesale Sales and Distribution, conducted within a building

Wood Products manufacturing, conducted within a building

Other uses found to be similar in nature by the Planning Commission.

C. Uses Permitted Subject To First Securing a Use Permit:

Upper Level

Any use listed in Subsection B (Upper Level) with more than 20,000 sq. ft. of floor Area.

Building Materials Supply, indoor/outdoor

Cabinet Manufacturing, indoor/outdoor

Hotel / Motel (41 units or more)

Low Intensity Manufacturing, indoor/outdoor

Pluming Supply, indoor/outdoor

Welding Sales and Distribution, indoor/outdoor

Wood products Manufacturing, indoor/outdoor

Performing Arts Theater (Reso 2005-025)

Other uses found to be similar in nature by the Planning Commission

Lower Level

Any use with more than 20,000 sq. ft. of floor

Any use requiring an "Authority to Construct Permit" from the North Coast unified Air Quality Control Board.

Any use requiring a "Discharge Permit" from the Regional Water Quality Control Board.

Any Use Which would exceed 60 decibels at the property line of the use.

Any use which generates air emissions, liquid, solid or hazardous wastes, noise, Offensive odors, smoke, dust or glare in a manner which may be detrimental to the Public health, safety or welfare.

Batch Plant

Rock Crushing

D. Accessory Buildings and Uses:

Accessory buildings and uses are permitted which are normally incidental to the Uses permitted, including watchman's quarters.

(Accessory uses may not be established prior to the main use.)

E. Minimum Lot Size: ½ acre F. Minimum Lot Width: 100 ft

G. Maximum Allowable lot Coverage By All Structures: 60 percent

H. Maximum Allowable Height: Upper Level: 25 ft not to exceed two stories

Lower Level: 45 ft

I. Minimum Front Yard Required: 20 ft

J. Exterior Side Yard Setback: 20ft

K. Minimum Rear Yard Required: Upper Level: 20ft

Lower Level: 10ft

L. GRADING/DRAINING

An engineered grading and drainage plan (including erosion control measures where necessary) shall be submitted to and issuance of building or use permit(s)The plan shall not only address on-site improvements, but also the impacts of additional drainage waters and grading on neighboring parcels, streams, waterways, and wetland areas. The property owner(s) is responsible for maintaining drainage ways carrying drainage through and from his development.

M. ENCROACHMENT PERMIT/CIRCULATION PLAN:

An encroachment permit shall be obtained and a circulation plan (including sidewalk improvements on the Upper Level) shall be submitted and approved by the Department of Transportation and Planning prior to issuance of building or use permit(s). All improvements shall be designed, installed and inspected as shown on the approved plans and/or encroachment permit. Projects generating a high ADT may require a traffic analysis and off-site improvements prior to approval.

N. LANDSCAPING:

A landscape plan identifying size, location and plant name (common name to be included), plans for irrigation and a maintenance program to ensure success of the landscaped area shall be provided for the review and approval of the Director of Transportation and Planning, or his designee. It shall be the responsibility for the property owner to maintain the landscaping in a healthy condition. All required yard areas abutting public roads should be landscaped with trees, shrubs or ground cover. Shade trees shall be provided in parking lots with more than twenty (20) spaces. In order to provide for more flexibility in project design; parking may be provided within the road setback areas provided that the following criteria are met:

- 1. A landscaped area equal to the square footage of the front yard setback is provided within the same development; and
- 2. A minimum landscaped setback of five (5) feet is provided along the affected yard area.

O. SEWER:

Sewer service lines shall be installed in accordance with Sewer System Standard Specifications for the Weaverville Sanitary District and Development Requirements for the Weaverville Sanitary District's Sewer System. All improvements (and any necessary easements) shall be engineered and subject to the approval of the General Manager of the Weaverville Sanitary District.

P. WATER:

If water service by Weaverville Community Services District is to be provided, water line connections, line extensions and water box locations shall be engineered and subject to the approval of the General Manager of the Weaverville Community Services District and in accordance with adopted District standards. If the structure(s) will include an automatic sprinkler system for fire protection, an approved "Backflow Prevention Device" will also be required. If alternate sources of domestic water are to be used, the source, design, and installation shall be subject to the inspection and approval of the Health Department. Alternative water sources shall not result in dewatering of the wetlands.

