

**TRINITY COUNTY PLANNING COMMISSION  
STAFF REPORT**

**APPLICANT:** Terry Mines

**PROPERTY OWNER:** Jill Mines and Kee Lee

**REPORT BY:** Planning Director Kim Hunter and SHN

**LOCATION:** 30661 State Highway 3 and 123, 141 and 221 Marshall Ranch Road, Douglas City (APNs 015-490-08, 09, 10 & 11)

**ZONING DISTRICT:** Highway Commercial (HC)

**GENERAL PLAN DESIGNATION:** Village (V)

**PROJECT DESCRIPTION:**

An application requesting (1) to rezone an approximately 5.5-acre project site located at 30661 State Highway 3 and 123, 141 and 221 Marshall Ranch Road, Douglas City, from the Highway Commercial (HC) zoning district to Heavy Commercial (C3) zoning district; and, (2) a Conditional Use Permit for a commercial Cannabis distribution facility. This project was previously considered by the Planning Commission at the January 10, 2019 and January 17, 2019 meetings. The California Environmental Quality Act (CEQA) Determination and rezone components of the project were considered by the Board of Supervisors upon appeal on February 20, 2019. Assessor Parcel Numbers: 015-490-08, 09, 10 & 11.

**BACKGROUND:**

For additional project information, please see the attached staff report from the February 20, 2019 Board of Supervisors meeting, which includes the staff report from the January 10, 2019 Planning Commission meeting.

At the January 17, 2019 meeting the Commission held three separate public hearings for the project. The first public hearing was held for the recommendation on the proposed CEQA determination of a Mitigated Negative Declaration and the accompanying Mitigation Monitoring and Reporting Program (MMRP). The Planning Commission recommended approval of the Mitigated Negative Declaration and MMRP by a 4:1 vote. The second public hearing was conducted on the proposed rezone of four parcels from

CH to the C3 zoning district. In a 4:1 vote the Planning Commission recommended that the Board of Supervisors deny the rezone. Because the rezone was not approved, the Planning Commission did not consider the Conditional Use Permit.

The decision of the Planning Commission was then forwarded for consideration by the Board of Supervisors at a public hearing held on February 20, 2019. After receiving public testimony, the Board directed staff to work on the CEQA Mitigated Negative Declaration pertaining to soil, traffic and smell. Concerns regarding water contamination and availability were also expressed. The proposed rezone was tabled until the Mitigated Negative Declaration returns to the Board.

This project has returned to the Planning Commission for two reasons:

1. To consider the staff responses regarding soil, traffic and smell relating to the Mitigated Negative Declaration.
2. To consider the project in its entirety. The project must be considered in its entirety with the Rezone, Conditional Use Permit and CEQA determination of a Mitigated Negative Declaration.

### **REVIEW OF SOIL, WATER, TRAFFIC, ODOR ENVIRONMENTAL IMPACTS:**

The following responses address the direction provided to staff from the Board of Supervisors to conduct additional review of the potential environmental impacts of soil contamination (Hazardous Materials), water contamination and availability (Utilities and Service Systems), traffic issues (Transportation and Traffic) and odor control (Air Quality).

#### **Hazardous Materials (Soil Contamination)**

CEQA generally does not require a public agency, in this case Trinity County, to analyze the impact existing environmental conditions might have on a project's future users or residents, according to the California Supreme Court's decision in [\*California Building Industry Association v Bay Area Air Quality Management District \(S213478, December 17, 2015\)\*](#). An agency must analyze how environmental conditions might adversely affect a project's residents or users only where the project itself might worsen existing environmental hazards in a way that will adversely affect them, or if one of the provisions of CEQA which require such an analysis for certain airport, school, and housing projects applies. As noted in the IS/MND, the proposed project would not develop residential uses and onsite users would consist of up to 10 employees.

Comments from the public during the Board of Supervisors' public hearing for the Draft Initial Study/Mitigated Negative Declaration (IS/MND) expressed concern over potential hazardous waste contamination to the project site soil and groundwater supply from a former industrial operations adjacent to the project site (but not located on the project site) that lies just east of Highway 3. As identified in the IS/MND, data from the Department of Toxic Substances Control (DTSC) EnviroStor database showed that there was

contamination identified to the east of the project site on parcel APN 015-490-17-00, for what was then Cheek Skyline Logging. An assessment of that property was conducted in May 1990 which found that there were 55-gallon drums stored incorrectly and with spillage. A removal assessment of the site was completed by the United States Environmental Protection Agency (USEPA) in 1999, who also conducted soil and groundwater sampling to determine if contamination was present. The removal assessment evaluated the former log pond at the site to determine contamination potential. Of the thirteen soil samples and four water samples collected, laboratory analysis showed that only one soil sample contained a detection of pentachlorophenol (referred to as PCP). Pentachlorophenol was commonly used in lumber milling operations as a fungicide for wood preservatives, is water soluble and degrades in the soil.

The EPA's report determined that laboratory analysis of soil samples from the site indicted that PCP contamination was not widespread at the site, and that the magnitude of contamination is below regulatory levels. The EPA's report also stated that due to the low concentrations of PCP in the sites soil and low number of detectable concentrations of PCP as well as the lack of evidence of PCP migration into the groundwater, the former lumber milling site was not significantly impacted from PCP contaminants. While the EPA report did not look at other offsite properties (such as the adjacent proposed project site), the lack of contamination to soils and groundwater led to a determination that no additional investigations were warranted by the federal government.

Following the EPA assessment, and after unsuccessful attempts to contact the property owners (Cheek Skyline Logging), the Regional Water Quality Control Board (RWQCB) named International Paper as a Potentially Responsible Party (PRP) due to that company being the previous property owner (owner prior to Cheek Skyline Logging) when lumber milling operations occurred. International Paper conducted a Site Assessment in October 2007 which determined that there were low levels of petroleum hydrocarbons detected and isolated PCP soil contamination on parcel APN 015-490-17-00. After completion of the follow-up investigations, the RWQCB determined in 2009 that based on the current land uses and the studies completed, no further investigations or cleanup was needed. However, this determination by the RWQCB was based on the property owner placing a deed restriction on the property to limit future development of the site and make future property buyers aware of the limited contamination. There is no record confirming if the restriction was completed, and the site is not officially closed and was listed as being inactive in May 2015 by the RWQCB. This proposed deed restriction has no impact on the Applicant's proposed parcels or the development of the proposed project.

Since the inactive status of the adjacent contaminated parcel in 2015, there have been no reports of contamination at that adjacent site, or other sites surrounding the project site (Applicant's parcel), and there have been no reports of contamination at the project site. The USEPA maintains a database of hazardous materials as well as radiological materials as part of its RCRAInfo database. As previously noted, the DTSC also maintains a list of hazardous substances and contaminated sites as part of its Envirostor database, as well as the SWRCB Geotracker database. Re-review of these publicly

available databases in December 2019 found no new hazardous facilities or sites have been documented to be present on the project site or surrounding areas.

In response to public comments, the Board of Supervisors required the Applicant to sample the soils on the project site to determine if the project had soil contamination. In response, two soil samples were collected from the proposed property after consultation with North Coast Laboratories, a State of California Certified Laboratory that performs laboratory analysis of soils to determine if concentrations of contaminants are present.

<b>Table 1</b>	<b>Laboratory Analytical Results North Coast Laboratories, July 26, 2019 Terrence Mines</b>		
<b>Constituent</b>	<b>Analyzed Value (mg/kg)<sup>1</sup></b>		<b>Regulatory Limit (mg/kg)</b>
	<b>Sample 1</b>	<b>Sample 2</b>	
Arsenic	2.5	12	0.067
Cadmium	3.1	6.7	390
Lead	8.5	13	80
<sup>1</sup> mg/l = milligrams per kilogram			

A sample was collected near the existing building on APN 015-490-10 and a second sample was taken on APN 015-490-09 in the undeveloped area. These soil samples were transported the soils to North Coast Laboratories. Analysis performed by North Coast Laboratories determined that neither of the soil sample contained detectable levels of Mercury, Diesel, Gasoline or Motor Oil. The laboratory results also determined that the soil samples contained measurable levels of arsenic, cadmium and lead. Refer to Table 1; copies of the laboratory analysis are attached. The levels of both Cadmium and Lead are at levels below the regulatory limits; values below the regulatory limits do not require additional action. Analysis of soil samples did show levels of Arsenic that exceeded the regulatory limits.

Regarding Arsenic, it is well known in the scientific literature that higher levels of Arsenic are known to occur throughout California, and especially related to volcanic soils and geologic formations and in sediments downstream from high arsenic concentration areas. In Trinity County, arsenic is known to occur throughout the County, and the County's Hazard Mitigation Plan identifies that there are areas in the County where groundwater has high levels of naturally occurring Arsenic. Based on previous analysis, the County Planning Staff feel that the arsenic levels in the soils are naturally occurring background levels that occur at the site and surrounding properties, and do not result from human-induced activities.

As a result of the re-evaluation of potential hazardous materials in soils at the project site, it remains clear that offsite contamination has not impacted the project site and that development of the proposed project will have a *less than significant impact* with respect to hazards from offsite soil contamination.

While there is no general requirement in CEQA that the environment's effects on a project be evaluated, CEQA does mandate that an analysis of a project's impacts consider whether the project might cause existing environmental hazards to get worse. Based on the analysis conducted in the IS/MND and supplemental information provided to staff as summarized above, the County has determined that the proposed project, if implemented, would not exacerbate an existing environmental hazard. The original findings of the IS/MND remain valid and no change to the Initial Study is warranted.

### **Utilities and Service Systems (Water Contamination and Water Availability)**

As noted in the Soils Section, above, site investigations at the former Cheek Skyline Logging/International Paper site to the east of the Applicant's project site, did not find any groundwater contamination that would pose a risk to that parcel or other adjacent parcels, including the Applicant's project site. Analysis found that groundwater contamination was not present at the offsite properties.

Regarding water supplies, the Applicant has documented the onsite water well that has available water supplies for the intended use. As described by the proposed project, water supplies needed for the use are limited to drinking, restroom and minor cleanup at the cannabis distribution facility. There are no proposals by the Applicant for extensive use of water at the project. Ultimately, water use and onsite availability are the responsibility of the Applicant; should groundwater supplies prove not to be sufficient for the intended uses of the site, the Applicant will be responsible for providing additional sources for the use.

Based on the previous documentation in the IS/MND, the Applicant has complied with the requirements showing available water supply for the proposed project. The Planning Staff opinion is, based upon the information in the record, that the proposed uses will have a *less than significant impact* on water uses.

Regarding future development of the sites in the project, it is unknown at this time what other uses may be proposed by the Applicant, or others, in the future. Therefore, no assessment of these future impacts can be determined with regard to water uses and supply. However, any future proposal for site development will require permit oversight from the County, which will evaluate those projects proposed water use needs and availability. At that time, and based on the proposals, additional water use criterion may be needed to evaluate potential impacts from future developments at the time they are proposed.

