

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

PROJECT TITLE: Patton Commercial Cannabis Conditional Use Permit and Variance

APPLICANT: Rodney Patton

PROPERTY OWNER: Rodney Patton

REPORT BY: Interim Planning Director Lisa Lozier and SHN

LOCATION: 341 Rattlesnake Rd, Peanut, CA 96041 & 140 State Highway 3, Peanut CA 96041 (APNs 019-750-013 & 019-750-017)

GENERAL PLAN DESIGNATION: Agriculture (A)

ZONING DISTRICT: Agricultural 20-acre minimum (A20)

SITE CHARACTERISTICS:

The project consists of two adjacent 40-acre parcels located in the unincorporated community of Peanut, in Trinity County (see Att. 3 - Location Map). The proposed project is located on a 40-acre parcel (APN 019-750-013). The physical address of APN 019-750-013 is 341 Rattlesnake Rd, Peanut, CA 96041; latitude and longitude of the proposed cultivation area on APN 019-750-13-00 is 40.465600°, -123.171400°. The existing Small Outdoor Garden is located on a second, adjacent and connected, 40-acre parcel (APN 019-750-017). The physical address of APN 019-750-017 is 140 State Route 3, Peanut, CA 96041; latitude and longitude of the Small Outdoor Garden is 40.465079°, -123.165522°. APN 019-750-013 is accessed from Rattlesnake Road (county-maintained), which is accessed from SR 3 (see Att. 3 - Location Map and Att. 4 - Project Aerial). APN 019-750-017 is accessed directly from State Route (SR) 3. Both parcels have a General Plan designation of Agricultural (A) and a zoning designation of Agriculture 20 Acre Minimum (A20).

APN 019-750-017 is being included as part of the project site due to Trinity County's 50-acre limit for a Type 3 "Medium Outdoor" license. The two adjacent and joining 40-acre parcels combine for 80 acres of total land, which qualifies the proposed project location for the 1-acre Medium Outdoor commercial cannabis cultivation license.

APN 019-750-013 consists of a variety of woodlands, riparian vegetation, and non-native grasslands. Slopes on the parcel range from 15-45% on the hillside and 0-5% in the flat, grassy area. Salt Creek flows north along the eastern property line from the southeastern corner of the property before exiting through a culvert under Philpot Creek Road. The land encompassing the proposed project area is in a small valley floor surrounded on the south and west by hillsides and to the east by Salt Creek. The proposed project location was previously disturbed by past property owners, who used the area for agricultural purposes, including the raising of livestock, such as cows, chickens, pigs, and horses. The proposed project premises encompasses a portion of the existing disturbed area that was occupied by the historic agriculture uses. The proposed project area is an estimated 100,120 square feet of the previously disturbed area of the parcel.

APN 019-750-017 has similar vegetation cover but is dominated more heavily by conifer forests and woodlands, as well as riparian vegetation. Slopes on the property range from 0-20% on the flatter areas below the hillside, and 40-60% on the hillsides themselves. A Class II stream (unnamed) flows through the northwest corner of the parcel before draining into Salt Creek. SR 3 bisects the 40-acre parcel in a north to south direction, near the western edge of the shared parcel boundary with APN 019-750-013, parallel to Salt Creek. A residential dwelling, and auxiliary buildings are sited behind a commercial grade vehicle gate. One of the auxiliary structures serves as record keeping facilities for the Transport Only license. To the west are hillsides with an existing 10,000 square foot commercial cannabis cultivation site. The existing commercial cannabis cultivation operation is fully licensed with both Trinity County and the State of California. Furthermore, the site has been registered/licensed with the California Department of Water Resources, California Fish & Wildlife, Trinity County and the Department of Cannabis Control (DCC). The licensed operation has passed all agency inspections.

Surrounding land uses include rural residences, cannabis cultivation, agricultural activities, and United States Forest Service land. The nearest residence is 525 feet away from the outdoor cultivation premises and 355 feet from the indoor operation of the commercial nursery (see Att. 4 – Project Aerial). The Proposed Project is applying for a Use Permit and Variance concurrently. The size, general plan designation, and zoning for the properties immediately adjacent to the project site are listed below in Table 1 (see Att. 5 – Zoning Map and Att. 6 – General Plan Designation Map).

Table 1: General Information about Adjacent Parcels

APN	Size (acres)	General Plan Designation	Zoning District
019-750-015 (West)	45	(A) Agricultural	Agricultural 20-acre minimum (A20)
019-750-014 (North West)	40	(A) Agricultural	Agricultural 20-acre minimum (A20)
019-750-011 (North)	2.8	(A) Agricultural	Agricultural 10-acre minimum (A10)

APN	Size (acres)	General Plan Designation	Zoning District
019-750-010 (North)	2.3	(A) Agricultural	Agricultural 10-acre minimum (A10)
019-750-009 (North)	6.6	(A) Agricultural	Agricultural 10-acre minimum (A10)
019-750-021 (North)	8.9	(A) Agricultural	Agricultural 10-acre minimum (A10)
019-750-028 (East)	239.1	(RE) Resource	Agricultural Forest 80-acre minimum (AF80)
019-750-014 (South)	40.5	(RE) Resource	Agricultural 20-acre minimum (A20)
019-750-016 (South)	19.8	(A) Agricultural	Agricultural 20-acre minimum (A20)

PROJECT DESCRIPTION:

The purpose of this project is to expand upon existing commercial cannabis activities, as well as adding additional commercial cannabis activities, the total of which includes the following:

1. Expand existing Type 2 “Small Outdoor” commercial cannabis cultivation license, into a Type 3 “Medium Outdoor” commercial cannabis license, allowing for up to 43,560 square feet of mature canopy cultivation;
2. Application for a Type 4 commercial “Nursery” license;
3. Convert an existing Type 13 “Transport-Only” license, into a Type 11 Distribution license for up to 500 square feet; and

The project proponent is applying for three licenses for the commercial cannabis cultivation, commercial nursery, and distribution, which requires a Conditional Use Permit per the County Cannabis Ordinance.

The applicant is concurrently applying for a Variance from the 500-foot property line setback required by the County Cannabis Ordinance to allow the proposed cultivation activities to be setback 100 feet from the property line. With approval of the Variance, the nearest residences would be 380 feet away from the outdoor cultivation premises and 355 feet from the indoor operation of the commercial nursery.

Project Components

The components of the proposed project are described below:

1. Cultivation: APN 019-750-017 is currently licensed and cultivating approximately 7,851 square feet of commercial cannabis. The current cultivation area is located on the crest of a hill (see Att. 4 – Project Aerial and Att. 7 – Project Site Plan). The applicant proposes subtracting this existing cultivation total from the 43,560 square

feet permitted under a Type 3 “Medium Outdoor” License. A majority of new cultivation and infrastructure is proposed on APN 109-750-013, a relatively flat, currently vacant parcel. This includes approximately 35,709 square feet of cultivation of mature/flowering cannabis canopy in an outdoor setting (see Att. 7 – Project Site Plan). The combined total of cultivation of mature/flowering cannabis canopy on both parcels would be up to 43,560 square feet.

The proposed project includes on-site composting of cannabis waste and/or self-hauling to a facility that accepts cannabis waste. Cannabis plant residues will be composted on-site in a secure compost area as shown on the site map to the southeast of the cultivation area. (see Att. 7 – Project Site Plans).

2. Commercial Nursery: The applicant proposes a 6,000 square foot commercial cannabis nursery that will operate with the intent to sell immature cannabis plants, seeds, and auxiliary sales to licensed cultivators and distributors (see Att. 7 – Project Site Plans).
3. Distribution: Convert an existing Type 13 “Transport-Only” license, into a Type 11 Distribution license for up to 500 square feet. (see Att. 7 – Project Site Plans).
4. Other improvements for cannabis activity: Additional structures and improvements that are proposed by the project include the following on APN 019-750-013 (see Att. 7 – Project Site Plan):
 - Up to 10,000 square foot Multi-Use Building, including
 - A shared employee area of 1,500 square feet which will include employee break rooms, bathrooms, and a general office,
 - Cannabis Post Harvest Area of 8,000 square feet,
 - Off-stream rainwater catchment and storage pond up to one-half (0.5) of an acre in size
 - Up to 120 square foot shed for the storage of petroleum products
 - Up to 120 square foot shed for the storage of chemicals and fertilizers
 - Up to 400 square foot of cannabis waste area
 - Up to three (3) acres of vegetative screening
 - Up to 100,000 gallons of water storage in rigid water tanks
 - Up to 5,000 gallons of water storage for fire suppression
 - Up to 1-acre of rocked parking and roads
 - Up to 1-acre of asphalt parking and roads
 - Proposed groundwater well(s)
 - An internal access road, connecting Rattlesnake Road, would be built according to the Handbook for Forest, Ranch, and Rural Roads (Road Handbook, 2015)
 - Proposed gate

Number of Employees

It is estimated that there would be 31 total employees for the project, 25 on APN 019-750-013 and 6 on APN 019-750-017. Employees are anticipated to live nearby, in the greater Hayfork community.

Site Access

The subject properties vehicle access is an existing encroachment from SR 3, which is the main access road in the area. The proposed driveway, from Rattlesnake Road, for APN 019-750-013, is planned to be surfaced with rock and maintained in compliance with California Code of Regulations Title 14, Division 1.5, Chapter 7, Subchapter 2, Article 2 Emergency Access and Egress 1273.02 Roadway Surfaces.

Water Availability

At full buildout, the proposed project is estimated to use 529,887 gallons of water per year. Water for the proposed project will be obtained from a groundwater well and rainwater capture. Water storage will include 100,000 gallons of hard tank storage and a ½-acre (21,780 square feet) rainwater catchment pond. The pond will store water from the proposed rainwater catchment system (~16,000 square feet of building roof coverage) and groundwater well for use in the dry season to mitigate the impact of withdrawing groundwater during the summer months. The water stored in the pond will be used to fill the hard storage tanks, which will be used directly to supply irrigation water.