Q. FIRE PROTECTION:

Hydrant (if necessary) location and design shall be subject to the approval of the Fire Chief for the Weaverville Fire Department. The building shall meet District's code requirements for fire suppression features and access by emergency response personnel.

R. BUILDING AND GROUNDS STANDARDS:

UPPER LEVEL

- 1) The building plans shall clearly indicate building design, Materials, colors, location of utilities, signage and landscaping, which will be subject to the review and approval other Director o£ Transportation and Planning. Building design and materials shall compliment the rural character and history of the area (e.g. Spanish adobe and art deco would not be appropriate). Colors shall be subdued natural tones (e.g. shocking pink and school bus yellow would not be appropriate)
- 2) Light standards shall be clearly identified in the building plans and include: location, type of lighting, design and color of lamp standards. The lighting plan will be subject to the review and approval of the Director of Transportation and Planning. All lighting shall be directed away from neighboring parcels and public roadways.
- 3) Signs

- a) Freestanding Signs: One freestanding sign may be placed on each parcel, provided that it is no higher than ten (10) feet from the level of the nearest public road. The sign shall not exceed sixty square feet in area and shall not be located nearer than ten feet from any property line or road right-of-way.
- b) Attached Signs: Attached signs shall not exceed the following specifications:
 - (1) The horizontal dimension o£ signs shall not exceed fifty percent (50%) of the building frontage nor be greater than twenty-five feet, whichever is less.
 - (2) The total area of anyone sign shall be no greater than 10 percent (10%) of the total area of the building face to which it is attached or 120 square feet, whichever is less.
- c) General Standards: No moving or £lashing signs are permitted. No signs shall be permitted on canopy roofs or building roofs, nor project above the top plate line o£ the building. No signs which are perpendicular to the face o£ the building shall be permitted, except for under canopy signs. All electrical signs shall bear the UL label, and their installation must comply with all local building and electrical codes.
- 4) All utilities shall be underground.
- 5) Garbage containers, loading docks, mechanical equipment, utility meters, storage tanks or other accessory facilities shall be concealed or screened from public view with materials which are similar to and compatible with those of the main building. No exposed conduit, tubing or raceway shall be permitted.

LOWER LEVEL

- 1) Security lighting shall be directed away from neighboring parcels and public roadways.
- 2) One free standing sign may be placed on each parcel, (provided that it is no higher than ten (10) feet from' the ~level of the nearest public road.

S. COUNTY RETAINED LANDS:

The County of Trinity shall retain: All lands lying within the 100 year floodplain of Weaver Creek, wetland areas, wetland mitigation banks and a 10 foot buffer strip bordering all wetlands and wetland mitigation banks. The Wetlands Mitigation Plan approved and adopted by the Trinity County Board of Supervisors on October 4, 1988 (Res. 112-88) shall be implemented. All wetlands shall be maintained in their existing natural state. Only minor trail and observatory blind construction shall be permitted within wetlands, subject to prior approval of the Planning Director and the

California Department of Fish and Game Warden. Any modifications to wetlands will require approval from the U.S. Army Corps of Engineers and the California Department of Fish and Game.

T. DEVIATIONS:

- 1) Major deviations from these development standards require the approval of the Planning Commission. The Planning Director may approve minor deviations if they do not substantially deviate from these development standards. A "substantial deviation" is one that will result in a material change in the nature of the development when all the circumstances surrounding the deviation are considered.
- 2) Determination of Substantiality by Planning Commission. The Planning Director may, at his or her discretion, request a determination by the Planning Commission as to whether a proposed change is a substantial deviation. If the Planning Commission determines that the change is substantial, a public hearing shall be set for the purpose of considering the deviation.
- 3) Mandatory Finding of Substantial Deviation. The Planning Director shall find the following changes to be substantial deviations. This list is not intended to be inclusive and the fact that a particular- deviation is not included on this list shall in no way limit the authority of the Planning Director to, in his or her discretion, determine that a change is a substantial deviation.
 - a) Any major change in the pattern or volume of traffic flow either on or off any property covered by the use permit.
 - b) Any increase in height, setbacks or lot coverage of a Structure.