### **Transportation and Traffic (Traffic)**

The traffic analysis completed by Trinity County Department of Transportation (TCDOT) for the IS/MND evaluated the potential impacts of the proposed project (cannabis distribution and rezoning) to both Highway 3 and Marshall Ranch Road, a county maintained roadway.

As noted in the IS/MND, the proposed project would access the site from Highway 3 and the onsite gated access to Marshall Ranch Road (on the west of the project site) would remain gated and not be used as access for the site. The access point at Highway 3 and the access point at Marshall Ranch Road are both existing roads and could be used for uses at the project site. However, as proposed by the Applicant, the project would only use the access on Highway 3 for the distribution facility operations. With this condition, the TCDOT evaluated the potential impacts of the proposed project and determined that there were no issues that would trigger the need for a project specific traffic study. The traffic analysis determined that the incremental increases from the project would have no effect on the current Level of Service (LOS) for the roadway and nearby intersections (which includes the intersection of Highway 3 and Marshall Ranch Road); that no significant increases in traffic demand are expected in the future; and that the LOS is consistent with the 2040 year projections of the Regional Transportation Plan (RTP).

The IS/MND determined that the impacts associated with the development of the proposed project were less than significant with respect to traffic. Conditions have not changed since the previous evaluations were developed in October 2018. Based on the information previously provided in the Traffic Analysis and the IS/MND, County Staffs opinion remains that the proposed project would have a *less than significant impact* to transportation and traffic resources.

### **Air Quality (Odor)**

Evaluation of the proposed project in the IS/MND evaluated the potential impacts of odor from cannabis (Air Quality Section, IS/MND), and the Staff Report (January 10, 2019) provided additional analysis and evaluations of potential odor from the proposed cannabis distribution facility. As previously evaluated, cannabis odors are known to be the most significant from the cannabis flowers of live plants, as grown indoors or in open air grow sites, and from processing and manufacturing operations. The proposed project does not have any cultivation, processing or manufacturing associated with the development of the distribution facility. While it is likely that some odor will emanate from the proposed cannabis distribution facility, it is unlikely that the levels of odors will be significant.

Neither the County Cannabis Regulations related to distribution, or the California Bureau of Cannabis Control (BCC) has specific regulations or requirements for odor control at distribution facilities. Since this proposed use would not have cannabis cultivation, processing, or manufacturing (all of which are known to produce significant odors), the potential impact from odors affecting offsite properties is considered low, and County Staffs opinion is that there will be a *less than significant impact* to Air Quality, related to cannabis odors, with the implementation of the proposed project.

Odor is highly subjective for each person and what is an annoyance for one person is not an issue for another. Odor is regulated by the County as part of their nuisance regulations through Code Enforcement. Should the proposed use be developed, and odors cause significant issues, the County has the option to require the distribution facility operator to take appropriate actions to reduce or eliminate odor from leaving the property. Appropriate actions to reduce odor emissions, should they become an issue, may include

the implementation of odor reducing practices, the installation of odor reduction mechanical equipment or the equivalent, or a combination of both. The project Permittee would be responsible for future odor reduction methods, should they be determined to be required.

### **Conclusion**

Based on the discussed findings, staff is of the opinion that the original findings of the IS/MND regarding soil, water, traffic and odor remain valid and no change to the Initial Study is warranted.

Any future proposal for site development will require permit oversight from the County, which will evaluate those projects proposed use needs and impacts. At that time, and based on the proposals, additional criterion may be needed to evaluate potential impacts from future developments at the time they are proposed.

### **CONSIDERATION OF THE PROJECT IN ITS ENTIRETY:**

To effectively process the project as proposed, the application should be reviewed in its entirety and consistent with the project description contained in the CEQA Initial Study and Mitigated Negative Declaration. At the January 17, 2019 Planning Commission meeting, the public hearing for the Conditional Use Permit (CUP) did not occur and therefore no recommendation was made by the Planning Commission to the Board of Supervisors regarding this component of the application package. Subsequently, the CUP was not forwarded to the Board of Supervisors for consideration on February 20, 2019.

As a matter of due process for the applicant and development application processing procedure, the project has been referred back to the Planning Commission so a recommendation on the project in its entirety can be forwarded to the Board of Supervisors.

### **ENVIRONMENTAL REVIEW:**

The CEQA Initial Study and draft Mitigated Negative Declaration with the Errata can be found online the Planning Department website at:

<http://bit.ly/MinesRezoneCUP>

### **COMMENTS RECEIVED:**

A large volume of comments have been received from the public regarding the proposed project. Comments can be found online at:

<http://bit.ly/MinesPublicComments>

**STAFF RECOMMENDATION:**

Staff recommends that Planning Commission approve Planning Commission Resolution 2020-03 (which will be provided prior to or at the Planning Commission meeting) making the following recommendations to the Board of Supervisors:

- 1) Recommend to the Board of Supervisors that they certify the Initial Study and Mitigated Negative Declaration is consistent with the California Environmental Quality Act (“CEQA”) requirements and adopt the Mitigation Monitoring and Reporting Program (“MMRP”);
- 2) Recommend to the Board of Supervisors that Assessor Parcels 015-490-08, 09, 10 and 11 be rezoned from the Highway Commercial (HC) zoning designation to the Heavy Commercial (C-3) zoning designation as provided for in the County Zoning Ordinance 315 Section 22.5 Heavy Commercial or “C-3” District; and
- 3) Recommend to the Board of Supervisors that they approve the Conditional Use Permit for development of a Cannabis Distribution facility on APN 015-490-10, subject to the conditions of approval for that use as provided in this Staff Report and of the County’s Cannabis Ordinance.

**ATTACHMENTS:**

- 1) Planning Commission Staff Report with Appendices 1 & 2
- 2) Board of Supervisors February 20, 2019 Meeting Minutes (Excerpt)
- 3) Board of Supervisors February 20, 2019 Staff Report Coversheet
- 4) Draft Ordinance



# ATTACHMENT 1

MEETING DATE: 1/10/19    ITEM 4    APPLICATION NO. P-17-45 and CCUPD-18-001

## TRINITY COUNTY PLANNING COMMISSION STAFF REPORT

**OWNER:** Jill Mines and Kee Lee

**APPLICANT:** Terry Mines

**AGENT:** Terry Mines

**REPORT BY:** Mark Chaney  
Principal Scientist, SHN

**APN:** Trinity County 015-490-11, 015-490-09, 015-490-08, and 015-490-10

**PROPOSAL:**

The project applicant proposes to rezone four (4) parcels and then develop a cannabis distribution facility on one parcel. The proposed rezone would change the existing Highway Commercial (HC) zoning designation to Heavy Commercial (C-3) zoning designation. The applicant intends to renovate an existing building into a commercial cannabis storage and distribution facility.

**LOCATION:** 221, 141 and 123 Marshall Ranch Road and 30661 SR-3, Douglas City, California. The project site is situated approximately ¾-mile southwest of the existing SR-299 and SR-3 intersection, and is found on the Weaverville, California 7.5-minute USGS quadrangle map, Township 32 North, Range 10 West, Section 12 West, Mount Diablo Base Meridian (MDBM). A map is attached as Figure 1.

**PROJECT INFORMATION:**

- |    |                                |   |
|----|--------------------------------|---|
| A) | General Plan Designation:      | Village (V)   |
| B) | Existing Zoning:               | Highway Commercial (HC)   |
| C) | Existing Land Use:             | Commercial Building,<br>Undeveloped and Residential               |
| D) | Adjacent Land Use Information: | Rural Residential, Commercial, Industrial<br>and Heavy Commercial |

The existing land uses, zoning and general plan designations for the properties immediately adjacent to the project are shown below. A map depicting the current zoning is provided as Figure 2.

Location	Land Use	Zoning	General Plan Designation
North	Auto Dismantling	Highway Commercial (HC)	Village (V)
South	Mini-Storage, Vacant	Highway Commercial (HC)/ Rural Residential (RR)	Village (V)
East	Residential, Vacant	Rural Residential (RR2.5)	Village (V)
West	Heavy Equipment/Logging	Industrial (I)	Village (V)

## PROJECT DESCRIPTION

The project applicant proposes to rezone four (4) parcels located at, 123, 141, 30661 SR-3 and 221 Marshall Ranch Road and, Douglas City, California, parcels 015-490-08, 015-490-09, 015-490-10 and 015-490-11, respectively, and then develop a cannabis distribution facility on APN 015-490-10. The proposed rezone would change the existing Highway Commercial (HC) zoning designation for these four parcels to Heavy Commercial (C-3). The four parcels are part of a Highway Commercial and Heavy Commercial zoned area existing of eight parcels along SR-3 between Marshall Ranch Road to the west and SR-3 to the east.

The applicant intends to renovate the existing building on APN 015-490-10 into a commercial cannabis storage and distribution facility. The existing building was formerly used as a truck repair shop with interior and exterior heavy truck uses. The proposed facility is expected to employ 8-10 full time employees and an additional 8-10 seasonal employees. The existing structure would have interior and exterior developments that consist of:

- Three (3) refrigerated cannabis storage units inside of a storage cage;
- A surveillance monitoring room;
- Restroom for employees and visitors;
- Secured perimeter fencing;
- An exterior Guard Hut at the security perimeter fence;
- An existing exterior above ground fuel storage tank (AST) will hold 5,000 gallons of diesel fuel for power generation in case of emergency; and,
- Employee and Visitor parking (17 designated spaces).

The proposed distribution facility has existing access onto State Highway 3, which will be the primary access providing ingress and egress for vehicle traffic. The distribution facility is anticipated have peak truck traffic for approximately 3 months of the year (typically following cannabis harvest) which will result in a maximum of about 43 daily trip ends (a start of a trip, or end of a trip) during peak season.

The applicant proposes to provide potable water from an onsite groundwater well and sewage disposal through an onsite septic system. Additionally, there are two (2) 2,500-gallon water storage tanks currently onsite that would be used for fire water storage in compliance with the minimum standards of the Trinity County Fire Safe Ordinance 1162 (Trinity County Code Chapter 8.30). This ordinance established minimum wildfire protection standards in conjunction with building, construction and development in Trinity County and requires water delivery systems to meet or exceed the National Fire Protection Association (NFPA) Standard 1231 (now incorporated into NFPA 1142).

## **STAFF RECOMMENDATION AND FINDINGS**

Staff recommends the Planning Commission:

1. Recommend to the Board of Supervisors that they certify the Initial Study and Mitigated Negative Declaration is consistent with the California Environmental Quality Act (“CEQA”) requirements and adopt the Mitigation Monitoring and Reporting Program (“MMRP”);
2. Recommend to the Board of Supervisors that Assessor Parcels 015-490-08, 09, 10 and 11 be rezoned from the Highway Commercial (HC) zoning designation to the Heavy Commercial (C-3) zoning designation as provided for in the County Zoning Ordinance 315 Section 22.5 Heavy Commercial or “C-3” District; and,
3. Recommend to the Board of Supervisors that they approve the Conditional Use Permit for development of a Cannabis Distribution facility on APN 015-490-10, subject to the conditions of approval for that use as provided in this Staff Report and of the County’s Cannabis Ordinance.