Average annual rainfall on the project site is approximately 42.7 inches over the last 10 years. In an average rainfall year, it is estimated up to 347,136 gallons of rainwater can be harvested annually from the rainwater catchment systems on the proposed nursery and multi-use buildings (~16,000 square feet of building roof coverage). In the lowest rainfall year (2013), it is estimated that approximately 124,704 gallons of rainwater could be harvested annually. In an average rainfall year, it is estimated that the proposed pond can collect approximately 472,000 gallons of rainwater. In the lowest rainfall year (2013), it is estimated that 169,754 gallons of rainwater could be collected. Totalling all sources of rainwater capture, it is estimated that between 294,000 to 819,000 gallons can be collected on site annually. During an average rainfall year, the onsite rainwater capture would significantly exceed the water required for the proposed cannabis activities. Even in the lowest rainfall year, the onsite rainwater capture would allow for several months of forbearance from groundwater withdrawals during the dry season. Additionally, water conservation measures proposed by the project would include drip irrigation, watering during the evening, smart watering techniques, times and volume drip emitters, and straw mulch cover on soil.

Tree Maintenance

The project does not propose any timber harvest activities since most of the site has been previously cleared as a result of past agricultural practices. Oak trees, currently existing on the properties, are located on parcel borders, providing natural screening from passing vehicles and will be maintained.

STAFF/AGENCY COMMENTS:

Project referrals were sent out to the various County departments and applicable government agencies. A summary of the comments received are contained in Table 2 below.

Table 2: Summary of Staff/Agency Comments

Department/Agency	Comment	Comments Addressed?
County Assessor's Office	No comments received.	NA
County Department of Transportation (DOT)	No comments received.	NA
County Building Department	No comments received.	NA
County Environmental Health Department	The existing well must be tested. Both project parcels must have a finalized septic permit. Appropriate wastewater disposal, composting, and hazardous materials business plans must be developed and approved by the relevant agencies.	Addressed in the Conditions of Approval
CalTrans – District 2	An encroachment permit will need to be obtained for commercial use.	Addressed in the Conditions of Approval
CALFIRE	No comments received.	NA
CDFW	No comments received.	NA
Department of Cannabis Control (DCC)	No comments received.	NA
State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW)	No comments received.	NA
NCRWQCB	No comments received.	NA
NCUAQMD	No comments received.	NA
Fire District: Hayfork Volunteer Fire Department	No comments received.	NA
Trinity County Waterworks District	No comments received.	NA
Code Compliance/Cannabis Division	No comments received.	NA
Trinity Public Utilities District (TPUD)	No comments received.	NA
Cal Cannabis (CDFA)	No comments received.	NA
Manufacturing Cannabis Safety Branch (CDPH)	No comments received.	NA
Nor-Rel-Muk Nation	A request for consultation pursuant to AB 52. No response was received.	NA
Redding Rancheria	A request for consultation pursuant to AB 52. No response was received.	NA
Wintu Tribe	A request for consultation pursuant to AB 52. No response was received.	NA
Round Valley Reservation/Covelo Indian	A request for consultation pursuant to AB 52. No response was received.	NA
Tsnungwe	A request for consultation pursuant to AB 52. No response was received.	NA

Department/Agency	Comment	Comments Addressed?
Hoopa Valley Tribe	A request for consultation pursuant to AB 52. No response was received.	NA
Native American Heritage Commission	A request for consultation pursuant to AB 52. No response was received.	NA

As indicated in Table 2, the department/agency comments received for the project were addressed through conditions of approval, mitigation measures, or clarification of existing policies and programs required by the Trinity County Cannabis Ordinance and its EIR.

PUBLIC COMMENTS RECEIVED:

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

California Department of Fish and Wildlife (CDFW): Regional Manager Tina Bartlett of the CDFW Northern Region wrote a comment letter to the County (dated 12/7/21) with comments on the CEQA IS/MND that was prepared for the proposed project. The comments provided by CDFW and the responses from County staff are provided below:

1. Biological Resource Assessment (BRA): The methods described in generating a list of potential threatened, endangered, and sensitive species that may be impacted by the Project was created, in part, using the California Natural Diversity Database (CNDDDB) “*out to 1, 5, and 10 miles from the property center.*” A map was generated showing the CNDDDB occurrences of special status species potentially present within 10 miles of the subject property, but the list produced to suggest what species needed further evaluations was limited to a one-mile radius around the subject parcel(s). The CNDDDB is a positive occurrence database and does not predict where something may be found. There are many areas of the state where no surveys have been conducted and therefore there is nothing on the map. That does not mean that there are no special status species present. In order to provide an adequate assessment of special status species potentially occurring within the Project vicinity, the Department recommends the initial search area for CNDDDB occurrences include the United States Geological Survey (USGS) 7.5-minute topographic quadrangle where the Project is located and all adjoining 7.5-minute topographic quadrangles. The MND does not discuss why areas beyond a 1-mile radius from the Project may have been intentionally excluded from the list for further evaluation

Response to Comment 1: As recommended by CDFW, a 9-quad search on the CNDDDB system was completed by the applicant’s consultant and additional

species were identified in the 9-quad area than were previously noted in the Biological Resources Assessment (BRA). The results of the 9-quad search are attached to the BRA, which is Appendix B to the revised CEQA IS/MND. The IS/MND was revised to discuss the results of the 9-quad search and concludes that for the additional species identified that have potential habitat at the project site, it is expected that potential impacts would be reduced to less than significant through the implementation of the mitigation measures required for the project and compliance with existing regulatory requirements (for example, County Cannabis Ordinance, SWRCB Cannabis General Order, etc.).

2. Foothill Yellow-Legged Frog/ Western Pond Turtle: The BRA states that because there is “*no creek in the construction area*”, there will be no impacts on species of special concern, such as foothill yellow-legged frog (*Rana boylei*) and western pond turtle (*Emys marmorata*). The Department does not concur with these findings.

Both of these species have historic CNDDDB detections on the subject parcel and habitat for both species exists in and around Salt Creek. The life history account for western pond turtle accessed through the Department’s website explains that during the spring or early summer near perennial streams such as Salt Creek, female pond turtles move overland for up to 100 meters (325 feet) to find suitable nesting sites. Nests may be dug in various soil types. Other long-distance movements may be in response to drying of local bodies of water or other factors. Due to construction activities occurring less than 300 feet from Salt Creek, the Department recommends that a qualified biologist, familiar with pond turtle, be present in the construction areas when there is a high probability pond turtle is present (spring and summer). Additionally, western pond turtle exhibits high site fidelity. If found, and relocated to the stream corridor, the likelihood of the pond turtle coming back into the construction zone is high.

Although foothill yellow-legged frog is considered a stream dwelling species, a study from Mendocino County found migration distances ranging from 16 meters to 331 meters from the nearest stream, with an average distance of 71.3 meters (234 feet) (Cook). This report suggests that this species may use upland habitat far more than previously known and are therefore at risk to both direct and indirect impacts from this Project. The Department recommends a qualified biologist conduct pre-construction surveys prior to any ground disturbing activities occurring within 300 feet of Salt Creek and relocate any frogs that may be present within the construction area.

The Department recommends the MND include mitigation measures to protect both of these species of special concern during ground disturbing activities within their respective migration zones.

Response to Comment 2: The applicant is required to comply with Sections 17.43G.030.D and 17.43G.030.E of the County Cannabis Ordinance (No. 315-849), which address special-status amphibians and pond turtles, respectively. These sections require pre-construction surveys to be conducted by a qualified

biologist 24 hours before new development activities. If special-status amphibians or pond turtles are located, injury or mortality to these individuals will be avoided by modifying project design, installation of exclusionary fencing, or relocating animals in consultation with CDFW. If special-status amphibians or pond turtles are not detected during the pre-construction survey, further mitigation is not required. The Environmental Impact Report (EIR) prepared for the County's Cannabis Ordinance (DEIR, pgs. 3.4-44 to 3.4-47) determined that the implementation of these measures would reduce impacts to special-status amphibians and pond turtles to a less than significant level. The requirement to conduct pre-construction surveys for special-amphibians and pond turtles per the requirements of the County Cannabis Ordinance, has been included as a condition of approval for the project.

3. Essential Fish Habitat/Chinook/Steelhead: The BRA states: *There are no creeks or tributary creeks that flow into any critical habitat streams or rivers for anadromous [sic] ocean dwelling fish, as the closest creek-Salt Creek flows into Hayfork Creek but has impoundments on its downstream descent that disallow anadromous [sic] fish from entering its waters.* The Department would like to clarify that the entirety of the Hayfork Creek watershed, including Salt Creek, is considered Chinook salmon Essential Fish Habitat (EFH Mapper). Salt Creek has the ability to support Chinook salmon and steelhead trout with no known barriers to anadromy. The Project may not impact salmonid habitat directly, however there could be indirect impacts from the Project both from initial construction as well as on-going Project related activities. Less permeable surfaces and an increase in traffic may deliver additional runoff and potential pollution towards the stream, but the MND does not analyze the impacts from increased runoff towards the stream. The MND relies on the applicant's enrollment with the State Water Resources Control Board Cannabis General Order to minimize potential stormwater runoff and water quality impacts. Enrollment in that General Order does not ensure local oversight or the ability for the Lead Agency to ensure mitigation compliance should the Project cause water quality impacts to this salmonid-bearing stream. A large volume of water is planned to be stored on the parcel in a rain-catchment pond, which may overtop in a storm with unknown consequences. Knowing where storm water will deliver sediment and other pollutants is an important part of project planning. The Department recommends that a condition of approval require vegetated swales or detention basins between the Project footprint and Salt Creek to alleviate potential impacts to water quality.

Response to Comment 3: The IS/MND has been revised to remove any statements referring to the absence of essential fish habitat within the project area.

Since the project will disturb one or more acres of land surface, the applicant will be required to obtain coverage under the general permit for storm water associated with construction activity (construction general permit [CGP], 2009-0009-DWQ). The CGP requires the development of a Storm Water Pollution Prevention Plan (SWPPP) by a certified Qualified SWPPP Developer (QSD) and

incorporation of BMPs for construction, including site housekeeping practices, erosion control, inspections, maintenance, and worker training in pollution prevention measures. Additionally, Chapter 15.24 of the County Code of Ordinances restricts mass grading activities and requires permitting and protection of water quality for any activity that would handle 800 cubic yards or greater of material or grades a surface area of 20,000 square feet or greater. Adherence to the SWRCB CGP and County grading requirements would ensure construction of the proposed project will not result in substantial degradation of surface water quality.