BOARD OF SUPERVISORS

COUNTY OF TRINITY, STATE OF CALIFORNIA

19th DAY OF APRIL, 2005

RESOLUTION NO. 2005-025

RESOLUTION TO AMEND SPECIFIC UNIT DEVELOPMENT GUIDELINES FOR TRINITY ALPS BUSINESS PARK

The following Resolution is now offered and read:

WHEREAS, on December 3, 1986 the Board of Supervisors amended the land use element of the General Plan by changing the land use designation of the area now referred to as the "Trinity Alps Business Park", resulting in a "Commercial" designation for the Upper Level and an "Industrial" designation for the Lower Lever;

WHEREAS, the Trinity Alps Business Park was zoned "Specific Unit Development" (SUD) by the Board of Supervisors on December 16, 1986 (Ord. 315-435); and

WHEREAS, the land use designation and zoning remained unchanged when the Board of Supervisors adopted the Weaverville Community Plan on October 16, 1990; and

WHEREAS, Section 24, "Specific Unit Development (SUD) District", of the Trinity County Zoning Ordinance sets forth the requirements for designation of land as a "SUD" and vests with the Planning Commission the authority to review and approve the schematic plan and development guidelines for an SUD; and

WHEREAS, on September 10, 1992 the Planning Commission approved the revised development guidelines for the "Trinity Alps Business Park", which have been amended by the Planning Commission as it deemed appropriate (a current copy of the guidelines are attached hereto); and

WHEREAS, the Planning Commission received a request to amend the "Trinity Alps Industrial Park Development Standards" to add: "Performing Arts Theater" to Section C. <u>Upper Level</u> (Uses Permitted Subject to First Securing a Use Permit) (File # PW-05-01); and

WHEREAS, the Weaverville Community Plan includes land use objective 1.1 "encourage the expansion of the cultural center complex, i.e. the Jake Jackson Museum, Highland Arts Center and supportive uses"; and

WHEREAS, efforts to locate a performing arts theater within the "cultural center complex" located in the central area of Weaverville have been unsuccessful due to the size requirements and parking needs of the facility; and

WHEREAS, on March 10, 2005, the Planning Commission held a public hearing on the request to modify the SUD guidelines for the "Trinity Alps Business Park" and following the public hearing denied the requested amendment; and

WHEREAS, on March 14, 2005, the decisions of the Planning Commission was appealed to the Board of Supervisors; and

WHEREAS, on April 5, 2005 and April 19, 2005, the Board of Supervisors held a public hearing on the proposal, and

WHEREAS, the Board of Supervisors has determined that the proposed project, including conversion of the existing 15,000 square foot building to a performing arts theater, will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of Trinity, State of California, that said Board hereby adopts the following amendment to the "Trinity Alps Business Park Development Standards" by adding "Performing Arts Theater" to the list of uses permitted on the Upper Level, subject to first securing a use permit.

Upon motion of Supervisor Jaegel, seconded by Supervisor Chambers, and on the following vote, to-wit:

AYES: Supervisors Chambers, Jaegel, Morris and Freeman

NOES: None ABSENT: None ABSTAINING: None

The foregoing resolution is hereby adopted:

Howard Freeman, Chairman of the Board of Supervisors, County of Trinity, State of

California

ATTEST:

DERO B. FORSLUND County Clerk/Recorder, Ex-Officio Clerk of the Board of Supervisors, alifornia

APPROVED AS TO FORM AND LEGAL EFFECT:

Jeanede Palla, County Counsel, County of Trinity, State of California Planning/jaj

Recorded at the request of TRINITY COUNTY PLANNING DEPARTMENT P. O. Drawer 2490 Weaverville, CA 96093

TOTAL - O	Amt
Fee	Lian
Adiana	T Tau

JUL 14 1994

DERO B. FORSLUND TRINITY COUNTY RECORDER

NOTICE OF ENVIRONMENTAL CONSTRAINT

Pursuant to Resolution No. 157-89 approving that PARCEL MAP for COUNTY OF TRINITY, Recorded in Book 18, Maps & Surveys, Pages 190 - 191, Trinity County Records.