## **PROJECT EVALUATION**

A draft Initial Study and Mitigated Negative Declaration (IS/MND) was completed for this project proposal and was made available to the public and responsible and trustee agencies for review and comment.

## **CEQA FINDINGS**

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

The resources in the project area were evaluated in the IS based on the thresholds of significance identified in the CEQA Guidelines. Those resource areas that were identified in the IS to have thresholds of significance that require Mitigation Measures to reduce significant impacts of the project to a less than significant level, and those resource areas that require specific conditions of approval as a part of the Conditional Use Permit are provided below. Full text of the IS, Thresholds of Significance and Findings are provided in the IS, attached to the Staff Report. A listing of all other Conditions of Approval are provided in the section titled “Conditions of Approval” in this Staff Report.

The following resource areas were determined to require mitigation measures to reduce impacts to a less than significant level, or conditions of approval as a part of the Conditional Use Permit.

### **Air Quality**

The following conditions of approval are recommended for inclusion into the Use Permit for the protection of air quality.

**Condition of Approval (COA#7):** Should generators be used at a future time by the Permittee, those uses would be required to be in compliance with the California Air Resources Board (CARB) requirements for the Portable Equipment Registration Program (PERP), should the generators qualify for coverage by this permitting program, or as may be required by the North Coast Unified Air Quality Management District (NCUAQMD).

### **Cultural Resources**

Development of the project requires the applicant to comply with the Mitigation Measures as identified below and as outlined on the MMRP.

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

**Mitigation Measure CR-2.** In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. when the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.

### **Geology and Soils**

The following conditions of approval are recommended to be included in the Use Permit for the protection of soils and water quality

**Condition of Approval (COA #9):** The applicant must comply with County regulations that govern the use and development of septic systems, as provided for by the Trinity County Environmental Health Department.

### **Hydrology and Water Quality**

The following conditions of approval are made for the protection of water quality; refer to Condition of Approval #9 for wastewater.

**Condition of Approval (COA #10):** Should the applicant propose to grade or disturb 1-acre or more of land, these activities must be in compliance with the State Construction General Permit, RWQCB Order No. 2009-0009-DWQ (or the equivalent at time of disturbance).

### **Mitigation Monitoring and Reporting Plan**

A Mitigation Monitoring and Reporting Plan has been prepared for the project as a result of the Initial Study, and is attached as a part of this staff report in Appendix 1.

### **RESPONSE TO COMMENTS**

As a result of the development of the Initial Study and review by the public and agencies, the County received four (4) comment letters in response. Those comment letters are included in Appendix 2. Each comment letter is numbered and contains the name of the agency or organization, or the last name of the person providing comment, such as **Comment 1-DFW**, or **Comment 16-Smith**. Each comment is bracketed and numbered sequentially for each letter (15.1, 15.2, etc.). Comments that are not directly related to the environmental issues of the project, such as commentary, opinion or grievances are not identified as a comment and are not responded to.

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

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

#### **Comment 1- Native American Heritage Commission**

**Comment 1a-** There are no mitigation measures/ conditions specifically addressing Tribal Cultural Resources separately and distinctly from Archaeological Resources. Determination of significance should be equal to that of Archaeological Resources.

**Response 1a-** The County provided notice to California tribes that are traditionally and culturally affiliated with the geographic area of the proposed project, as required under California Assembly Bill 52 ("AB 52", and commonly referred to as "AB 52 Notification") for the proposed project. As a result of this AB 52 Notification process, no responses were received from California tribes requesting consultation. Without any request for consultation or specific identification of tribal cultural issues that need to be addressed or were anticipated to have significant impacts from development of the project, no mitigation measures are required.

**Comment 1b-** The commenter noted that the definition of the “Most Likely Descendant” (MLD) process in Mitigation Measure MM CR-2 is incorrect, and provided language that clarified the requirements per Public Resources Code 5097.98 (e).

**Response 1b-** The Mitigation Measure MM CR-2 has been revised to correctly state that when the NAHC is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or their 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 their 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.

### **Comment 2- Dorothy Goodyear**

**Comment 2a-** No scientific data or reports were provided with the Draft-IS/PMND

**Response 2a-** The IS has scientific data included, as appropriate, and cites supporting documents and studies applicable to the development of the IS. The site-specific investigative reports are available upon request from the county planning department.

**Comment 2b-** A Draft-IS/PMND is faulty that states “no impact” or “less than significant impact” for industrial zoning on the Trinity River side of Hwy 3.

**Response 2b-** The commenter does not provide any specific information as to why a determination of “no impact” or “less than significant impact” in the IS is not appropriate, and no specific comment can be provided.

However, the IS did evaluate the potential impacts of the proposed project. As part of the evaluation under CEQA, each Threshold of Significance for the various resources was evaluated. Based on these evaluations, a determination of “No Impact”, “Less Than Significant Impact”, “Less Than Significant Impact with Mitigation Incorporated” or “Significant Impact” is made for each threshold. In review of the proposed project, the County made numerous determinations of “No Impact”, “Less Than Significant Impact” and “Less Than Significant Impact with Mitigation Incorporated”, all of which are documented in the IS. Based on the County’s review of the project, and in light of the request by the applicant and information available to the County, the County has made the determinations as noted in the IS and Mitigated Negative Declaration.

**Comment 2c-** The Draft-IS/PMND erroneously states Highway Commercial zoning for a RCTF parcel which is zoned RR 2.5. East of Marshall Ranch Road, on the south boundary of the Mines-Lee APN 015-490-11 is land zoned RR 2.5 and that parcel is owned by Reading’s Creek Tree Farm (RCTF).

**Response 2c-**Development of the IS utilized the current zoning information shown on the County Parcel Viewer website. That information shows the parcel in question as HC zoning. Follow-up reviews and discussions with the County Deputy Planning Director have confirmed that the County’s online data is incorrect regarding the current zoning for this parcel, and the parcel was rezoned in 1996 to Rural Residential (RR 2.5).

**Comment 2d-** The vehicle storage yard is on APN 015-490-12, not 015-490-08 as stated in the Draft IS/ PMND.

**Response 2d-** The commenter is correct, as shown on Figure 2. The “Surrounding Land Uses” statement has been revised to show this correction.

**Comment 2e-** The commenter states that there should be no industrial zoning and limited commercial uses at the project site, due to fire danger. The commenter states that parcels in this rural residential & timbered community (Marshall Ranch Road/ Reading Creek/ Trinity River) have the designation of Very High Fire Hazard Severity Zone. The commenter also opines that rezoning to Heavy Commercial (C-3) and/or issuing a ‘distribution facility’ use permit for Highway Commercial (HC) is not logical for this very high fire hazard area which is void of fire hydrants and that winds in the area can carry fire quickly as was shown in the 2017 Helena Fire

**Response 2e-** The commenter is correct that the parcels at the project site are designated as being in the Very High Fire Hazard Severity Zone (VHFHSZ), as identified by the CALFIRE Fire and Resource Assessment Program (FRAP) Fire Hazard Severity Zones in State Responsibility Areas (SRA) (Calfire 2007). However, the majority of land in Trinity County has a designation of VHFHSZ (for both SRA and non-SRA lands) including the existing residential parcels and undeveloped timbered parcels in the area surrounding the project. Fire hydrants in the County are limited to highly developed areas, and none are located in the area of the project, including existing commercial, industrial and residential developed uses.

While the fire hazard is real, the County General Plan and Community Plan have taken this fact into consideration as a part of the Trinity County General Plan Safety Element Section of the General Plan and Chapter 7- Hazards Section of the Douglas City Community Plan. In addition to these land use planning documents, the State of California has developed Fire Safe Standards (Public Resource Code Sections 4290 and 4291) which dictate development in rural areas throughout the state, and require vegetation clearing, onsite water storage requirements and other building and development standards.

The IS evaluated the potential project impacts related to fire, and determined that past land uses at the site and in the area that have cleared flammable vegetation, and with required conformance to County and State fire safe standards the project will result in impacts that are less than significant.

**Comment 3- Veronica Kelley-Albiez**

**Comment 3a-** This comment requests clarification of which parcel has applied for the CUP.

**Response 3a-** There are four parcels that have been included in the request for rezoning. The only parcel that has been designated in the current CUP application is APN-015-490-10.

**Comment 3b-** This commenter suggests the IS/MND has omitted analysis of the impact of the zoning change on the neighboring rural residential neighborhood.

**Response 3b-**The IS evaluates potential impacts of the rezone from HC to C-3 zoning in the Land Use and Planning Section. As noted in the IS, the change in zoning is not expected to have a significant difference in future uses, because the HC and C-3 zones have very similar allowable uses. Additionally, several of the uses in the HC zoning could be considered more intensive than those allowed in the C-3 zone, like the previous use of the facility as a heavy truck repair shop, a pallet manufacturing plant and Shelton Logging, all of which involved frequent heavy truck traffic. A comparison of the differences in zoning types is provided in Section 2.2 "Proposed Rezone" of the IS/MND.

**Comment 3c-** The commenter states that the zoning identified in the IS regarding an offsite parcel (APN 015-070-77) is incorrectly shown as HC and should be shown as the Rural Residential zoning.

**Response 3c-**This comment was addressed by Response 2c.

**Comment 3d-** All downward directed lighting will affect all homes.

**Response 3d-** The lighting requirements for down-directed or downcast lighting are standard conditions of approval and best-practices for preventing light trespass. Shielded, down-directed, downcast lighting places lighting where needed, and reduces light from leaving the immediate site, and reduces upward cast light that can be seen for miles distant. This requirement is for all commercial development, regardless of zoning and is the current requirement for development of HC zoned lands, as well as Industrial and C-3 zoning. Development of this project and subsequent rezoning would have no impact, and would not change the existing requirements for down-directed lighting.

The comment appears to concern the adjacent residential parcels located to the west, that are lower in elevation from the proposed project site would be impacted by lighting. While this may be true, the proposed uses do not add additional lighting to the site from those developments that could be placed on the site under existing HC zoning.

**Comment 3e-** The commenter states that the County should use their own air quality standards and that historical wind flows for Douglas City should be analyzed.

**Response 3e-** As stated in the IS, Trinity County is a part of the North Coast Air Basin, and air quality standards are under the authority of the North Coast Unified Air Quality Management District (NCUAQMD). Therefore, impacts to air quality do utilize County standards, as the County is a part of the NCUAQMD.

However, the comment appears to be referring to the anticipated odors from the proposed cannabis distribution portion of the project, and not so much with the air quality, as regulated by the NCUAQMD. Neither the NCUAQMD or the state have any requirements for odor mitigation, and leave this up to local jurisdictions to manage. Also, the County is unaware of any historical wind data for the site that would provide any meaningful evaluation of potential odors that may move off-of or onto the site. The County Cannabis Ordinance for Distribution (No. 315-828 and No. 315-834) does not provide for any required odor control measures.