Pursuant to 3 CCR § 8102 and Sections 17.43.020.D and 17.43.030.A.13 of the County Cannabis Ordinance, the applicant will be required to provide evidence of enrollment and compliance with the SWRCB Cannabis General Order, or any subsequent water quality standards, to the California Department of Cannabis Control (DCC) and Trinity County. These requirements of the General Order include plans that address site erosion and sediment control, disturbed areas stabilization, nitrogen management, implementation of best practical treatment or control (BPTC) measures, site closure procedures, and monitoring and reporting requirements. In addition, the Order contains requirements for land development maintenance, erosion control, drainage features, stream crossing installation and maintenance, soil disposal and spoils management, and roadway design and maintenance. As discussed in the IS/MND prepared for the project (pgs. 21-22 and 86-87), stormwater runoff from the proposed impervious surfaces will be minimized through the capture of rainwater from the proposed mixed-use and nursery buildings (~16,000 square feet of roof coverage), which will be directed to the rainwater catchment pond. As discussed on pg. 87 of the IS/MND, measures to control stormwater runoff will include sediment basins, berms, and infiltration ditches. Prior to issuance of the building and/or grading permits for the project, the applicant will be required to submit documentation demonstrating compliance with the SWRCB Cannabis General Order including a Site Management Plan, grading details prepared by a qualified professional, and the location of all water quality control features for the site and associated access roads. The County will annually inspect compliance with these measures. As concluded in the IS/MND prepared for the project, compliance with the requirements of the Cannabis General Order will minimize the potential stormwater runoff and water quality impacts from the proposed cannabis operation.

5. Mitigation Measure BIO-1 Nesting Bird Surveys: The Department agrees with the inclusion of bird nesting surveys if vegetation removal activities cannot occur outside the bird nesting season. In order to avoid impacts to ground nesting birds, the Department requests the inclusion of “other ground-disturbance activities associated with construction” within this requirement for pre-construction surveys if work occurs between February 1 and August 31. Please submit the results of the pre-construction surveys (including additional botanical or wildlife pre-construction surveys) electronically to the Department at R1CEQARedding@wildlife.ca.gov.

Response to Comment 4: As recommended by CDFW, Mitigation Measure BIO-1 has been revised to state: “If vegetation removal or other ground disturbing activities associated with construction cannot occur outside the bird nesting season (generally February 1 – August 31), a qualified biologist will conduct nesting bird surveys within the area of impact and establish a protective buffer for any active nests found.”

6. Lake and Streambed Alteration Notification: If there is additional construction or disturbance to Salt Creek or its associated riparian vegetation, a Lake and Streambed Alteration Agreement will be necessary. For any activity that will divert or obstruct the natural flow, or change the bed, channel, or bank (which includes associated riparian resources) of a river or stream, or use material from a streambed, the Department will require a Lake and Streambed Alteration (LSA) Notification, pursuant to Section 1600 et seq. of the Fish and Game Code, from the applicant. Project activities, which would be subject to LSA Notification requirements, include construction of stormwater features that discharge on or over the streambank and modification of associated riparian resources growing on the bank. Issuance of an LSA Agreement is subject to CEQA. The Department, as a responsible agency under CEQA, will consider the CEQA document for the Project. The CEQA document should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for completion of the agreement. To obtain information about the LSA notification process or access the Online Permitting Portal (EPIMS), please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>.

Response to Comment 5: As discussed in several sections of the CEQA document prepared for the project, all of the development proposed by the project is located outside of the watercourses and associated riparian habitat existing at the project site. Additionally, the project would comply with the setback requirements in the SWRCB Cannabis General Order, including a 150-foot buffer from Class I streams and a 50-foot buffer from the Class III streams. Considering that the proposed rainwater catchment pond is over 600 feet away from the closest section of Salt Creek and the land in-between is relatively flat, it is not anticipated that the pond would discharge stormwater on or over the streambank for Salt Creek. However, if additional construction or disturbance to Salt Creek or its associated riparian vegetation is proposed by the applicant in the future, they may need to obtain an LSA from CDFW.

Department of Cannabis Control (DCC): Licensing Program Manager Lindsay Rains of DCC wrote a comment letter to the County (dated 12/3/21) with comments on the CEQA IS/MND that was prepared for the proposed project. The comments provided by CDFW and the responses from County staff are provided below:

1. Project Phasing: The IS/MND would be strengthened if it clarified how and/or whether corresponding operations would vary across phases of the project (variations in the number of employees hired, vehicle trips, equipment usage,

and/or requirements for physical resources [e.g., water, energy]). DCC assumes that the IS/MND evaluates Proposed Project operations and maintenance activities as they are anticipated at full buildout (e.g., when all project phases have been completed). The IS/MND would be improved if the County clearly confirmed (or clarified) this assumption.

Response to Comment 1: The IS/MND was amended to clarify that the analysis in the document analyzes the full project buildout (see pg. 15).

2. Evaluation of Cumulative Impacts: It is important for CEQA analysis to consider the cumulative impacts of cannabis cultivation in Trinity County. Of particular importance are topics for which the impacts of individual projects may be less than significant, but where individual projects may contribute to a significant cumulative impact. These topics include:

- Impacts of groundwater diversions on the health of the underlying aquifer, including impacts on other users and impacts on stream-related resources connected to the aquifer;
- Impacts related to noise;
- Impacts related to transportation; and
- Impacts related to air quality and objectionable odors.

The IS/MND should acknowledge and analyze the cumulative impacts of other cannabis cultivation projects being processed by the County, and any other reasonably foreseeable projects in Trinity County that could contribute to cumulative impacts similar to those of the Proposed Project.

Response to Comment 2: The CEQA IS/MND has been revised to include additional discussion related to cumulative impacts and the specific topics noted in the comment above (pgs. 124-128).

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

Response to Comment 3: County staff will advise the applicant to include all project-specific documents to the DCC in their state application package for any annual cannabis business license(s) to DCC.

4. Other Public Agencies Requiring Approval: The IS/MND would be improved if it listed all agencies whose approval would be required for the Proposed Project, including the Department of Cannabis Control. In addition, the document would be more informative if it listed what type of permit is required from each agency. This

would include one or more cultivation licenses and a distribution license from DCC, and a Lake and Streambed Alteration Agreement from California Department of Fish and Wildlife, or a statement that one is not required.

Response to Comment 4: Although this comment does not relate to the adequacy of the analysis in the IS/MND, the document has been revised to provide a list of permits required for the project. Additionally, a statement has been included noting that the project was designed to avoid CDFW jurisdictional areas (pg. 5).

5. Regulatory Requirements: Please take note that commercial cannabis regulation and licensing previously under the California Department of Food and Agriculture, the Manufactured Cannabis Safety Branch, and the Bureau of Cannabis Control have been consolidated into a new agency, the California Department of Cannabis Control. This IS/MND and all future Trinity County documents related to cannabis regulation and licensing should reflect this change.

Response to Comment 5: Noted.

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

Response to Comment 6: The IS/MND was amended to clarify that the analysis evaluates the proposed project development including operations and maintenance activities as they are anticipated at full buildout (e.g., when all project phases have been completed.) (pgs. 8 and 15).

7. Development Activities: The document would be more informative if it described the types and/or species of vegetation that would be removed for the development of the pond.

Response to Comment 7: The IS/MND was amended to include the types and/or species of vegetation that would be removed for the development of the pond (pgs. 14 and 46).

8. Aesthetics: The document would be improved if it specified whether the section of State Route 3 on which the Proposed Project is located is an eligible State Scenic Highway. If so, the document should include an analysis of whether the Proposed Project would substantially damage the scenic resources within that area.

Response to Comment 8: The IS/MND was amended to clarify that the section of State Highway 3 on which the proposed project is located is an eligible State Scenic Highway and that no scenic resources are present within the proposed development area (pg. 30).

9. Aesthetics: IS/MND would be strengthened if it referenced DCC's requirements that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare. The document could cite DCC's requirements that all outdoor lighting for security purposes must be shielded and downward facing. (Cal. Code Regs., tit. 4 §§ 16304(a)(6), 16304(a)(7)). Then, the document should describe how the Proposed Project would comply with these policies and regulations.

Response to Comment 9: The IS/MND was revised to note that no artificial lighting would be used for the mixed-light cultivation since it would occur with the use of blackout tarps (i.e., light deprivation). The IS/MND was also revised to note that all outdoor lighting would be downcast, shielded, and/or screened (pgs. 30-31).

10. Air Quality: The document would be improved if it described the relative location and distance of the residences to the Proposed Project. In addition, the IS/MND states on page 16 that the Proposed Project has requested a variance that would reduce the required setbacks from 500 feet to 100 feet. The document would be more informative if it provided an analysis of whether and/or how the reduced setbacks would impact sensitive receptors.

Response to Comment 10: The IS/MND was revised to include additional discussion related to the proximity of nearby residences and additional analysis related to the potential impacts of the proposed variance (pgs. 42-44 and 127-128).

11. Air Quality: The document would be strengthened if it described the preventative measures to reduce odors that are built into the project design.

Response to Comment 11: The IS/MND was amended to include a description of the carbon filtration technology that will be built into project design as an odor control measure (pgs. 43-44).

12. Air Quality: The IS/MND would be strengthened if it provided an analysis of cumulative impacts to air quality as a result of multiple cannabis projects within the area.

Response to Comment 12: The IS/MND was revised to include additional discussion related to potential cumulative air quality impacts (pgs. 126-128).

13. Biological Resources: The document would be improved if the mitigation measure specified how often the pond should be drained (e.g., annually; every two years).

Response to Comment 13: Mitigation Measure BIO-2 in the IS/MND was revised to specify that the pond will be drained a minimum of every two years (pgs. 54 and 129).

14. Hazards and Hazardous Waste: Please note that the cultivation regulations cited in the text have been updated as part of the State consolidation of cannabis licensing agencies. The emergency regulations can be found at California Code of Regulations, title 4, section 15000 et seq.

Response to Comment 14: The IS/MND was amended to reflect these changes (pg. 74).

15. Hydrology and Water Quality: Page 15 of the IS/MND states that the Proposed Project is located in a Critical Water Resource Overlay Zone ("CWR Zone"), which is defined in county regulations as "an area where development may have a detrimental impact on water resources such as those resulting from extractions of ground and/or surface waters, which would be beyond the capability of the resource, or by contamination of ground or surface waters." The document would be improved if it provided an analysis of how this designation may affect the analysis of the Proposed Project's impacts on water quality and water supply. The analysis should include a discussion of cumulative impacts.

Response to Comment 15: The IS/MND has been revised to include a more thorough discussion of the CWR Zone designation (pgs. 86-87) and cumulative impacts related to groundwater supply (pgs. 124-125).

16. Evaluation of Environmental Impacts: Page 42 of the IS/MND states that there are up to 10 additional cannabis cultivation projects within a quarter of a mile of the Proposed Project. The document would be strengthened if it provided an analysis of how the location and size of the Proposed Project would limit its potential to make a considerable contribution to cumulative impacts. (See GC 2.)