The following conditions are imposed on the parcels described thereon and shall be binding upon the owners of said lands and their successors and assigns.

- 1. A "Notice of Environmental Constraint" shall be recorded which includes the language listed below. The Notice shall be submitted to the Director of Transportation and Planning for review and approval prior to recordation.
 - a. A fence of substantial construction may be required for development of any lot, which abuts a wetland, wetland buffer strip, or area within the 100 year flood plain exhibiting wetland characteristics.
 - b. Water withdrawals from surface, or subsurface drainage which could affect the wetlands is prohibited. Wells shall not be drilled without prior written approval of the Director of Transportation and Planning.
 - c. A preliminary soils report has been prepared for this subdivision. Additional engineering may be required prior to issuance of building permits. Requirements will be dependent upon the type of construction, use, location and findings of the preliminary soils report. The preliminary report is available for review at the Trinity County Transportation and Planning Department.
 - d. Zoning requirements affecting the subdivision (Trinity Alps Business Park Specific Unit Development) contain development standards which shall be met by all property owners and lessees.

e. No encroachment onto State Hwy. 299 shall be allowed within 350 feet of Industrial Way (the main road).

> Chairman of the Board Ylowman. of Supervisor of Trinity County

STATE OF CALIFORNIA

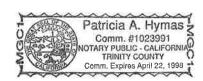
SS.

COUNTY OF TRINITY

On July 13, 1994, before me, the undersigned Notary Public, PATRICIA A. HYMAS, personally appeared STAN PLOWMAN personally known to me to be the person whose name is subscribed to the within instrument; and he executed the same in his capacity, and acknowledged me that to instrument the person, or the entity that by his signature on the upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

EXHIBIT B



PATRICIA A. HYMAS My Commission Expires: 04/22/98

END OF DOCUMEN

Dear Commissioners, January 5, 2017

Thank you for your continued efforts and input in helping along the regulation process for the cannabis industry here in Trinity. I am writing you today in regard to your consideration of nurseries as well as the zone Agricultural Forest (AF).

Recommendation for Nurseries:

Nurseries producing commercial cannabis nursery products for retail sale shall be a permitted use in zoning districts C-1, C-2, C-3, SUD, and I, subject to a Use Permit. Nurseries producing commercial cannabis nursery products for bulk wholesale sale or to supply retail nursery outlets held under the same license shall be a permitted use in the RR (parcels over 2 acres), U (parcels over 2 acres), A and AP zoning districts, subject to a Directors Permit. Zones AF and TPZ may also be considered for bulk wholesale sale or to supply retail nursery outlets with a Directors Permit if the applicant has also applied for a cultivation license for an existing garden and the nursery operation is conducted within an approved less than 3-acre conversion area.

Recommendations for AF:

Zone Agricultural Forest is a little more complicated. At this time, though zone AF is not named as a prohibited zone under the urgency ordinance, applicants wishing to come forward in voluntary compliance are being turned away while you review the zone. I have read the permitted use section of the AF zone, as well as the provisions of Section 30.A that it is subject to. While agriculture is not listed as a permitted use in this zone, there are many uses listed that are similar in nature and some that arguably create greater impacts and demands on the land than cannabis cultivation activities.

I urge you, under the provisions detailed in Section 30.A, to pass a resolution finding compliant cannabis cultivation is similar in nature to other uses permitted in this zone and that it will be done in a way that harmonizes and/or does not interfere with the other goals of the zone (ie. done in a way that protects from fire, insects, disease and other catastrophes). Under section 30.A, cannabis cultivation could further be characterized as similar in nature as these activities should not generate more traffic, parking, dust, or noise in comparison to logging and wood processing plants which are permitted uses of this zone.