The IS determined that the distribution facility is not expected to generate significant odors; this determination was made based on the fact that cannabis is transported to and from the facility in enclosed vehicles and is stored indoors in conditioned storage spaces. Cannabis odors are known to be the most significant from the cannabis flowers of live plants, as grown indoors or in open air grow sites (which are not a part of the project). The County has established setback requirements for other types of cannabis activities (such as cultivation), in part to reduce potential odor impacts to adjacent properties. While it is likely that some odor will emanate from the proposed cannabis distribution facility, expectations are that it will be very limited and during limited times of the year such as after harvest when cannabis is delivered.

Future developments that may be proposed on the other parcels rezoned to C-3 are unknown at this time, and would be subject to regulatory approval at the time of the proposed action. However, review of the types of actions that would be allowed (as outlined in the IS in Section 2.2) show that uses permitted without a use permit do not include any cannabis related activities, or any non-cannabis activities that could generate objectionable odors, such as bulk fuel storage facilities, heavy equipment shops, etc. Those uses would be subject to a Use Permit. Additionally, the County has a "Code Violation Complaint Form" that allows the public to file complaints for alleged violations of codes/permits.

**Comment 3f-** This comment is regarding the accuracy of the water well report and that the well on site has previously run dry and the previous resident requested water assistance.

**Response 3f-** The Water Well Production/Recovery Report provided by Trinity Pump & Supply provides sufficient evidence that the well is satisfactory. Ensuring that the site has adequate water supplies for operations is the responsibility of the owner and not the County.

**Comment 3g-** This comment asks to clarify if the existing residential building is part of the proposed project.

**Response 3g-** The existing residential structure is on a parcel that is proposed for rezoning from HC to C-3, however the structure is not a part of the proposed cannabis distribution facility which is located on a separate parcel as identified in the IS.

**Comment 3h-** This comment questions if the current bathroom and septic system are adequate for the proposed cannabis distribution facility project.

**Response 3h-** The applicant has provided documentation to the County stating that the current septic system is adequate and meets the requirements of a functioning Sewage Disposal System. As identified in the IS (Section VI. Geology and Soils), the applicant must comply with the condition that the septic system meets the requirements of the Trinity County Environmental Health Department. At this time, the County has determined that the proposed use is compatible with the existing septic system. Any modifications to the existing septic system, expansions or new septic systems would be subject to County requirements at the time of proposed alteration/development.

**Comment 3i-** The comment questions the adequacy of the two 2,500-gallon fire water tanks for the project, and notes that commercial projects have a higher risk of fire.

**Response 3i-** The County Fire Safe Ordinance 1162 requires buildings created and/or approved after January 1, 1992 to provide a minimum 2,500-gallon water tank. The dedicated 2,500-gallon tank system is for the purpose of water for fire suppression during a wildland fire or a fire originating from within the building. Additional fire suppression systems may be required based on the ultimate occupancy and use of the property. Review of the project by CALFIRE will determine any additional required fire suppression equipment specifications as a Condition of Approval of the Use Permit.

The applicant has proposed an additional 2,500-gallon water tank, which currently exceeds the County requirements. As noted above, additional review by CALFIRE will determine if this is sufficient, or if more water storage or other fire suppression devices are required. As a condition of approval, the permittee would be required to comply with CALFIRE's findings.

Regarding the commenters statement that commercial projects have a higher fire risk, the National Fire Protection Association (NFPA, Fires by Occupancy or Property type, March 2017) found that residential properties accounted for approximately 78% of all fires, with commercial properties (including mercantile, storage, manufacturing) accounting for about 9% of fires. Based on this data, commercial properties do not account for an increased fire risk, when compared to residential properties.

**Comment 3j-** This comment raises concerns regarding fire onsite relating to the 5,000-gallon diesel tank and that the two water storage tanks will not provide sufficient fire protection should a fire start.

**Response 3j-** The applicant is required to comply with applicable regulations and standards related to fire suppression for the site, including the existing 5,000-gallon fuel storage tank. This requirement exists now for the existing condition, and would be the same in the future with the proposed project. The use of fuel storage at the site is not a new aspect of uses on the project site; past uses have developed the existing fuel storage tank, and this project will continue to utilize the existing system, as well as comply with current fire requirements.

**Comment 3k-** This comment raises concerns regarding ambient noise increases in the residential areas surrounding the project site, and states that it is likely that project operations will occur at the back of the parcels near the residential properties.

**Response 3k-** According to the Noise Element of the General Plan (Revised June 2003) the maximum noise levels allowed from transportation noise sources are 60dB outdoors and 45dB indoors.

Based on noise produced by a semi-truck going 65 miles per hour (88dB<sup>1</sup>) on SR-3 in front of the proposed project site (which is 10 miles per hour over the posted speed limit) the outdoor noise calculated at the residence nearest to the project site is 30.2db<sup>2</sup>, which is below the maximum outdoor transportation noise standard of the General Plan. Vehicle traffic noise at the project site would be lower than this level, due to reduced speed and overall engine noise.

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<sup>1</sup> Cowan, J. Environmental Acoustics. Page 150. <http://www.nonoise.org/resource/trans/highway/spnoise.htm>

<sup>2</sup>  $I_2/I_1 = (d_1/d_2)^2$

The proposed project would utilize the existing building on the site for cannabis distribution activities, which is near the front (away from residences) of the parcel. It is unknown where future development will occur on the remainder of the parcels, but it is possible that some activities would occur closer to residential developments. Those future activities would be required to comply with the County's General Plan standards for noise production, and could be required to have site-specific noise reduction or mitigations at the time those future uses are proposed.

**Comment 3l-** This comment identifies a CUP that was approved on November 29, 2018.

**Response 3l-** This comment is unrelated to the current project.

**Comment 3m-** This comment addresses potentially missing response letters from various state agencies.

**Response 3m-** This IS/ MND was sent to the State Clearinghouse on November 2, 2018 which makes this information about the project available to state agencies, including the Department of Fish and Wildlife, Caltrans and CALFIRE. The only agency response received were from the Native American Heritage Commission and the Regional Water Quality Control Board and are addressed in this document as Comment 1 and Comment 4.

**Comment 3n-** This commenter asks if fencing will be required on project parcel as required by County Ordinance and State Law, and questions why the IS continues to refer to all the parcels around the distribution facility.

**Response 3n-** Fencing is not required for the proposed project, and there is no County Ordinance or State Law that requires fencing for a distribution project. The project applicant has proposed that security fencing be installed as part of the proposed project. The County Ordinance also requires that a security plan be developed and submitted to the Board of Supervisors for approval. This security plan may involve fencing, but fencing is not required as a condition of approval.

Regarding the project parcels, there are four parcels identified in the request for rezoning, however only one parcel is named in the CUP application, APN- 015-490-10, for use as a distribution facility. Since the proposed project entails the rezoning of four parcels, the IS must refer to all the parcels collectively. In the future, should the other parcels be proposed for development, those uses may require separate Use Permits and possibly separate discretionary approvals by Trinity County.

**Comment 3o-** The commenter states objections to the project and raises issues about code enforcement by the County, and requests that the County provide protection to neighboring residents.

**Response 3o-** The comment provides no CEQA related issues that can be addressed.

**Comment 3p-** This commenter requests that the planning department not support this project.

**Response 3p-** The job of the Planning Department is to evaluate and process the application, along with analysis of the proposed project through CEQA. The Department does not support or oppose projects. The role of the Planning Department is to act as an impartial reviewer in defining and evaluating potential land use issues, and providing recommendations to the Planning Commission. It is not the role of the Planning Department, and it does not have the authority, to approve or deny a project; that role is reserved for the Planning Commission and Board of Supervisors.

#### **Comment 4- California Regional Water Quality Control Board**

**Comment 4a-** Obtain Appropriate Permits: The commenter lists permits that may be required prior to project implementation including a Construction General Storm Water Permit, Waste Discharge Requirements (WDR) or a Conditional Waiver of WDRs, and the Water Quality Control Policy for Siting, Design, Operation and Maintenance of Onsite Wastewater Treatment Systems (OWTS) Policy.

**Response 4a-** The commenter highlights state requirements which may be used as conditions of approval (COA). The Construction General Storm Water Permit is included as COA#10. The project as proposed does not include any discharges of waste water or Onsite Wastewater Treatment (other than conventional wastewater for the existing septic system), however if the applicant wishes to modify or change the project in the future any and all changes will be subject to review and approval by the Trinity County Planning Department, prior to those changes or modifications per COA #16. 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.

**Comment 4b-** Implement Storm Water Runoff Controls: The commenter highlights the requirement of the project to employ low impact development (LID) and best management practices (BMPs) to treat and retain storm water runoff on the project site.

**Response 4b-**The commenter is correct in that LID practices should be implemented per the State water Resources Control Board's adoption of sustainability as a core value. However, as the County has not defined specific requirements for LID implementation, and the proposed project does not include disturbance of more than one acre (which would trigger the need for a Construction General Storm Water Permit), there are no specific methods for implementing or measuring LID practices required at this time.

#### **OTHER CONSIDERATIONS**

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

**Neighborhood Compatibility:** The Douglas City Community Plan (the “plan”) was adopted in 1987. The plan designated the core area of Douglas City as Village (V), which includes the areas of the post office/general store/motel area; Douglas City Elementary School; the residential areas along Riverview Road including the first mile of Steiner Flat Road; and a stretch of area south along Highway 3 (where the proposed project is located).

The Douglas City Community Plan, in its discussion under the chapter Economic Development (page 23), emphasizes the following:

- Designate an industrial area or similar employment intensive activities in the Douglas City Core Area.
- Maintain a surplus of commercially zoned acreage within the Plan Area.

The proposed project parcels are identified in the General Plan and Community Plan, as being designated for commercial or similar intensive uses. Surrounding the proposed project, land uses include Douglas City Garage, Shelton Trucking and RV Storage, an automobile yard, and AmeriGas. The parcel occupied by AmeriGas’ propane tank farm was rezoned from HC to C-3 in 1989. To the east of the proposed project there are 21.3 acres zoned for Heavy Industrial and Manufacturing which is currently occupied by Cross Construction. Historic use of the proposed project parcels includes a pallet manufacturing plant and Shelton Logging. Past and present uses of the properties in the area indicate a mix of light industrial and commercial uses, including previous rezoning of a parcel from HC to C-3 within the neighborhood (1989). Additional rezoning has occurred in the immediate vicinity of the proposed project, including the rezoning east of the project to AF-160, RR 2.5 and TPZ in 1996.

In staff’s opinion, the proposed project is compatible with the neighborhood designations, based on the current and past rezoning by the County, historical uses of the properties and the expected intensities of anticipated future uses.