Response to Comment 16: The CEQA IS/MND has been revised to include additional discussion related to cumulative impacts and the specific topics noted in comment 2 from DCC (pgs. 124-128).

17. Mandatory Findings of Significance: The document would be improved if it provided an analysis of cumulative impacts of the Proposed Project on water supply.

Response to Comment 17: The IS/MND has been revised to include a more thorough discussion of cumulative impacts related to groundwater supply (pgs. 124-125).

State Water Resources Control Board, Division of Drinking Water (SWRCBDDW): Environmental Scientist, Lori Schmitz of SWRCBDDW wrote a comment letter to the County (dated 11/19/21) with comments on the CEQA IS/MND that was prepared for the proposed project. The comments provided by CDFW and the responses from County staff are provided below:

1. Potable Water: DDW regulates public water systems in Trinity County. “Public water system” means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following: (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system, (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system, (3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption, (Health and Safety Code, Division 104, Part 12, Chapter 4, Article 1, Section 116275 [h]). The Project proposes 31 employees will work at the site and that an employee break room, bathroom, and an office are proposed, which should all be supplied with potable water. Groundwater wells are also proposed. Please clarify if the domestic potable water system for the proposed project will meet the definition of a public water system. If so:
 - Please describe the proposed drinking water source.
 - Please describe all proposed drinking water infrastructure (wells, storage tanks, treatment, etc.) that will be installed and the capacity of the components.
 - Please include on a map, the domestic water system components to be installed

CCR Title 22, Division 4, Chapter 14, Article 1, Section 64001 requires a public water system apply for a permit. CCR Title 22, Division 4, Chapter 16, Article 3, Section 64560 requires that for any well that will serve a public water system the well designs and specifications shall be submitted to DDW for review and site approval. If a new public water system will be formed, applicable documents should be submitted to the District office.

California regulations require separation of water service lines and domestic supply wells from leach fields and other sources of potential contamination. Projects that install multiple public services may require alternatives to California Waterworks Standards (CWS). If the Project will include implementing an alternative (CCR section 64551.0) to CWS, please include such plans in the CEQA document as part of the Project analysis.

If it is determined the Project will be a new public water system, once the MND is adopted, please forward the following items in support of the water system’s permit application to the State Water Board, Klamath District Office:

- Copy of the draft and final MND and the Mitigation Monitoring and Reporting Plan (MMRP);
- Copy of any comment letters received and the lead agency responses, as appropriate;
- Copy of the Resolution or Board Minutes adopting the MND and MMRP;

- Copy of the stamped Notice of Determination filed at the Trinity County Clerk's Office and the Governor's Office of Planning and Research, State Clearinghouse.

Response to Comment 1: It is the responsibility of the applicant to coordinate with the SWRCB to determine if the water system proposed for the project meets the definition of a public water system and if a water system permit is required. From the description of the project and the definition of a public water system provided above, it appears that a water system permit may be required. A condition of approval has been included for the project requiring the applicant to coordinate with the SWRCB on this issue.

The County Environmental Health Department will be responsible for ensuring that the proposed water system meets the setback requirements from the proposed onsite wastewater treatment system. If it is determined that the applicant must obtain a water system permit from the SWRCB, the County Planning Department will provide the requested CEQA documentation to the SWRCB.

GENERAL PLAN CONSISTENCY:

The project site has been designated Agriculture ("A") in the County General Plan. As discussed in the General Plan Land Use Element, "A" designated areas are intended to be preserved for agricultural production and should have a minimum parcel size of 10 acres for normal agricultural use. Single-family, rural housing and associated structures necessary to adequately run an agricultural operation are consistent with this designation. The County General Plan did not specifically anticipate commercial cannabis cultivation when the "A" designation was adopted. However, when the County adopted its Cannabis Ordinance, it determined that several General Plan designations and zoning districts were appropriate for commercial cannabis activities. The "A" designation was determined to be an appropriate location for the existing cannabis activities at the site (i.e., cultivation and distribution – "Transport Only") and the activities proposed in this application (i.e., cultivation, commercial nursery, and distribution). Additionally, the proposed accessory structures are consistent with the "A" designation as they are appurtenant to the proposed agricultural activity. Therefore, the proposed cannabis operation is found to be consistent with the General Plan.

COUNTY CODE COMPLIANCE:

Both the County General Plan and County Code did not specifically anticipate development of commercial cannabis activities when they were prepared and adopted. In response to California State Law that allows commercial cannabis activities under permitted and controlled conditions, Trinity County developed County-specific ordinances to regulate commercial cannabis cultivation, testing, nurseries, manufacturing, distribution, microbusiness, events, and sales within the County. Based on the uses proposed by the applicant, the following sections of the County Code would apply to the project:

- Chapter 17.43 – Commercial Cannabis Cultivation Regulations
- Chapter 17.43A – Wholesale Cannabis Nurseries and Resale of Auxiliary Nursery Products
- Chapter 17.43B – Distribution Regulations for Commercial Cannabis

These regulations are referred to, collectively, in this section as the “Cannabis Ordinance.”

The project site is located in the Agricultural 20-acre minimum (A20) zoning district, which is contained in Chapter 17.13 of the County Code. Per Section 17.13.020, the A zoning district principally permits agricultural uses including crop and tree farming, livestock farming, dairies, animal husbandry, aviaries, and a single-family dwelling. With a use permit additional agricultural uses are allowed including frog and poultry farms, commercial hog and turkey raising, cattle feed yards, animal sales yards, and agricultural processing plants. The proposed project consists of developing cannabis-related agricultural activities. Therefore, the project is considered consistent with the purpose and intent of the A20 zoning district. As discussed below, the proposed cannabis uses are consistent with the uses allowed by the County Cannabis Ordinance in the A zoning district.

As described above, APN 019-750-017 has an existing Small Cultivation license and a Distribution Type 13 license. Per Sections 17.43 (Commercial Cannabis Cultivation Regulations), 17.43A (Wholesale Cannabis Nurseries and Resale of Auxiliary Nursery Products), and 17.43B (Distribution Regulations for Commercial Cannabis) of the County Cannabis Ordinance, these are allowable cannabis uses in the Agricultural (A) zoning district.

Per Section 17.43.040 of the County Cannabis Ordinance, to be eligible for a Type 3 cultivation license, the applicant must have already obtained a commercial cultivation license, be applying for property that is fifty acres or more and apply for and obtain a Conditional Use Permit. This Conditional Use Permit application is for a property that meets the requirements of the ordinance making it eligible for a Type 3 commercial cultivation license.

Per Section 17.43A.020 of the County Cannabis Ordinance, to be eligible for a Type 4 (Wholesale Cannabis Nurseries and Resale of Auxiliary Nursery Products) license, the applicant must be applying for property that is located within an allowable zoning district and apply for and obtain a Conditional Use Permit. This Conditional Use Permit application is for a property that is appropriately zoned Agricultural (A), making the property eligible for a Type 4 wholesale nursery license.

Per Section 17.43B.020 of the County Cannabis Ordinance, to be eligible for a Type 11 (Distribution) license, the applicant must be applying for property that is located within an allowable zoning district and apply for and obtain a Conditional Use Permit. This

Conditional Use Permit application is for a property that is appropriately zoned Agricultural (A), making the property eligible for a Type 11 distribution license.

Table 3 compares the design of the proposed project (i.e., structures for cannabis activities and accessory structures) to the applicable development standards in the County Code (see Chapter 17.13 – Agricultural Zoning District and Section 17.30.090 – Off-street parking requirements).

Table 3: Summary of County Code Compliance

County Code Development Standard	County Code Requirement	Proposed by Project	Compliant with County Code?
Minimum Lot Area	0.5 acres*	40 acres	Yes
Minimum Lot Depth	300 feet	>300 feet	Yes
Minimum Lot Width	100 feet	>100 feet	Yes
Maximum Lot Coverage	25% of total lot area	<10%	Yes
Minimum Front Yard	20 feet	>20 feet	Yes
Minimum Side Yard	20 feet	>20 feet	Yes
Minimum Rear Yard	20 feet	>20 feet	Yes
Maximum Building Height	40 feet	<40 feet	Yes
Off-Street Parking	No specific standards applicable to the proposed cannabis activities	Sufficient for the proposed number of employees	NA

*Although the project site is zoned for a 20-acre minimum parcel size (A20), the minimum parcel size specified in the Agricultural zoning district is 0.5 acres.

As illustrated on the Project Site Plans (see Att. 7) and noted in Table 3, the proposed project has been mostly designed to be consistent with the development standards in the County Code. The proposed project is concurrently applying for a Variance from Trinity County Code 17.43.050.A.8. to reduce the property line setback from 500 ft to 100 ft.

ENVIRONMENTAL REVIEW:

Since the project is subject to discretionary review by the County Planning Commission (i.e., Use Permit), a California Environmental Quality Act (CEQA) determination must be adopted as part of the approval. Due the site conditions and characteristics, such as those involving biological resources and cultural resources, the project does not qualify for an exemption under CEQA. As such, an Initial Study-Mitigated Negative Declaration (IS/MND) has been prepared and is proposed for adoption pursuant to the CEQA Guidelines. The IS/MND identifies mitigation for impacts related to air quality, biological resources, cultural resources, and hydrology/water quality. The potential impacts that require mitigation are related to short-term construction and long-term operation of the proposed project.

As required by CEQA Guidelines Section 15073(d), the CEQA document prepared for the project was sent to the State Clearinghouse (SCH#: 2021110119) and was circulated for review from 11/8/2021 to 12/7/2021. As required by CEQA Guidelines Section 15072(a), a 'Notice of Availability' was provided to the public, responsible agencies, and trustee agencies, and the County Clerk. As previously stated, comments were received from the California Department of Fish and Wildlife (CDFW), Department of Cannabis Control (DCC), and the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW) on the IS/MND. See a summary of the comments received and responses from County staff in the section on Public Comments above. Additionally, the applicant and their consultant provided some revisions to the IS/MND to clarify the project proposal. Based on the comments received and the information provided by the applicant and their consultant, revisions were made to the IS/MND to clarify the information in the IS/MND and/or provide minor corrections or edits to the text. The revisions to the IS/MND do not identify new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Where revisions consist of added or modified text, that text is underlined (example text), while deleted text is struck out (~~example text~~).