There will be many more debates on this zone and all resource land use designated parcels as we go forward in contemplating a permanent ordinance. In Humboldt County, they have clear differences between what is allowed for New versus Existing farms. Under existing they are allowing cultivation operations in zones like TPZ but not allowing new grows in this zone.

Trinity is part of the world's most famous cannabis production region, we've got it all — the good, the bad and the ugly. If we really wish to rid ourselves of the bad and the ugly we should embrace the good and follow the lead of Humboldt by making it our priority to get our existing cultivators compliant. This means, allowing it in ways and places we may not allow for new grows. Last year, as we came before you asking to use the Humboldt ordinance as a framework the big question was whether or not their ordinance could stand up to a legal challenge under CEQA. Humboldt chose to use the existing baseline as a premise for their regulations. Their ordinance was passed almost 11 months ago and since then they have been challenged under CEQA twice. While they have made some settlement agreements resulting in minor changes, the ordinance still stands. We are lucky to be able learn from their mistakes. The North Coast Regional Water Quality Control Board also claims to be exempt from CEQA and they encourage those with existing farms to enroll.

We are currently under an Urgency Ordinance because cannabis cultivation and activity has created an emergent situation in our environment that cannot wait for our permanent ordinance process to finish. SECTION III Finding (24) of the Urgency Ordinance (315-816) states that: "This urgency ordinance is intended to promote voluntary compliance with environmental regulations..."

We talk a great deal of protecting and maintaining our resources in regard to Timber and Mining – but what about water usage and quality? Can we agree that water is a precious and environmentally sensitive resource in Trinity County? You cannot seek licensure with the County (or the state) without enrolling in the Water Board program to ensure the protection and quality of our water. The farmers in Ag Forest who are currently being denied the ability to get a permit

are trying to be in line with the intention of our urgency ordinance as well as the intentions of MCRSA. They are existing farms, most on large parcels, and they are protecting and maintaining Trinity's water resources by voluntarily coming in to compliance.

Under Ordinance 315 Section 30.A, you, as a Commission, are required to ascertain all pertinent facts if you should choose to go the route of resolution. I compiled some I thought might be of value:

Demographics for zone AF based on spreadsheet data from the Trinity County Resource Conservation District: There are 12,226 privately owned parcels in the County. Of those, 385 are zoned Ag Forest. Those 385 properties account for over 16,500 LOT acres. For the most part these are big. 233 of them are 20 acres and over; with just 25 of them under 5 acres. 353 of these properties carry a land use designation of Resource with the remainder properties carrying Rural Residential, Agricultural and Village land use designations.

This is principally a resource land use zone, and while there is much debate, I would assert that resource land is quite suitable for agricultural uses. Resources are not just limited to timber and mining – in many areas of the General Plan's land use sections "Resources" findings and goals are tied in directly with agricultural activities alongside Timber and Mining. Here are examples from the General Plan:

Hayfork Findings - Page 25

- 3. RESOURCES Protect the resource production capabilities of the Hayfork Valley and encourage the utilization of those resources.
 - a. Agricultural activities should be encouraged whenever possible. Prime agricultural lands should be preserved for agricultural production. Efforts to control brush and create new grazing lands should be supported.

Items b. and c. of these findings for resources are timber and mining respectively.

Hyampom Findings - Page 26

3. RESOURCES - Encourage the use of the valley's agricultural land and the surrounding timber land for resource production.

North Lake Findings - Page 27

b. Existing agricultural activities should be encouraged to remain intact.

Letter a. in their RESOURCES section is timber, and it's clear by the wording that at the time the General Plan was written there was one property owner who controlled the majority of the timberlands. Regardless though, it is still followed by (b.) agriculture and (c.) mining.

Douglas City, Lewiston and Junction City - Pages 31, 32 and 34

Goal V.

To encourage the retention and utilization of resource land for timber production, agricultural uses, and mineral extraction.

Again, thank you for taking these things into consideration and for all the time and effort you volunteer for the betterment of our County.

Sincerely,

Liz McIntosh