**General Plan Consistency & Use Comparison:** The land around the proposed project site has had a history of rezoning since the development of the General Plan and Zoning Ordinance to accommodate a mixture of commercial, agricultural and residential needs. In 1989, a parcel to the south of the project site (APN 015-490-07) was rezoned from HC to C-3 to accommodate the uses of the current AmeriGas facility (P-89-72, Cal Gas Bulk Storage Facility). That parcel was located at that time adjacent to properties zoned as agricultural, industrial and highway commercial.

In 1996, a large (400+ acre) parcel to the west and south of the proposed project was rezoned to Agricultural Forest (AF-160), RR-2.5 and Timber Production Zone (TPZ) in 1996 as part of a large subdivision (Reading Creek Tree Farm). This 1996 rezone established rural residential zoning adjacent to HC, C-3 and Industrial (I) zoned lands. Refer to **Figure 2** for a map of the existing zoning.

In the vicinity of the proposed project, parcels between Marshall Ranch Road and Highway 3 are zoned HC, C-3 and RR 2.5. The Highway Commercial (HC) zoning designation permits; restaurants without a drive through, retail stores, hotels and motels with 10 units or less, among others, do not require a use permit. These uses are typically associated with a higher degree of consumer traffic than Heavy Commercial uses. The Trinity County Zoning Code general description of Highway Commercial zoning states:

*The purpose of the Highway Commercial Zoning District is to provide appropriate sites for the needs of recreation and business travelers. This District is intended to be applied to sites fronting*

*on State Highways or along arterial roads that provide access to major recreation destinations. Highway Commercial areas should be designed so that all or most of the needs of the traveling public can be accommodated at one stop. This Zoning District is not intended to be applied to strip commercial development along highways or arterials.*

The Heavy Commercial (C-3) zoning designation permits warehouses, commercial services, and metal fabrication shops and similar uses. These uses have a higher intensity use but a lower amount of consumer traffic than HC uses. The Trinity County Zoning Code general description of C-3 zoning states;

*The purpose of the Heavy Commercial Zoning District is to provide appropriate sites for uses which do not generally need highly visible locations and for sites for more intensive commercial uses as well.*

With a maximum building height of thirty-five (35) feet, the existing zoning designation of Highway Commercial permits a larger building mass, or general shape and size of buildings, allowing buildings of up to 3 stories. Heavy Commercial zoning has a more restrictive maximum building height limit of twenty-five (25) feet from grade. Given the uses allowed within C-3 zoning, there is reason to believe that these uses will rely on single story commercial buildings, similar to the existing building currently located on APN 015-490-10.

## **FINDINGS OF FACTS**

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

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

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

**Finding:** Evaluation of the project has determined that the rezoning of the four parcels and development of APN 015-490-10 for a cannabis distribution facility, as proposed and conditioned, and with the implementation of the mitigation measures identified in the MMRP is consistent with historical rezoning by the County of HC parcels to the C-3 designation in the project vicinity, is compatible with the other commercial uses of the surrounding area, is in compliance with CEQA, and would be consistent with the land use designations and goals of the County once rezoned from the HC to the C-3 zoning designation.

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

Finding: The project, as conditioned, will not cause detrimental effects to public health, safety, welfare or result in the creation of a public nuisance.

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

Finding: The project, as proposed, is consistent with the goals and objectives of the General Plan and the Douglas City Community Plan. The project, as conditioned, will remain in compliance with these approved plans and their goals and objectives even after the parcels are rezoned to C-3.

## RECOMMENDED CONDITIONS OF APPROVAL

The following Conditions of Approval shall be included in the Use Permit for the uses proposed by the Applicant (Terry Mines) on the parcel designated as Trinity County Assessor Parcel Number (APN) 015-490-10. The Conditions of Approval cited below, presume that the operations conducted by the Permittee shall comply with the laws and regulations of the United States, State of California and Trinity County, as applicable to the uses of this permit.

1. The Permittee shall comply with Trinity County Zoning Ord. No. 315, as are applicable for the facilities of the Permittee's use under this permit. These regulations are provided in the Trinity County Board of Supervisors Ordinances 315-828 and 315-834, and as amended.
2. Outdoor lighting shall be limited to that necessary for safety and security. All new outdoor lighting for the property shall be downcast and shielded so as to reduce light emanating off-site or into the sky.
3. The Permittee must be in compliance with all County building permit requirements, including, but not limited to structures, roads, electrical and water and sewer connections. Prior to issuance of building permits, a detailed and to scale site plan depicting the existing and proposed re-development of the site, including building envelopes or footprints, setbacks, parking and circulation shall be provided for review and approval by Trinity County. Adequate area for parking and internal circulation, as well as protection of outdoor space for individual units shall be provided.
4. In the event that previously unidentified cultural or paleontological resources are encountered during construction, grading or other site disturbance activities, there shall be no further excavation or disturbance of that area. The construction crews shall stop work or avoid the materials and their context. The County Planning Department shall be notified immediately. A qualified archaeologist shall evaluate the find to determine its historical or archaeological significance. If the find is determined to be a significant historical, paleontological or archaeological resource, the archaeologist shall make recommendations for appropriate mitigation. Work in the area shall not resume until the mitigation measures recommended by the archaeologist have been implemented.
5. In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. when the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a



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

6. The Permittee's site uses must be in compliance with State and County Fire Safe Regulations, and as directed by CALFIRE. Should CALFIRE determine that site conditions are not in compliance with the Fire Safe Regulations, the Permittee shall be required to come into compliance.
7. Should generators be used at a future time by the Permittee, those uses would be required to be in compliance with the California Air Resources Board (CARB) requirements for the Portable Equipment Registration Program (PERP), should the generators qualify for coverage by this permitting program, or as may be required by the North Coast Unified Air Quality Management District (NCAQMD).
8. The Permittee shall obtain and provide to Trinity County Planning Department a "will serve" letter or other agreement from the TPUD related to connection of electrical services at the site for uses above the 400 amps per parcel.
9. The Permittee shall ensure that the existing septic system meets the requirements of Trinity County Environmental Health Department.
10. If the Permittee grades or disturbs one (1) acre or more of land for activities associated with this permit, the Permittee is required to be in compliance with the State of California Construction General Permit, (RWQCB Order No. 2009-0009-DWQ) or the equivalent at time of disturbance, prior to the disturbance occurring.
11. The Permittee shall secure all appropriate clearances for the various structures and their uses on the property from the Building Department and Environmental Health Division. This includes provision for handicapped accessibility and sanitation facilities, if warranted.
12. This Use Permit is subject to the Permittee securing of all necessary permits for the development and eventual use of the project site for cannabis distribution activities from County, State and Federal agencies having jurisdiction over the activities at the project site, and as applicable to the Permittees uses. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit. The County shall in no-way be considered responsible for issuance or oversight of State or Federal permits/authorizations that may apply to the uses by the Permittee under this use permit. The Permittee has the sole responsibility for compliance with all requirements and regulations.
13. 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.**
14. The use and occupancy of the premises shall be established and maintained by the Permittee in conformance with the provisions of the Trinity County Code and County Zoning Ordinance, unless modified by conditions of the use permit. Additional time limits imposed on the use

permit are provided for by the Zoning Ordinance No. 315, Section 32, Subsection E, Time Limits Imposed on Use Permits.

15. This Use Permit shall be subject to modification or revocation based on the conditions set forth in the County Zoning Ordinance No. 315, Section 32, Subsection G, and as amended.
16. 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.
17. The Use Permit Application, along with supplemental exhibits and related materials and reports, and the CEQA IS/MND are considered elements of this Use Permit and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.
18. The Permittee shall comply with applicable regulations and hazardous materials plans, that when implemented sufficiently minimize potential exposure and risk from a spill of petroleum product.

**END of CONDITIONS**

## **Comments Received**

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

1. California Native American Heritage Commission
2. Dorothy Goodyear
3. Veronica Kelley-Albiez
4. North Coast Regional Water Quality Control Board
5. California State Clearinghouse

# **Appendix 1-MMRP**

Mines Rezone and CCUP

Mitigation Monitoring and Reporting Program Mines Cannabis Conditional Use Permit Distribution Use Permit CCUPD-18-001						
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance	
					Initials	Date
Remarks						
<b>Cultural Resources</b>						
<b>CR-1: Inadvertent Discovery</b> 1. If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities. A. 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)). B. 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	During ground disturbing activities	Grading and Construction	Trinity County Planning	Less Than Significant		
2. Ground disturbing activities may continue after Permittee implements archaeological recommendations provided by the qualified archaeologist, as approved by the County.	During ground disturbing activities	Grading and Construction	Trinity County Planning			
<b>CR-2: Human Remains</b> 1. Should evidence of human burial or human remains be found, all work will stop and the County Coroner shall be notified.	During excavation activities	Building excavation activities	Trinity County Coroner			
2. County Coroner will investigate remains and determine if remains are of Native American origin and will consult with approved Tribal representatives as required by law.	During excavation activities	Building excavation activities	Trinity County Coroner	Less Than Significant		
3. If remains are of Native American origin, coordination with the NAHC will be undertaken as required by law.	During excavation activities	Building excavation activities	Trinity County Coroner/ Native American Heritage Commission			
4. Work shall resume after clearance is provided by the County Coroner, NAHC and/ or the most likely descendant.	During excavation activities	Building excavation activities	Trinity County Coroner			

# **Appendix 2-Comment Letters**

Mines Rezone and CCUP

## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471



## Comment 1- Native American Heritage Commission

November 21, 2018

Leslie Hubbard  
Trinity County Department of Planning  
61 Airport Road  
Weaverville, CA 96093

Also sent via e-mail: [lhubbard@trinitycounty.org](mailto:lhubbard@trinitycounty.org)

Re: SCH# 2018112007, Mines Douglas City Rezone and Cannabis Distribution Facility Project, Community of Douglas City;  
Trinity County, California

Dear Ms. Hubbard:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration (MND) prepared for the project referenced above. The review included the Introduction and Project Description; and the Environmental Impacts and Mitigation Measures prepared by DZC Archaeological and Cultural Resource Management for the Trinity County Department of Planning. We have the following concerns:

- 1a 1. There are no mitigation measures/ conditions specifically addressing Tribal Cultural Resources separately and distinctly from Archaeological Resources. Determination of significance should be equal to that of Archaeological Resources. Mitigation measures must take Tribal Cultural Resources into consideration as required under AB-52, with or without consultation occurring. Mitigation language for archaeological resources is not always appropriate for measures specifically for handling Tribal Cultural Resources. Sample mitigation measures for Tribal Cultural Resources can be found in the CEQA guidelines at [http://opr.ca.gov/docs/Revised\\_AB\\_52\\_Technical\\_Advisory\\_March\\_2017.pdf](http://opr.ca.gov/docs/Revised_AB_52_Technical_Advisory_March_2017.pdf)
- 1b 2. The Most Likely Descendant (MLD) process in Mitigation Measure MM CR-2 is incorrect. If the NAHC cannot name a MLD, Public Resources Code 5097.98 (e) specifies that the landowner 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 subsurface disturbance. Work can only resume once the remains are removed from the discovery site or once the remains are secured *in situ* from further disturbance.