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

The current cannabis use permit application for this project was submitted to the County in January 2018. During the processing of this application, the County adopted an Amended Cannabis Program Ordinance and a corresponding Environmental Impact Report (EIR) (SCH#: 2018122049) on 12/28/20. The EIR contains numerous mitigation measures that were also incorporated into the County's Amended Cannabis Program Ordinance as enforceable regulations. These regulations are primarily performance standards and will be required, where applicable, as conditions of approval for the proposed project. This will ensure that the project is consistent with the requirements of the County's Cannabis Ordinance and do not change any of the significance determinations in the CEQA IS/MND prepared for the proposed project.

FINDINGS OF FACT

Conditional Use Permit Findings

Trinity County Code Section 17.32.010 states the following:

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

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

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

Finding: As required by the County's Cannabis Ordinance, the applicant is applying for a Conditional Use Permit for the expansion of an existing Type 2 "Small Outdoor" commercial cannabis cultivation license into a Type 3 "Medium Outdoor" commercial cannabis license, application for a Type 4 commercial "Nursery" license, and conversion of an existing Type 13 "Transport-Only" license into a Type 11 Distribution license, in addition to the existing small outdoor cultivation and associated activities. Evaluation of the project has determined that the project as proposed, conditioned, and mitigated is: 1) compatible with the General Plan land use designation, neighborhood character, and the limited intensity uses of the surrounding area; 2) consistent with the County Cannabis Ordinance; and 3) compliant with CEQA.

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

Finding: The project, as proposed, conditioned, and mitigated, will not cause detrimental effects to public health, safety, welfare or result in the creation of a public nuisance. Land uses surrounding the project site include cannabis cultivation farms, rural residences, non-cannabis agricultural activity, and timberland. The closest sensitive receptors are residences that are 355 feet from the proposed cannabis activities, which exceeds the 350-foot setback requirement in the County's Cannabis Ordinance. Therefore, it is not anticipated that nearby sensitive receptors will not be significantly impacted by potential impacts from the project.

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

Finding: The project, as proposed and conditioned, is consistent with the goals and objectives of the County General Plan and A20 zoning district, as the proposed project consists of the expansion of existing agricultural related activities on a site designated as Agriculture (A).

Cannabis Distribution Findings

In considering the proposed distribution activity, the following findings are recommended pursuant to the guidelines of Section 17.43B.040 of the Trinity County Code:

1. The distribution, as approved and conditioned will not result in significant unavoidable impacts on the environment.

Finding: The potential for the project to result in significant unavoidable impacts on the environment is addressed in the CEQA Initial Study-Mitigated Negative Declaration that was prepared for this project and the Cannabis Program EIR that was certified for the County's Cannabis Ordinance. The CEQA analysis determined that with the incorporation of mitigation measures and compliance with existing regulatory requirements, the impacts of the proposed project would be less than significant. Therefore, the project would not result in significant unavoidable impacts on the environment.

2. The distribution includes adequate quality control measures to ensure cannabis distributed at the site meets state standards for a regulatory market.

Finding: The applicant will be required to demonstrate compliance with state quality control measures enforced by the Department of Cannabis Control in order to obtain and maintain their state license for distribution.

3. The distribution operations plan includes adequate measures that address the federal enforcement priorities for cannabis activities.

Finding: The state regulations for distribution operations that are enforced by the Department of Cannabis Control are designed to ensure consistency with federal enforcement priorities. The applicant will be required to demonstrate compliance with these regulations in order to obtain and maintain their state license for distribution.

Variance Findings

Trinity County Code Section 17.31.010 states the following:

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

In considering the Variance (CCV), the following findings are recommended pursuant to Section 17.31.010 of the Trinity County Code:

1. No Special Privilege: A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the

same variance would be appropriate for any property owner facing similar circumstances.

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

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

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

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

Finding: The purposes of the 500 ft property line setback requirement provision in Trinity County Code 17.43.050.A.8. is to mitigate potential impacts (e.g., odors, noise, lighting, fugitive dust, etc.) to adjacent neighbors from cannabis cultivation activities. The applicant is requesting a Variance to reduce the property line setback for cultivation activity from 500-feet to 100-feet. With the reduced setback from the property lines, the proposed project would still meet the minimum 350-foot setback from the nearest residences that is required by the County Cannabis Ordinance. The nearest residences would be 380 feet away from the outdoor cultivation activity and 355 feet from the indoor operation of the commercial nursery. As determined in the EIR prepared for the County's Cannabis Ordinance, the 350-foot setback requirement and other regulations in the County Cannabis Ordinance minimize potential impacts to nearby sensitive receptors.

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

Finding: The general purpose of the zoning requirements in the County Code is to promote and protect the public health by providing a definite plan of development, protecting the character and the social and economic stability of land uses, and assuring orderly and beneficial development. The proposed project is substantially in compliance with the County Code provisions for commercial cannabis activities, which the County has found are necessary to reduce the potential impacts associated with cannabis uses. The one exception for the proposed project is the request for a reduction in the property line setback

requirement in Section 17.43.050.A.8. Section 17.43.050.A.8 allows for variances from this standard, consistent with the requirements for variances in State law and the County Code. The subject parcel contains special circumstances (i.e., parcel shape, topography, terrain, drainages, vegetation, access) that justify the granting of a variance from the property line setback requirement and would be appropriate for any applicant facing similar circumstances. Given the irregular parcel shape, topography, forested terrain, surrounding drainages, and existing disturbed areas and access roads on the site, the applicant would not otherwise be able to utilize the full 1-acre canopy size of a Type 3 (Outdoor-Medium) cultivation license as other program applicants in the County. As such, the proposed variance is consistent with the general purpose and intent of the County Code and would not adversely affect the general plan or specific plans of the County.

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

Finding: The project site is not within an RD-1 Overlay Zone.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission Adopt a resolution to:

- a) Adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program (MMRP);
- b) Approve the Conditional Use Permit (P-18-23) and Variance (CCV) based on the recommended findings in Resolution 2022-02 and subject to the conditions of approval set forth in Exhibit A to Resolution 2022-02.

ATTACHMENTS:

- 1) Draft Resolution 2022-02 and Conditions of Approval
- 2) CEQA Mitigation Monitoring and Reporting Plan (MMRP)
- 3) Location Map
- 4) Aerial Map
- 5) Zoning Map
- 6) General Plan Designation Map
- 7) Project Site Plan

RESOLUTION NO. 2022-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF TRINITY APPROVING CONDITIONAL USE PERMIT and VARIANCE (Patton Commercial Cannabis, P-18-23 & Variance (CCV))

WHEREAS, Rodney Patton filed an application dated January 9, 2018 for a Commercial Cannabis Use Permit (P-18-23) and Variance (CCV). The CUP is for the expansion of an existing Type 2 “Small Outdoor” commercial cannabis cultivation license into a Type 3 “Medium Outdoor” commercial cannabis license, application for a Type 4 commercial “Nursery” license, and conversion of an existing Type 13 “Transport-Only” license into a Type 11 Distribution license. The Variance is to reduce the property line setback (Trinity County Code 17.43.050.A.8.) from 500 ft to 100 ft. The project is located at 341 Rattlesnake Rd, Peanut, CA 96041 & 140 State Highway 3, Peanut CA 96041 (APN 019-750-013 & 019-750-017).

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

WHEREAS, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA) and the County of Trinity is the lead agency for the project. A proposed Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared with respect to said project and a Notice of Availability was published in a newspaper of general circulation, filed with the County of Trinity Clerk-Recorder’s Office, and filed with the Governor’s Office of Planning and Research CEQA State Clearinghouse (State Clearinghouse). The IS/MND was made available for review and comment by the general public and public agencies for a period of 30 days (11/8/21 to 12/7/21) by posting it on the County of Trinity website and filing with the State Clearinghouse (SCH#: 2021110119); and

WHEREAS, after due notice of public hearing in accordance with applicable laws, the matter came on for hearing before the Planning Commission of the County of Trinity on February 10, 2022; and

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

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

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

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

February 10, 2022

significant effects on the environment, which, with the inclusion of specific mitigation measures, will be rendered less than significant. Accordingly, a Mitigated Negative Declaration and Mitigation, Monitoring, and Reporting Program is adopted pursuant to the CEQA Guidelines.

2. Pursuant to Chapter 17.32 (Use Permits) of the County Code of Ordinances, the Planning Commission of the County of Trinity makes the following findings for the Use Permit:
 - A. As required by the County's Cannabis Ordinance, the applicant is applying for a Conditional Use Permit for the expansion of an existing Type 2 "Small Outdoor" commercial cannabis cultivation license into a Type 3 "Medium Outdoor" commercial cannabis license, application for a Type 4 commercial "Nursery" license, and conversion of an existing Type 13 "Transport-Only" license into a Type 11 Distribution license, in addition to the existing small outdoor cultivation and associated activities. Evaluation of the project has determined that the project as proposed, conditioned, and mitigated is: 1) compatible with the General Plan land use designation, neighborhood character, and the limited intensity uses of the surrounding area; 2) consistent with the County Cannabis Ordinance; and 3) compliant with CEQA.
 - B. The project, as proposed, conditioned, and mitigated, will not cause detrimental effects to public health, safety, welfare or result in the creation of a public nuisance. Land uses surrounding the project site include cannabis cultivation farms, rural residences, non-cannabis agricultural activity, and timberland. The closest sensitive receptors are residences that are 355 feet from the proposed cannabis activities, which exceeds the 350-foot setback requirement in the County's Cannabis Ordinance. Therefore, it is not anticipated that nearby sensitive receptors will not be significantly impacted by potential impacts from the project.
 - C. The project, as proposed and conditioned, is consistent with the goals and objectives of the County General Plan and A20 zoning district, as the proposed project consists of the expansion of existing agricultural related activities on a site designated as Agriculture (A).
3. Pursuant to Chapter 17.43B (Distribution Regulations for Commercial Cannabis) of the County Code of Ordinances, the Planning Commission of the County of Trinity makes the following findings for the Distribution activity:
 - A. The potential for the project to result in significant unavoidable impacts on the environment is addressed in the CEQA Initial Study-Mitigated Negative Declaration that was prepared for this project and the Cannabis Program EIR that was certified for the County's Cannabis Ordinance. The CEQA analysis determined that with the incorporation of mitigation measures and compliance with existing regulatory requirements, the impacts of the proposed project would be less than significant. Therefore, the project would not result in significant unavoidable impacts on the environment.
 - B. The applicant will be required to demonstrate compliance with state quality control measures enforced by the Department of Cannabis Control in order to obtain and maintain their state license for distribution.
 - C. The state regulations for distribution operations that are enforced by the Department of Cannabis Control are designed to ensure consistency with federal enforcement priorities. The applicant will be required to demonstrate compliance with these regulations in order to obtain and maintain their state license for distribution.
4. Pursuant to Chapter 17.31 (Variances) of the County Code of Ordinances, the Planning Commission of the County of Trinity makes the following findings for the Variance:

- A. There are special circumstances (i.e., parcel shape, topography, terrain, drainages, vegetation, access) applicable to the project parcel that, with strict application of the Trinity County Zoning Code, deprives the property owner of privileges available to other property owners with similar zoning that plan to establish or have established a Type 3 (Medium Outdoor) cannabis cultivation license (up to 1-acre of canopy).
 - B. This Variance is from the 500 ft property line setback requirement provision in Trinity County Code 17.43.050.A.8. The Variance would not locate a use which is prohibited by ordinance in the A zoning district.
 - C. The purposes of the 500 ft property line setback requirement provision in Trinity County Code 17.43.050.A.8. is to mitigate potential impacts (e.g., odors, noise, lighting, fugitive dust, etc.) to adjacent neighbors from cannabis cultivation activities. The applicant is requesting a Variance to reduce the property line setback for cultivation activity from 500-feet to 100-feet. With the reduced setback from the property lines, the proposed project would still meet the minimum 350-foot setback from the nearest residences that is required by the County Cannabis Ordinance. The nearest residences would be 380 feet away from the outdoor cultivation activity and 355 feet from the indoor operation of the commercial nursery. As determined in the EIR prepared for the County's Cannabis Ordinance, the 350-foot setback requirement and other regulations in the County Cannabis Ordinance minimize potential impacts to nearby sensitive receptors.
 - D. The general purpose of the zoning requirements in the County Code is to promote and protect the public health by providing a definite plan of development, protecting the character and the social and economic stability of land uses, and assuring orderly and beneficial development. The proposed project is substantially in compliance with the County Code provisions for commercial cannabis activities, which the County has found are necessary to reduce the potential impacts associated with cannabis uses. The one exception for the proposed project is the request for a reduction in the property line setback requirement in Section 17.43.050.A.8. Section 17.43.050.A.8 allows for variances from this standard, consistent with the requirements for variances in State law and the County Code. The subject parcel contains special circumstances (i.e., parcel shape, topography, terrain, drainages, vegetation, access) that justify the granting of a variance from the property line setback requirement and would be appropriate for any applicant facing similar circumstances. Given the irregular parcel shape, topography, forested terrain, surrounding drainages, and existing disturbed areas and access roads on the site, the applicant would not otherwise be able to utilize the full 1-acre canopy size of a Type 3 (Outdoor-Medium) cultivation license as other program applicants in the County. As such, the proposed variance is consistent with the general purpose and intent of the County Code and would not adversely affect the general plan or specific plans of the County.
 - E. The project site is not within an RD-1 Overlay Zone.
5. The Planning Commission of the County of Trinity hereby approves the Conditional Use Permit (P-18-23) and Variance (CCV), subject to the conditions set forth in Exhibit "A", attached hereto and made a part hereof.

DULY PASSED AND ADOPTED this 10th day of February 2022 by the Planning Commission of the County of Trinity by motion of Commissioner _____, seconded by Commissioner _____, and the following vote:

Resolution No. 2022-02
February 10, 2022

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

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

ATTEST:

By:

LISA LOZIER
Secretary of the Planning Commission
County of Trinity, State of California

EXHIBIT “A” to Resolution PC-2022-02
CONDITIONAL USE PERMIT AND VARIANCE CONDITIONS OF APPROVAL
(Rodney Patton, P-18-23 and Variance (CCV))

The following conditions of approval shall be satisfied prior to the issuance of any building permits, unless a different time for compliance is specifically noted:

1. The Permittee shall comply with all County cannabis regulations, as are applicable for the commercial cannabis activities proposed by the Permittee under this use permit. These regulations are provided in the Trinity County Board of Supervisors Ordinances 315-823, 315-824, 315-826, 315-828, 315-829, 315-830, 315-833, 315-834, 315-835, 315-849, and as amended.
2. The Permittee must be in compliance with all County building permit requirements including, but not limited to, structures, roads, electrical, and water and sewer connections. Prior to issuance of building permits, a detailed and to scale site plan depicting the existing and proposed development of the site, including building envelopes or footprints, setbacks, parking and circulation shall be provided for review and approval by Trinity County. Adequate area for parking and internal circulation shall be provided.
3. Structures on the property shall be in compliance with the California Building Code and Trinity County Code.
4. The Permittees site uses must be in compliance with State and County Fire Safe Regulations, and as directed by CALFIRE. Should CALFIRE determine that site conditions are not in compliance with the Fire Safe Regulations, the Permittee shall be required to come into compliance.
5. This Use Permit is subject to the Permittee securing all necessary permits for the development and eventual use of the project site for commercial cannabis activities from County, State and Federal agencies having jurisdiction over the activities at the project site, and as applicable to the Permittees uses. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit. The County shall in no-way be considered responsible for issuance or oversight of State or Federal permits/authorizations that may apply to the uses by the Permittee under this use permit. The Permittee has the sole responsibility for compliance with all requirements and regulations.
6. This Use Permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. Failure of the Permittee to make use of this use permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration/termination of this permit.
7. Any proposed changes or modifications to the uses at the site by the Permittee will require review and approval by the Trinity County Planning Department, prior to those changes or modifications. Based on the proposed changes or modifications, the Planning Department may require additional reviews and approvals from other County/State/Federal departments or agencies as may be appropriate for the proposed changes or modifications.
8. The Variance from property line setback requirements in County Code Section 17.43.050.A.8 shall be approved by the Trinity County Planning Commission before the Permittee can proceed with cultivation activities. The Variance shall become effective after all applicable appeal

February 10, 2022

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

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

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

9. The Permittee shall comply with all conditions of use permit approval for the proposed nursery that are required in Section 17.43A.040 of the Trinity County Code, which includes the following:
 - All cannabis nursery license holders shall maintain accurate records on sales, including proof that sales occur only to licensed individuals.
 - Sales shall only be to licensed cannabis cultivators in the State of California.
 - License holders shall comply with all applicable state and county laws.
 - The Trinity County Agricultural Commissioner may create standards for plant quality which shall comply with State of California regulations.
 - All sales locations shall have adequate parking to accommodate customers.
 - Glare from nursery facilities and resale locations shall not emanate onto neighboring properties. This condition will also be reviewed on a case-by-case basis as part of the use permit process.
 - Cannabis nurseries shall comply with the cultivation plan required in state Type 4 licenses.
10. The Permittee shall comply with all conditions of use permit approval for the proposed distribution activity that are required in Section 17.43AB.050 of the Trinity County Code, which includes the following:

- The distributor shall allow access to the facility and any vehicles utilized in transportation, and access to records if requested by the county, its officers, or agents, and shall allow inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.
 - The applicant for the distribution facility and the property owner shall indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the license or relating to any damage to property or persons stemming from the commercial cannabis activity.
 - Any person operating a cannabis distribution facility shall obtain a valid and fully executed commercial cannabis distribution license or provisional license from the state prior to commencing operations, and must maintain such license in good standing in order to continue operations.
 - The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove licensees who do not maintain permits or licenses in good standing with the county or state shall be grounds for the suspension or revocation of a conditional use permit pursuant to this chapter.
 - The distribution facility and activities shall be maintained in accordance with the operating plan associated with the conditional use permit and approved by the county.
 - Any person who is not the legal owner of a parcel for which they are obtaining a conditional use permit to operate a cannabis distribution facility shall provide written and notarized authorization from the legal owner of the parcel prior to commencing activities included in the conditional use permit on such parcel.
 - The cannabis distribution program fee is due annually on March 1st and is set at:
 - Type 11: Six thousand dollars plus one thousand dollars towards the general plan update.
 - Type 13 (transportation only): Two thousand dollars.
 - Fees shall be paid thereafter annually prior to March 1st of each year.
 - The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of this chapter, the County may conduct a fee study to determine the total cost of administering this chapter.
 - If, based on the results of the fee study, the fee needs to be increased, the county may increase the fee by way of resolution for any new or renewal registrations.
 - If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.
11. The Permittee shall communicate with the State Water Resources Control Board, Division of Drinking Water (SWRCB-DDW) to determine if the domestic potable water system for the proposed project meets the definition of a public water system, and follow required regulatory requirements as necessary.
12. The Permittee shall apply for and obtain an encroachment permit for commercial use road connection.

13. The Permittee shall provide updated well water rate production and water quality testing (specific to salinity) for the existing 2015 well to the County Environmental Health Department prior to use as irrigation for the 2022 year.
14. The Permittee shall have an approved and finalized septic system for the dwelling located on APN 019-750-017-000.
15. The Permittee shall have an approved and finalized septic system to support the new construction proposed on APN 019-750-013-000 prior to the proposed use
16. The Permittee shall, prior to outdoor cultivation, indoor cultivation, nursery, and grading activities, submit and have approved a wastewater disposal plan by the County Environmental Health Department
17. The Permittee shall ensure that all composting materials have a wastewater plan that is approved by the County Environmental Health Department. Said wastewater disposal plan must be completed prior to proposed cultivation taking place.
18. The Permittee shall submit a Hazardous Materials Business plan for emergency response to the Trinity County Certified Unified Program Agency (CUPA) for storing hazardous materials equal to or greater than 55 gallons, 500 pounds, or 200 cubic feet of gas at standard temperature and pressure. This plan must be submitted prior to cultivation activity.

The following conditions of approval include the mitigation measures from the Initial Study-Mitigation Negative Declaration (SCH#: 2021110119) that was prepared for the proposed project. The responsibility for implementation and timing of these mitigation measures is identified in the Mitigation, Monitoring, and Reporting Program.