Please contact me at [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov) or call (916) 373-3714 if you have any questions.

Sincerely,

Handwritten signature of Gayle Totton in cursive.

Gayle Totton, B.S., M.A., Ph.D.  
Associate Governmental Project Analyst

Attachment

cc: State Clearinghouse

December 3, 2018 (hand-delivered to TC Planning prior to 3PM)

TO: Leslie Hubbard  
Trinity County Department of Planning  
61 Airport Road, Weaverville, CA 96093

Comment 2- Dorothy Goodyear

FROM: Dorothy Goodyear *Dorothy Goodyear*  
PO Box 309, Weaverville, CA 96093



RE: Comment on Draft Initial Study/Proposed Mitigated Negative Declaration (Draft-IS/PMND) for the Mines Douglas City Rezone and Cannabis Distribution Facility Project [Published 11/2/2018]

Dear Ms. Hubbard, Members of the TC Planning Commission and other parties:

The four parcels (APNs 015-490-08, 09, 10 and 11) are severely limited for use due to lack of water and waste disposal. Please NO rezoning of these four parcels, and seriously question all use permits except for the most passive uses (such as the previous use of a storage yard with a maintenance shop (for water and logging trucks)—there was little human presence at all times of day). From my long-term knowledge of these four parcels, water and waste have always been of issue.

2a | No scientific data or reports were provided with the Draft-IS/PMND.

2b | A Draft-IS/PMND is faulty that states “no impact” or “less than significant impact” for industrial zoning on the Trinity River side of Hwy 3.

And there is enough industrially zoned land in Douglas City.

2c | The proposed industrial zoning change is a step backward to land use prior to the Douglas City Community Plan. The Goodyears supported the Douglas City Community Plan and created rural residential parcels (2.5 acre minimum) from a portion of its property (see Goodyear Subdivision 2000). In the Goodyear Subdivision, there are parcels owned by a number of families and the Reading’s Creek Tree Farm (RCTF) owns parcels which are zoned RR 2.5 and Timber Production Zone (TPZ). The Draft-IS/PMND) erroneously states Highway Commercial zoning for a RCTF parcel which is zoned RR 2.5 (see page 3 #9).

East of Marshall Ranch Road, on the south boundary of the Mines-Lee APN 15-490-11 is land zoned RR 2.5 and that parcel is owned by Reading’s Creek Tree Farm (RCTF).

2d | The vehicle storage yard is on APN 015-490-12, not 015-490-08 as stated in the Draft-IS/PMND.

2e | NO industrial zoning and limited commercial uses, due to fire danger. Parcels in this rural residential & timbered community (Marshall Ranch Road/Reading Creek/Trinity River) have this designation: **\*Very High Fire Hazard Severity Zone\***

Rezoning to Heavy Commercial (C-3) and/or issuing a ‘distribution facility’ use permit for Highway Commercial (HC) is not logical for this very high fire hazard area which is void of fire hydrants. Winds are prevalent in the Trinity River canyon, as well as up Reading’s Creek and Weaver Creek. The Trinity River canyon winds carry fire quickly as was shown in the 2017 Helena Fire.



December 3, 2018

TO: TRINITY COUNTY, DEPARTMENT OF PLANNING, ATTN: LESLIE HUBBARD

This letter is in response to the Environmental Initial Study/Proposed Mitigated Negative Declaration

Rezone: P-17-45

**Comment 3- Veronica Kelley-Albiez**

Conditional Use Permit No.: CCUPD-18-001

Mined Douglas City Rezone and Cannabis Distribution Facility Project

To: Leslie Hubbard, Trinity County, Department of Planning, 61 Airport Road, Weaverville, CA 96093

To: Planning Commission Board, Board of Supervisors

I begin this letter with announcing my concern that residents physically connected to the project were never given any direct notice of publication or public comment period of this document. I will be detailing many concerns and what I believe to be errors in this report, I would also like to say that throughout the project details report, all four parcels are discussed as if they are part of the Distribution Facility Project. The Project Location in the very beginning simply states that it will be developed on ONE of the properties. This should be detailed information as county ordinances are very clear about where licensing and permitting will be allowed. There are many indications throughout the report that Mr. Mines will be using the existing warehouse on APN015-490-11 for the project. If that is the case, then many of the findings in this report are related to parcels that are NOT part of the project and would seem to bolster the viability of the project. The residence referred to in the report is a separate parcel.

3a

The project parcel as assumed (because you don't state which parcel has applied for the CCUPD), does NOT have access from Marshall Ranch Road gate. That would be parcel #APN015-490-09 or #APN015-490-10. Both of these are indicated in the report as possible sites for cannabis manufacturing sites. Clarification on parcel sites should be made immediately as there may be separation of parcels necessary as per County Ordinance or State Law.

3b

REZONE ISSUES: The parcels requested for rezone by Mr. Mines are considered part of core area of Douglas City as recognized in report as "a stretch of area south along Highway 3". Currently zoned Highway Commercial, these parcels are already zoned for economic growth of Douglas City, CA. The current zoning allows for the type of growth the Douglas City Community Plan intended upon implantation and creation. Your current description of parcels emphasize buildings, homes that are more than a ½ mile away and seem to omit the information that there is an active rural residential neighborhood directly behind three of the parcels requesting rezone. The current rezone request is more about spot zoning to allow a specific business type. I respectfully request a denial of a rezone.

3c

Your report lists the Tree Farm Property between residential homes and Trinity River as Highway Commercial. I have spoken with the owners and that property is zoned Rural Residential. This area was rezoned in 1996 and was told to the Planning staff directly as well as at the April Board meeting.

REPORT ISSUES: Please note that due to lack of notice from appropriate department, there may be other issues brought up at future meetings. The report has some vague information that requires more specific reporting. I raise the following issues to be further detailed with staff or Board.

I find errors or absence of information for the following areas:

3d | LIGHT POLLUTION – parcels do have residential homes to the southwest and southwest that will be directly affected by lighting as parcels are located above Marshall Ranch Road. All downward directed lighting will affect all homes.

3e | AIR QUALITY: Your report indicated that the County does not currently utilize their own standards for analyzing AQ. This has been a problem for the County during fire season. During the recent CARR Fire incident, it became apparent that the County was unable to provide AQ warnings to the public on a timely basis as they were using information from the coast. We all know the odor that is inherently attached to cannabis. There will be no way to stop odor flow as product is transferred from vehicle to warehouse and back again. There does not seem to be a report of historical wind flow in the Douglas City valley area. This would need to be considered. Using wind flows from areas outside of Trinity County are not accurate and will provide the Board with inaccurate information.

WATER/HYDROLOGY/UTILITIES:

3f | I combine these categories to properly express the issues at hand. The report indicates that there is a water well report from October 1, 2014. That time frame is considered one of our “wet” months and there could have been a good rain just before this test/report. As a neighbor to the residential home parcel, we know that all too often, the area wells are dry starting as early as June. When Lee Shelton lived in the residence, for many years, he would request water assist from Bob Albiez as his well was dry.

3g | An updated report should be considered. I personally was present during one of these requests in 2011.

3h | The report lists appropriate septic on site for residential home (one bathroom) and warehouse parcel (one ½ bath). First, is the residential part of the Distribution Center project? That is a separate parcel and should be treated as such. Second, the standards for commercial bathrooms is up to 15 employees for one unisex bathroom. The proposed plan says 8-10 regular employees, 8-10 seasonal employees and visitors. This would indicate that an additional bathroom will need to be created in the warehouse parcel. There should be a report that indicated the current septic can handle this type of additional use as well as a structural viability of current septic. If current septic on warehouse parcel would not be approved for additional usage; would the parcel have room or environmental ability to build another septic? Your report indicates that the area has already been deemed an inappropriate area for additional septic.

3i |

3j | There are no municipal services to the project site. Currently the area is only serviced by a volunteer fire department, no sewer system and no municipal water supply. Your report states that the project will have two 2500 gallon water tanks onsite for fire suppression. The warehouse parcel has homes within 520 feet and the residential parcel has homes within 350 feet. The neighborhood is surrounded by a tree farm, forest and heavy brush as indicated in your report. The standard for a volunteer fire department is 15 minutes. As a resident that has two 2500 gallon water tanks and defensible space, that would be the bare minimum for my residence. Commercial projects have a higher risk of fire. A distribution center with a high volume of vehicle/truck traffic would be above average in fire risk of vehicle fire starts. The report also indicates that a 5000 lb diesel tank will be onsite. Water is not used for fire suppression of fuel fire. The two water tanks will be useless in a fuel fire situation. 15 minutes without appropriate fire services could wipe out Douglas City and beyond.

3k |

3l |

3m | NOISE: Your report indicates that noise will be masked by highway 3 traffic. The increased traffic created by project will bring more highway noise. Project operations will probably occur on the back end of parcel towards residential homes. This will create above ambient noise in a residential area. Not acceptable.

3n | TRAFFIC/EMISSIONS: A conditional use permit was granted to a Hayfork project on Thursday, November 29, 2018. This will create a county distribution center that has access to I-5 corridor & coastal access. This center will help reduce traffic and emissions as stated in your report for Trinity County.

3o | There seem to be several missing letters from agencies that should be involved. Where is letter from Fish & Game? CalTrans? CalFire? All appropriate agencies should be notified and responses noted for report before any conditional use permits are considered.

3p | Going back to the issue of project parcel, will fencing be required on that parcel only as required by County Ordinance or State Law? Why do you keep referring to all parcels for the distribution project while also saying that the undeveloped parcels may be used for cannabis manufacturing development in the future? For licensing and permitting, it needs to be parcel specific. The surrounding parcels that offer "help" or bolster the attractiveness of the project should not be considered. Especially if they are being considered for additional cannabis projects that would not permit them to be connected to cannabis distribution center.

3q | It should also be noted that surrounding residential neighbors and commercial businesses oppose this project. These objections were relayed at the April 2018 Planning Commission Board meeting. The fire issues, no municipal services, noise & lighting nuisance, loss of real estate market value, and many other issues listed on the record indicate that the project is not supported. There are other code enforcement violations that occur on that strip fronting highway 3. It was noted by planning staff that there were violations. Yet, to date, we see no movement from your office to correct those violations. I have concerns that the Planning Department Office is sorely understaffed and unable to enforce the current cannabis ordinances passed that would provide a modicum of protection to neighboring residents.

3r | I would like to ask that the planning department NOT support this project. I oppose all recommendations to move this project forward in a rural residential neighborhood.

I would request better communication from Planning Department regarding matters that affect neighborhood.

Sincerely,



Veronica Kelley-Albiez

Marshall Ranch Road, Douglas City, CA 96024



EDMUND G. BROWN, JR.  
GOVERNOR

MATTHEW RODRIGUEZ  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

**North Coast Regional Water Quality Control Board**

**Comment 4- North Coast Regional Water Quality Board**

November 21, 2018

*Clear  
12/3/18  
E*

Governor's Office of Planning & Research

Ms. Leslie Hubbard  
Trinity County Department of Planning  
61 Airport Road  
Weaverville, CA 96093  
[lhubbard@trinitycounty.org](mailto:lhubbard@trinitycounty.org)

NOV 28 2018

STATE CLEARINGHOUSE

Dear Ms. Hubbard:

**Subject:** Comments on the Mines Douglas City Rezone and Cannabis Distribution Facility Project (Conditional Use Permit No. CCUPD-18-001) State Clearinghouse No. 2018112007

**File:** General, Counties, Trinity County

Thank you for the opportunity to comment on the Conditional Use Permit No. CCUPD-18-001 and Mitigated Negative Declaration (MND) for the Mines Douglas City Rezone and Cannabis Distribution Facility Project (Project). The North Coast Regional Water Quality Control Board (Regional Water Board) is a responsible agency with jurisdiction over the quality of ground and surface waters and protection of the beneficial uses of those waters.

The proposed Project consists of a rezone for four parcels located at 221, 141, and 123 Marshall Ranch Road and 30661 State Route 3 in Douglas City, Trinity County, and then development of a cannabis distribution facility on one parcel. The Project applicant proposes to renovate an existing building into a commercial cannabis storage and distribution facility. The proposed facility will employ 8-10 full time employees and an additional 8-10 seasonal employees. Potable water for the facility will be provided from an onsite groundwater well. Domestic wastewater from an employees and visitor restroom will be disposed of via an onsite wastewater treatment system.

We have reviewed the MND prepared for the Project and offer the following comments:

DAVID M. NOHLN, CHAIR | MATTHIAS ST. JOHN, EXECUTIVE OFFICER

5550 Skylene Blvd., Suite A, Santa Rosa, CA 95403 | [www.waterboards.ca.gov/northcoast](http://www.waterboards.ca.gov/northcoast)



### **A. Obtain Appropriate Permits**

The Project applicant must obtain the appropriate Regional Water Board permits prior to project implementation to ensure adequate protection of waters within the Trinity River Watershed. Permits which may be required are discussed in more detail below.

*Construction General Storm Water Permit:* Land disturbances on projects of one acre or more require coverage under the construction general storm water permit. If the land disturbance will be one acre or more, the owner of the property will need to apply for coverage under this permit prior to the commencement of activities on-site. This permit requires the preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) that identifies BMPs to implement and maintain in order to minimize pollutant discharges from a construction site. The permit also requires a risk level analysis for the project based on erosion risk and sensitivity of the receiving waters, inspections of construction sites before and after storm events, and every 24 hours during extended storm events, storm event monitoring, and electronic document and data submittal. The permit requires the use of Low Impact Development to treat post-construction storm water runoff from impervious surfaces. Owners may find the permit at:

[https://www.waterboards.ca.gov/water\\_issues/programs/stormwater/construction.shtml](https://www.waterboards.ca.gov/water_issues/programs/stormwater/construction.shtml).

*Waste Discharge Requirements (WDRs) or a Conditional Waiver of WDRs:* Under authority of the Water Code, the Regional Water Board may issue WDRs for any project which discharges or threatens to discharge waste to waters of the State. Projects that may impact waters of the State (including discharges of wastewater and recycled wastewater) require permitting by the Regional Water Board. An application for WDRs may be printed from the State Water Resources Control Board website at:

[https://www.waterboards.ca.gov/publications\\_forms/forms/docs/form200.pdf](https://www.waterboards.ca.gov/publications_forms/forms/docs/form200.pdf).

*Onsite Wastewater Treatment Systems:* The State Water Resources Control Board (State Water Board) adopted the *Water Quality Control Policy for Siting, Design, Operation, and Maintenance of Onsite Wastewater Treatment Systems* (OWTS Policy) on June 19, 2002. The OWTS Policy establishes a statewide, risk-based, tiered approach for the regulation and management of onsite wastewater treatment system (OWTS) installations and sets the level of performance and protection expected from OWTS. In addition to implementing their own local codes and ordinances, local agencies may approve new and replacement OWTS in accordance with Tier 1 of the OWTS Policy or Tier 2, if the local agency has an approved Local Agency Management Program. Trinity County is currently authorized to approve only new and replacement OWTS that comply with Tier 1 standards.

The OWTS Policy can be downloaded at the State Water Board website at:

[https://www.waterboards.ca.gov/water\\_issues/programs/owts/docs/owts\\_policy.pdf](https://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf)

**B. Implement Storm Water Runoff Controls**

The Project must employ low impact development (LID) and best management practices (BMPs) to treat and retain (infiltrate, capture, evaporate and store) storm water runoff on the project site. References for LID resources are available upon request.

LID is a development site design strategy with a goal of maintaining or reproducing the pre-development hydrologic system using design techniques to create a functionally equivalent hydrologic setting. LID emphasizes conservation and the use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely reflect pre-development hydrologic functions. Hydrologic functions of storage, infiltration, and ground water recharge, as well as the volume and frequency of discharges, are maintained using integrated and distributed storm water retention and detention areas, reduction of impervious surfaces, and the lengthening of flow paths and runoff time. LID seeks to mimic the pre-development site hydrology through infiltration, interception, reuse, and evapotranspiration. LID requires that the storm water runoff volume from small storms be retained onsite.

Other LID strategies include the preservation and protection of environmentally sensitive site features such as riparian buffers, wetlands, steep slopes, valuable trees, flood plains, woodlands, native vegetation and permeable soils. Natural vegetation and soil filters storm water runoff and reduces the volume and pollutant loads of runoff. Other benefits from LID implementation include reducing global warming impacts from new development (preserving carbon sequestering in native soils and retaining native vegetation), increasing water supply (by encouraging ground water recharge) and reducing energy consumption.

LID requires the use of landscape-based BMPs that filter storm water runoff using vegetation and amended soil prior to infiltration. Examples of these types of BMPs are rain gardens and vegetated swales. LID BMPs need to be sized to treat the storm water runoff from all impervious surfaces (e.g. roads, roofs, walkways, patios) using the following sizing criteria:

1. The volume of runoff produced from the 85<sup>th</sup> percentile of 24-hour rainfall event, as determined from the local historical rainfall record; or
2. The volume of runoff produced by the 85<sup>th</sup> percentile 24-hour rainfall event, determined using the maximized capture storm water volume for the area, from the formula recommended in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, p. 170-178 (1998); or
3. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80 percent or more volume treatment by the method recommended in California Storm Water Best Management Practices Handbook-Industrial/Commercial (1993).

4b

BMPs to prevent erosion and the release of sediment or hazardous materials during construction activities should be included in the subsequent environmental review documents to prevent sediment and other pollutants from reaching surface waters or leaving the site in storm water runoff. These can include scheduling grading to take place during the dry season, identifying staging areas for work vehicles that are separated from sensitive areas, training employees in procedures for cleaning up spills of hazardous materials, and erosion and sediment control techniques.

For questions, please contact:


Storm Water: Heaven Moore, (707) 570-3761 or

[Heaven.Moore@waterboards.ca.gov](mailto:Heaven.Moore@waterboards.ca.gov)

Waste Discharge Requirements: Roy O'Connor, (707) 576-2670 or

[Roy.O'Connor@waterboards.ca.gov](mailto:Roy.O'Connor@waterboards.ca.gov)

Sincerely,

  
Digitally signed  
by Charles Reed  
Date: 2018.11.21  
14:43:27 -08'00'  
Water Boards

Charles Reed, P.E.

Senior Water Resource Control Engineer

(B) (2) JWB, m2, Mines Douglas City (rezoning and Cannabis Use Facility)

cc: Kristalynne Anderson, Environmental Health Director  
[kanderson@trinitycounty.org](mailto:kanderson@trinitycounty.org)  
State Clearinghouse, PO Box 3044, Sacramento, CA 95812  
Re: SCH No. 2018112007



EDMUND G. BROWN JR.  
GOVERNOR

STATE OF CALIFORNIA  
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH



KEN ALEX  
DIRECTOR

December 4, 2018

**Comment 5- California State Clearinghouse**

Leslie Hubbard  
Trinity County  
61 Airport Rd  
Weaverville, CA 96093

Subject: Mines Douglas City Rezone and Cannabis Distribution Facility Project  
SCH#: 2018112007

Dear Leslie Hubbard:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on December 3, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures

cc: Resources Agency



## ATTACHMENT 2

Ayes: Brown, Chadwick, Fenley, Groves, Morris

### Trinity County Transportation Commission

**2.14** Approved the following appointments to the Social Service Transportation Advisory Council (SSTAC) for three year terms expiring December 31, 2021, as recommended by the Department of Transportation:

Amanda Huber to the position of Social Service Provider for Disabled with Lee Lupton as the alternate;

Sheri White to the position of Social Service Provider for Persons of Limited Means with Angel Morton as the alternate; and

Darby Strong to the position of Senior Social Service Provider with Helen Stone as the alternate.

**Motion:** Keith Groves **Second:** Bobbi Chadwick **Carried**

Ayes: Brown, Chadwick, Fenley, Groves, Morris

## 10:00 AM Public Hearings

### Planning and Zoning

**3.1** Conducted a public hearing and considered taking the following actions concerning Planning File P-17-45 (Mines) regarding APN's 015-490-08, 015-490-09, 015-490-10, and 015-490-11, in the Douglas City area:

1. Adopt a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program ("MMRP"), finding that on the basis of the whole record before the Board, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that a mitigated Negative Declaration reflects the Board's independent judgment and analysis (Planning Commission Recommendation: Approval); and

2. Introduce, waive the reading of and enact an ordinance amending Trinity County Zoning Ordinance (Ordinance No. 315) by rezoning APN Assessor Parcels 015-490-08, 09, 10 and 11 from the Highway Commercial (HC) zoning designation to the Heavy Commercial (C-3) zoning designation as provided for in Chapter 17.22A of the Trinity County Code, Heavy Commercial or "C-3" District. (Planning Commission Recommendation: Denial)

Received comments from County Administrative Officer Richard Kuhns, Deputy County Counsel Joe Larmour, Director of Transportation and Planning Rick Tippett, and SHN Consultant Bruce Grove.

Adoption of a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program ("MMRP"), finding that on the basis of the whole record before the Board, including the initial study and comments received, that there is no

substantial evidence that the project will have a significant effect on the environment and that a mitigated Negative Declaration reflects the Board's independent judgment and analysis failed due to the passing of the subsequent motion.

**Motion:** John Fenley    **Second:** Judy Morris    **Failed due to passing of subsequent motion**

Directed staff to work on the environmental document pertaining to soil, traffic and smell.