19. **AQ-1:** The spray application of pesticides (e.g., neem oil, sulfur or other materials) shall occur no closer than 350 feet to adjacent residences. Spraying shall not occur at wind speeds greater than 10 miles per hour. The operator shall measure the wind speed prior to and during spraying activities to ensure wind speeds are below 10 mph. Spraying activities shall cease if wind speeds are measured at greater than 10 mph. The applicant or a responsible third-party professional are responsible for ensuring this mitigation measure is implemented in accordance with the Integrated Pest Management Plan.
20. **BIO-1:** If vegetation removal or other ground disturbing activities associated with project construction cannot occur outside the bird nesting season (generally February 1 – August 31), a qualified biologist will conduct nesting bird surveys within the area of impact and establish a protective buffer for any active nests found. Conduct surveys no more than 7 days prior to activities, covering the entire area of potential impact.
 - a. If an active nest is located during the survey, a no-disturbance buffer shall be established around the nest by the qualified biologist, in consultation with California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.
 - b. Establish protective buffers for active nests based on type of project activity to be conducted, habitat, and species of concern.
 - c. Physical protective buffers should be in the form of high visibility fencing, inspected weekly by a biological monitor to ensure stability.
 - d. If project activities are to be conducted while active nest buffers are in place, a biological monitor will be on site during project activities to ensure that no take of migratory birds occurs.

21. **BIO-2:** To avoid impacts to sensitive native amphibian and fishery resources from bullfrog establishment in the proposed rainwater catchment pond, pond draining should occur in September through October, a minimum of every two years. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.

Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T- 14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit, or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow, or fish tackle. While draining occurs, direct removal efforts should be employed as described above if possible.

22. **BIO-3:** To prevent impacts to special-status plant species that have a potential to occur within the project site, at least one additional seasonally appropriate botanical survey should be conducted prior to any ground disturbance activities.
- a. The survey should occur during the appropriate blooming time for the target species.
 - b. Survey methods should comply with the CDFW rare plant survey protocols and be performed by a qualified field botanist.
 - c. Any populations of special-status plant species that are detected should be mapped. Populations should be flagged if avoidance is feasible and if populations are located adjacent to construction areas.
 - d. The locations of any special-status plant populations to be avoided should be clearly identified in the contract documents (plans and specifications).
 - e. If special-status plant populations are detected where construction would have unavoidable impacts, a compensatory conservation plan should be prepared and implemented in coordination with CDFW. Such plans may include salvage, propagation, on-site reintroduction in restored habitats, and monitoring.

23. **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.

24. **CR-2:** If any buried archeological materials or indicators are uncovered or discovered during any cannabis cultivation activities, all ground-disturbing activities shall immediately cease within 100 feet of the find. The applicant will notify the Appropriate Person within 48 hours of any discovery. The Appropriate Person is the County Planning Director.

Prehistoric archeological indicators include, but are not limited to: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars, and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone, fire affected stones, shellfish, or other dietary refuse. Historic period site indicators generally include, but are not limited to: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails.

In the event that prehistoric archeological materials or indicators are discovered, the applicant will also notify the Native American Heritage Commission within 48 hours of any discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery.

The applicant will notify any potentially culturally affiliated California Native American tribes of the discovery within 48 hours of receiving a list from the Native American Heritage Commission. The applicant will promptly retain a professional archeologist to evaluate the discovery. This will likely be the same archeologist who completed the Cultural Resources Assessment. The applicant will submit proposed mitigation and conservation measures to the appropriate person(s) SWRCB and regulatory agencies, as applicable, for written approval. The appropriate person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.

In the event of a discovery of prehistoric archeological materials or indicators are discovered, the applicant will also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The appropriate person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving prehistoric archeological resources and tribal cultural resources with appropriate dignity. Ground-disturbing activities shall not resume within 100 feet of the discovery until all approved measures have been completed to the satisfaction of the SWRCB and regulatory agencies, as applicable.

25. **CR-3:** Upon discovery of any human remains, the applicant will immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98. The following actions shall be taken immediately upon the discovery of human remains:

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

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

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

If the Native American Heritage Commission is unable to identify a descendant; the mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner; or the most likely descendent does not make recommendations within 48 hours; and the most likely descendants and the landowner have

not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98, the landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98.. If the landowner does not accept the descendant's recommendations, the landowner or the descendants may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k).

26. **HWQ-1:** Prior to the commencement of on-site operations that require groundwater resources, the project application shall provide the County Department of Environmental Health and State Waterboard with groundwater monitoring data for the existing on-site production well that documents the existing production and water recovery rate. Each month thereafter, the project applicant shall provide the Trinity County Department of Environmental Health and State Waterboard with water well recovery rate data. Should the County Department of Environmental Health or the State Water board identify potential drawdown impacts data based on this data, the project applicant shall develop adaptive management measures to allow for recovery of groundwater levels

Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered based on annual monitoring data provided to the County as part of subsequent annual inspections.

The following conditions of approval include the relevant application requirements, performance standards, and mitigation measures from the Amended Cannabis Program Ordinance (No. 315-849) adopted by the County Board of Supervisors on December 28, 2020:

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

- b. Project-generated sound, when added to existing ambient conditions, must not exceed 90 dBA.
29. **Section 17.43.060.C:** Applicants shall comply with all state laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of cannabis needs to be sourced on-site from a permitted well, surface water diversion and/or rain catchment system. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a water district or legal water source.
30. **Section 17.43.060.D:** The cultivation of Cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water. If the designated area has more than a thirty-five percent slope, the applicant shall apply for Tier 2 cultivation under the NCRWQCB Order #2015-0023, or regulations established by the SWRCB.
31. **Section 17.43.060.E:** Cannabis grown outdoors may be contained within wildlife exclusionary fencing that fully encloses the designated area. The director shall review all wildlife exclusionary fencing for aesthetic and wildlife and/or human safety concerns, and can prohibit fencing he/she deems unacceptable.
32. **Section 17.43.060.G:** Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children or pets, shall be stored in a secured and locked structure or device. All uses of pesticide products shall be in compliance with state pesticide laws and regulations enforced by the County Agricultural Commissioner's Office, Trinity County Environmental Health and the California Department of Pesticide Regulation.
33. **Section 17.43.060.I:** Rodenticides that require a California Restricted Materials permit cannot be used, those that are designated as federally restricted use products can only be used by a certified Applicator.
34. **Section 17.43.060.J:** The following rodent repellents may be used in and around cannabis cultivation sites consistent with the label: Capsicum oleoresin, putrescent whole egg solids and garlic.
35. **Section 17.43.060.L:** All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky.
36. **Section 17.43.060.M:** Those cultivations using artificial lighting for mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
37. **Section 17.43.060.N:** The cultivation of cannabis shall comply with Cal Fire and CDFW regulations and any other resource agency having jurisdiction, including all activity but not limited to; clearing of land, stream crossings, water diversions and riparian buffer zones.
38. **Section 17.43.060.O:** Applicant shall obtain coverage under the general permit for discharges of storm water associated with construction activity (construction general permit, 2009-0009-DWQ) for construction projects (individual or part of a common development) that disturb one or more acres of land surface, specifically for new site preparation and development.

39. **Section 17.43.060.Q:** Nothing in this section shall be construed as a limitation on the County's authority to abate any violation which may exist from the cultivation of cannabis plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure structure.
40. **Section 17.43.060.T:** Environmental and animal friendly linings should be used when constructing water ponds on the property.
41. **Section 17.43.060.V:** License applications for new cultivation sites and requests for license renewal will maintain the parcel clear of trash and debris piles. No trash or debris, including abandoned cars, various woody materials, plastic tarps, cannabis waste, or household appliances, will be allowed to accumulate on the parcel for a period greater than two weeks for the life of the license. The County will inspect compliance with this measure prior to license renewal.
42. **Section 17.43.060.W:** Covered and solid fencing shall be designed to blend with the surrounding rural or natural conditions of the parcel and will be maintained in good working condition. If topography prevents fencing from being adequate screening, a vegetative fence will be maintained in good condition to comply with screening requirements. The County will inspect compliance with this measure prior to license renewal.
43. **Section 17.43.060.X:** Vegetation cleared as part of cultivation operations, or for cultivation purposes, shall not be burned unless proof is submitted that all required permits have been obtained including, but not limited to, a standard burn permit, a non-standard burn permit, and/or CalFire approval for less-than-three-acre conversion.
44. **Section 17.43.060.Y:** Cultivation sites shall not place any structures or involve any grading that alters the capacity of the 100-year floodplain. No storage of pesticides, fertilizers, fuel, or other chemicals will be allowed within the 100-year floodplain. All cultivation uses (plants, planter boxes and pots, and related materials) will be removed from the 100-year floodplain between November 1 and April 1 each year.
45. **Section 17.43G.030.C:** Prior to the issuance of building and/or grading permits for the proposed project, the applicant shall identify invasive plant species that occur on the site to the extent practicable and where they are located, including noxious weed species prioritized by the Trinity County Weed Management Association. The applicant shall identify specific measures to be employed for the removal of invasive species and on-site management practices. The applicant shall monitor annually to ensure successful removal and prevention of new infestations and invasive species. All invasive plant species shall be removed from the site using measures appropriate to the species to the extent practicable. For example, species that cannot easily reroot, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily (e.g., English ivy) or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site. Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use, and shall be cleaned before entering the site, to reduce the risk of introducing invasive plant species. Only weed-free erosion control materials and mulch shall be used on-site.
46. **Section 17.43G.030.D:** Since CDFW has indicated that suitable habitat for special-status amphibians is present within the proposed development area, a qualified biologist approved by the County and familiar with the life cycle of Cascades frog, foothill yellow-legged frog, Pacific tailed-frog, southern long-toed salamander, and southern torrent salamander shall conduct preconstruction surveys of proposed new development activities 24 hours before new development activities. Preconstruction surveys for special-status amphibians shall follow widely

used and accepted standardized protocols that control for habitat type, seasonality, and environmental conditions, including the methods described in Considerations for Conserving Foothill Yellow-Legged Frog (CDFW 2018b), and Visual Encounter Survey Protocol for *Rana Boylii* in Lotic Environments (UC Davis 2017). Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and at least a 400-foot buffer around the proposed development area. Surveys shall consist of "visual encounter" as well as "walk and tum" surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted within the appropriate season to maximize potential for observation for each species, and appropriate surveys will be conducted for the applicable life stages (i.e., eggs, larvae, adults).

If special-status amphibians are not detected during the preconstruction survey, then further mitigation is not required.

If special-status amphibians are detected during the preconstruction survey, then work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians will be avoided by modifying project design, relocating the cultivation site, or relocating individual animals. If impacts to Cascades frog or foothill yellow-legged frog (both listed under CESA) are unavoidable, then the applicant will submit an incidental take permit application to CDFW and receive take authorization before commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Cascades frogs or foothill yellow-legged frogs, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.