Received comments from Gail Goodyear, Veronica Kelly-Albiez via video held by Marlena Listek, Dave Albiez, Michael Snyder, Tom Ballanco, Justin Hawkins, Jed Medina, Dan Davoudian, member of the public and Liam Gogan.

**Motion:** Keith Groves    **Second:** John Fenley    **Carried**  
Ayes: Chadwick, Fenley, Groves  
Nays: Brown, Morris

Tabled the introduction, waiving the reading of and enactment of an ordinance amending Trinity County Zoning Ordinance (Ordinance No. 315) by rezoning APN Assessor Parcels 015-490-08, 09, 10 and 11 from the Highway Commercial (HC) zoning designation to the Heavy Commercial (C-3) zoning designation as provided for in Chapter 17.22A of the Trinity County Code, Heavy Commercial or "C-3" District until the Mitigated Negative Declaration comes back to the Board of Supervisors.

Received comments from Dave Albiez, Justin Hawkins, Liam Grogan, Sam Brinkley, Kelly Elliott, Deputy County Counsel Joe Larmour, Kay Graves, Dan Davoudian, Adrian Keys, Lisa Wright, Lisa Barrow, Gail Goodyear and a member of the public.

**Motion:** John Fenley    **Second:** Bobbi Chadwick    **Carried**  
Ayes: Brown, Chadwick, Fenley, Groves, Morris

## Reports/Announcements

- 4.1
- I. Received reports from Director of Transportation Rick Tippett and Deputy County Counsel Joe Larmour.
  - II. Received a report from County Administrative Officer Richard Kuhns.
  - III. Received reports from Members of the Board of Supervisors.
  - IV. Received reports from the following Ad Hoc Committees:
    1. California State Cannabis Legislation - disbanded and combined with Commercial Cannabis Ordinance Amendments.
    2. Commercial Cannabis Ordinance Amendments
    3. Federal Lands Legislation
    4. Retail Cannabis Ordinance

**ATTACHMENT 3****TRINITY COUNTY**  
Item Report 3.1

Meeting Date: 2/20/2019

Department:  
Planning and ZoningContact:  
Rick Tippett, Director of PlanningPhone:  
(530) 623-1365

3.1 Public Hearing: Mines Rezone P-17-45

**Requested Action:**

Conduct a public hearing to consider taking the following actions concerning Planning File P-17-45 (Mines) regarding APN's 015-490-08, 015-490-09, 015-490-10, and 015-490-11, in the Douglas City area:

1. Adopt a Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program ("MMRP"), finding that on the basis of the whole record before the Board, including the initial study and comments received, that there is no substantial evidence that the project will have a significant effect on the environment and that a mitigated Negative Declaration reflects the Board's independent judgment and analysis; and  
Planning Commission Recommendation: Approval
2. Introduce, waive the reading of and enact an ordinance amending Trinity County Zoning Ordinance (Ordinance No. 315) by rezoning APN Assessor Parcels 015-490-08, 09, 10 and 11 from the Highway Commercial (HC) zoning designation to the Heavy Commercial (C-3) zoning designation as provided for in Chapter 17.22A of the Trinity County Code, Heavy Commercial or "C-3" District  
Planning Commission Recommendation: Denial

**Fiscal Impact:**

Unknown fiscal impact.

**Summary:**

The project applicant proposes to rezone four parcels in Douglas City, along Hwy 3, south of Hwy 299 with the intent to develop a commercial cannabis distribution facility on one parcel. The proposed rezone would change the existing Highway Commercial (HC) zoning designation to Heavy Commercial (C-3). The applicant then intends to renovate an existing building into a commercial cannabis storage and distribution facility. Discussion concerning the project can be found in the attached Planning Commission Staff Report.

**Discussion:**

On January 17, 2019, a public hearing was held at a meeting of the Trinity County Planning Commission to consider the project. Video of the meeting could be found at;

<https://www.youtube.com/watch?v=0Fu67VXzXwU>

The project includes rezoning four parcels in the Douglas City area from Highway Commercial to Heavy Commercial zoning and developing a commercial cannabis distribution facility on one parcel. The project requires completion of an Initial Study and Mitigated Negative Declaration consistent with the California Environmental Quality Act and preparation of a Conditional Use Permit.

Staff provided the following recommendations to the Planning Commission:

1. Recommend to the Board of Supervisors that they certify the Initial Study and Mitigated Negative Declaration is consistent with the California Environmental Quality Act ("CEQA") requirements and adopt the Mitigation Monitoring and Reporting Program ("MMRP");
2. Recommend to the Board of Supervisors that Assessor Parcels 015-490-08, 09, 10 and 11 be rezoned from the Highway Commercial (HC) zoning designation to the Heavy Commercial (C-3) zoning designation as provided for in the County Zoning Ordinance 315 Section 22.5 Heavy Commercial or "C-3" District; and,
3. Recommend to the Board of Supervisors that they approve the Conditional Use Permit for development of a Cannabis Distribution facility on APN 015-490-10, subject to the conditions of approval for that use as provided in this Staff Report and of the County's Cannabis Ordinance.

During the January 17 Planning Commission meeting, Commissioners conducted a public hearing to consider the attached CEQA document first and in a 4:1 vote recommended that the Board of Supervisors certify the Initial Study and Mitigated Negative Declaration as consistent with the California Environmental Quality Act including the findings stated in the attached Planning Department Staff Report.

Public comment was received questioning details of the CEQA document. An Errata (Exhibit D) addresses these question, and revises a mitigation to match comments received by a State Agency after Planning Commission action. There are no revisions of any significance that were created changing the outcome of the project.

The Planning Commission then conducted a public hearing to consider the rezone of four parcels from HC to C-3 and in a 4:1 vote recommended that the Board of Supervisors deny the rezone based on the finding that the rezone would be injurious to the public.

Because the rezone was not approved, the Planning Commission did not consider the Conditional Use Permit.

Chapter 17.35.050 of Trinity County Code outlines the process of recommendations of the Planning Commission, stating that "After the conclusion of the planning commission hearing, the planning commission shall recommend approval or denial of the application for an amendment to the general plan or zoning ordinance, including findings in support of its recommendations to the board of supervisors."

**Alternatives Including Financial Implications:**

1. Accept the Planning Commission's recommendations in full.
2. Deny the Planning Commission's recommendation to certify the CEQA Document and direct Staff to revise.

**Departmental Recommendation:**

The Planning Commission recommended approval of the Proposed Mitigated Negative Declaration, but denial of the Rezone, at its meeting held on January 17, 2019.

While the Department is respectful of the Planning Commission's recommendation, Staff is tasked to evaluate the project based on the assessment performed by the environmental document and physical site conditions of the project. Its evaluation seeks to determine the physical issues that present themselves during studies of the site and makes a recommendation based on consistence with the facts that are presented. The review is limited to what is determined and further by evaluation of comments received by the public outline potential project deficiencies. If no CEQA related deficiencies are identified, Staff must recommend the requested action regardless of community rejection as Staff must look strictly on the merits of the project and leave the evaluation of community concerns to the political body.

Staff recommends approving requested action.

**ATTACHMENTS:**

Description

[Planning Department Staff Report](#)

[Proposed Mitigated Neagtive Declaration](#)

[List of References & Supporting Documentation](#)

[Planning Commission Public Comments through 1-16-19](#)

[Public Comment Received Prior to Posting - Part 1](#)

[Public Comment Received Prior to Posting - Part 2](#)

[Public Comment Received Prior to Posting - Part 3](#)

[Public Comment Received Prior to Posting - Part 4](#)

[Public Comment - documents received prior to posting agenda - Part 5](#)

[Exhibit D - Errata](#)

[Public Comment - documents received during the meeting](#)

[Amendment to Zoning Ordinance\\_Mines](#)

# ATTACHMENT 4

ORDINANCE NO. 315-

AN ORDINANCE OF THE BOARD OF SUPERVISORS  
OF THE COUNTY OF TRINITY  
AMENDING THE ZONING ORDINANCE NO. 315-  
Mines, P-17-45

The Board of Supervisors of the County of Trinity, State of California, ordains as follows:

**SECTION 1.** That portion of real property situated in the County of Trinity, State of California, located on the west side of State Highway 3 (30661 State Highway 3), and east of County Road No. 220, Marshall Ranch Road (123 Marshall Ranch Road, 141 Marshall Ranch Road, 221 Marshall Ranch Road), Douglas City, being APNs: 015-490-08, 015-490-09, 015-490-10, and 015-490-11

PARCEL A: Parcel No. 1 as shown on the Parcel Map for James S. Macy in Section 12, Township 32 North, Range 10 West, M.D.B.&M., filed for record in the office of the County Recorder of Trinity County, California on April 14, 1983 in book 15 of Maps and Surveys page 71.

PARCEL B: Parcel No. 2 as shown on the Parcel Map for James S. Macy in Section 12, Township 32 North, Range 10 West, M.D.B.&M., filed for record in the office of the County Recorder of Trinity County, California on April 14, 1983 in book 15 of Maps and Surveys page 71.

PARCEL C: Parcel No. 3 as shown on the Parcel Map for James S. Macy in Section 12, Township 32 North, Range 10 West, M.D.B.&M., filed for record in the office of the County Recorder of Trinity County, California on April 14, 1983 in book 15 of Maps and Surveys page 71.

PARCEL D:

Tract No. 1

Parcel No. 4 as shown on the Parcel Map for James S. Macy in Section 12, Township 32 North, Range 10 West, M.D.B.&M., filed for record in the office of the County Recorder of Trinity County, California on April 14, 1983 in book 15 of Maps and Surveys page 71.

Tract No. 2

All that portion of Section 12, Township 32 North, Range 10 West, M.D.B.&M, according to the official plat thereof, described as follows:

Commencing at the center of said Section 12, a rock marked M in a rock mount (now a B.L.M. Monument); thence

Along the Westerly line of Parcels 1 and 2 of book 13 Maps and Surveys page 116, North 1°52'12" West 210.90 feet to the Point of Beginning, thence

Continuing North 1°52'12" West 130.67 feet to a point on the Easterly line on the Smith Flat Placer Mining Claim, thence

Along said line South 21°57'20" West 140.99 feet; thence

North 89°50' East 56.98 feet to the Point of Beginning.

Pursuant to Lot Line Adjustment #P 86-22.

Is heretofore, zoned and classified as "Highway Commercial (HC)" District, be and the same hereby is rezoned and reclassified as "Heavy Commercial (C-3)".

**SECTION 2:** This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published with the names of the member of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity, State of California.

Introduced, passed and enacted on this \_\_\_\_\_ day of \_\_\_\_\_, 2020 by the Board of Supervisors, of the County of Trinity by motion, second (/), and the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:  
RECUSE:

\_\_\_\_\_  
, CHAIRMAN  
Board of Supervisors  
County of Trinity  
State of California

ATTEST:

RICHARD KUHNS, Psy.D  
Clerk to the Board of Supervisors

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

APPROVED AS TO FORM AND LEGAL EFFECT:

\_\_\_\_\_  
Margaret Long, County Counsel