47. **Section 17.43G.030.E:** Since CDFW has indicated that suitable aquatic habitat for western pond turtle is present within the proposed development area, a qualified biologist approved by the County and familiar with the life history of western pond turtle shall conduct preconstruction surveys of proposed new development activities within 200 feet of any aquatic habitat 24 hours before such development activities.

If pond turtles are not detected during the preconstruction survey, then further mitigation is not required. If pond turtles are detected during the preconstruction survey, then consultation with CDFW shall be initiated as described above. Injury or mortality of western pond turtle will be avoided through project design modification, cultivation site relocation, or relocation of the turtle by a qualified biologist with a valid CDFW scientific collecting permit. If relocation of western pond turtles is determined to be necessary, turtles shall be relocated to similar nearby habitat free of predators (e.g., racoon, coyote, raptors, bullfrog, nonnative turtles, other western pond turtles) as determined by the qualified biologist. If western pond turtles are relocated, a report shall be submitted electronically to CDFW within 15 days of the relocation. The report shall include the location, date, time, and duration of collection and release; the number of individuals relocated; and identification of the qualified biologist.

48. **Section 17.43G.030.J:** Prior to the commencement of construction activities, a qualified wildlife biologist approved by the County shall conduct surveys of the suitable grassland or agricultural habitats slated for conversion within the site to identify any American badger burrows/dens. These surveys shall be conducted not more than 30 days prior to the start of construction. If occupied burrows are not found, further mitigation shall not be required. If occupied burrows are found, impacts to active badger dens shall be avoided by establishing exclusion zones around all active badger dens, within which construction related activities shall be prohibited until denning

activities are complete or the den is abandoned. The qualified biologist shall monitor each den once per week to track the status of the den and to determine when it is no longer occupied.

49. **Section 17.43G.030.V:** Prior to the issuance of building and/or grading permits for the proposed project, the applicant shall identify drainage and water quality controls for the site, including roads leading to and from a site, that ensure no sedimentation or other pollutants leave the site as part of project construction and operation. Compliance with this requirement may be combined with the NPDES Construction General Permit compliance measures. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Road Handbook, per CCR Title 14, Chapter 4. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.
50. **Section 17.43G.030.X:** Prior to the issuance of building and/or grading permits for the proposed project and as part of the license renewal process, the applicant shall provide the County with groundwater monitoring data for existing on-site well facilities that documents water usage and changes in groundwater levels during each month of the year. Should this monitoring data identify potential drawdown impacts on adjacent well(s), surface waters, waters of the state, and sensitive habitats, and indicate a connection to operation of the onsite wells, the cannabis operators, in conjunction with the County, shall develop adaptive management measures to allow for recovery of groundwater levels that would protect adjacent wells and habitat conditions that could be adversely affected by declining groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered and stabilized based on annual monitoring data provided to the County as part of subsequent annual inspections. Any monitoring cannabis cultivation irrigation wells that demonstrate hydrologic connection to surface waters shall be subject to surface water diversion requirements and restrictions in SWRCB Order WQ 2019-0001-DWQ, or any successor to that order. Wells shall also be sited outside of the stream setbacks as set forth in SWRCB Order WQ 2019-0001-DWQ, or any successor that order.
51. **Section 17.43G.030.Z:** Prior to the issuance of building and/or grading permits for the proposed project and as part of the license renewal process, the applicant shall, where appropriate, provide documentation showing that roadways providing site access are in compliance with Chapter 12.10: Design Policies of the Trinity County Code. New roadway water quality control and drainage features or new drainage features on existing roadways shall be designed to accommodate peak flow conditions and will be consistent with the Road Handbook per California Code of Regulations, Title 14, Chapter 4, and SWRCB Order WQ 2019-0001-DWQ, or any successor to that order.
52. **Section 17.43G.030.AA:** Prior to the issuance of building and/or grading permits for the proposed project and as part of the license renewal process, the applicant shall provide documentation showing that site access is in compliance with Chapter 8.30-Fire Safe Ordinance of the Trinity County Code.
53. **Section 17.43G.030.EE:** Waste compost management.
 - a. Applicants for new commercial cannabis operations and relicensed sites will develop and implement a cannabis waste composting management plan if the operator proposes to dispose of cannabis waste through onsite composting. The plan shall meet all state

requirements and the following requirements that will be confirmed by the County during inspections.

- b. Designation of the composting area on a site plan that is contained within the site boundaries (must be located within the Designated Area for cultivation operations) that is of adequate size to accommodate site cannabis waste needs.
 - c. Identification of water quality control features that ensure no discharge of cannabis waste or other pollutants.
 - d. Details on routine management and equipment used in the composting area that ensures proper composting and control of odors, potential fuel hazards, and pests for the life of the cannabis operation.
54. **Section 17.43G.040.A:** All diesel-powered off-road equipment used in construction shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available construction equipment can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors.

Construction activities will implement measures to control dust such as:

- Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
 - Cover all haul trucks transporting soil, sand, or other loose material off-site.
 - Remove all visible mud or dirt track-out onto adjacent roads.
 - Limit all construction vehicle speeds on unpaved roads to 15 miles per hour.
55. **Section 17.43G.040.B:** Renewable diesel (RD) fuel shall be used in diesel-powered construction equipment if commercially available in reasonable proximity. RD fuel must meet the following criteria:
- meet California's Low Carbon Fuel Standards and be certified by CARB Executive Officer;
 - be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables;
 - contain no fatty acids or functionalized fatty acid esters; and
 - have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.

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

56. **Section 17.43G.040.C:** Limit the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels where available. This requirement does not apply to generators.
57. **Section 17.43G.040.D:** All generators shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available model can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors.

58. Section 17.43G.040.F: Paleontological Resources.

- a. If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County.
- b. A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. It is encouraged that the excavated finds first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds may be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.

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

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

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

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

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

62. Section 17.43G.040.J: New power lines extended to sites shall be placed underground. If power lines cannot be placed underground, fuel breaks shall be provided along power lines and any stand-alone electrical facilities in a manner that would avoid ignition of adjacent vegetation to the

Resolution No. 2022-02

February 10, 2022

satisfaction of the County and CAL FIRE. Fuel breaks shall be maintained and verified by the County as part of annual license renewal.

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

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

END OF CONDITIONS

NOTE: Approval of this use permit will expire on February 10, 2024. Any request for a time extension and accompanying fees must be received by the Trinity County Planning Department 30 days prior to this expiration date.

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
Patton Conditional Use Permit (P-18-23) and Variance (CCV)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
Aesthetics							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Agriculture and Forestry Resources							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Air Quality							
AQ-1: Pesticide Application The spray application of pesticides (e.g., neem oil, sulfur or other materials) shall occur no closer than 350 feet to adjacent residences. Spraying shall not occur at wind speeds greater than 10 miles per hour. The operator shall measure the wind speed prior to and during spraying activities to ensure wind speeds are below 10 mph. Spraying activities shall cease if wind speeds are measured at greater than 10 mph. The applicant or a responsible third-party professional are responsible for ensuring this mitigation measure is implemented in accordance with the Integrated Pest Management Plan.	Permittee and/or operator responsibility throughout operation of the project.	Permittee and/or operator responsibility throughout operation of the project.	Trinity County Planning	Less Than Significant			
Biological Resources							
BIO-1: Nesting Bird Surveys If vegetation removal or other ground disturbing activities associated with project construction cannot occur outside the bird nesting season (generally February 1 – August 31), a qualified biologist will conduct nesting bird surveys within the area of impact and establish a protective buffer for any active nests found. Conduct surveys no more than 7 days prior to activities, covering the entire area of potential impact. ● If an active nest is located during the survey, a no-disturbance buffer shall be established around the nest by the qualified biologist, in consultation with California Department of Fish and Wildlife and the U.S. Fish and Wildlife Service. ● Establish protective buffers for active nests based on type of project activity to be conducted, habitat, and species of concern. ● Physical protective buffers should be in the form of high visibility fencing, inspected weekly by a biological monitor to ensure stability. ● If project activities are to be conducted while active nest buffers are in place, a biological monitor will be on site during project activities to ensure that no take of migratory birds occurs.	Permittee and construction contractor responsibility throughout project construction.	Permittee and construction contractor responsibility throughout project construction.	Trinity County Planning, CDFW, and USFWS	Less Than Significant			
BIO-2: Bullfrog Management To avoid impacts to sensitive native amphibian and fishery resources, from bullfrog establishment in the proposed rainwater catchment pond, pond draining should occur in September through October, a minimum of every two years. Careful planning and coordination with CDFW, is necessary to ensure potential impacts to stream resources can be addressed, prior to commencing with pond draining. Discharge of polluted water to waters of the state may require permitting from other agencies with permitting authority, such as the Regional Water Quality Control Board.	Permittee and/or operator responsibility throughout operation of the project.	Permittee and/or operator responsibility throughout operation of the project.	Trinity County Planning, CDFW, and USFWS	Less Than Significant			

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
Patton Conditional Use Permit (P-18-23) and Variance (CCV)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
Take of bullfrogs is specifically allowed in the California Code of Regulations (CCR), Title 14 (T- 14) section 5.05(a)(28), under the authority of a sport fishing license. There is no daily bag limit, possession limit, or hour restriction, but bullfrogs can only be taken by hand, hand-held dip net, hook and line, lights, spears, gigs, grabs, paddles, bow and arrow, or fish tackle. While draining occurs, direct removal efforts should be employed as described above if possible.							
BIO-3: Special Status Plant Surveys To prevent impacts to special-status plant species that have a potential to occur within the project site, at least one additional seasonally appropriate botanical survey should be conducted prior to any ground disturbance activities. ● The survey should occur during the appropriate blooming time for the target species. ● Survey methods should comply with the CDFW rare plant survey protocols and be performed by a qualified field botanist. ● Any populations of special-status plant species that are detected should be mapped. Populations should be flagged if avoidance is feasible and if populations are located adjacent to construction areas. ● The locations of any special-status plant populations to be avoided should be clearly identified in the contract documents (plans and specifications). ● If special-status plant populations are detected where construction would have unavoidable impacts, a compensatory conservation plan should be prepared and implemented in coordination with CDFW. Such plans may include salvage, propagation, on-site reintroduction in restored habitats, and monitoring.	Permittee and construction contractor responsibility prior to construction activities.	Permittee and construction contractor responsibility prior to construction activities.	Trinity County Planning, CDFW, and USFWS	Less Than Significant			
Cultural Resources							
CR-1: Cultural Resources 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.	Permittee and construction contractor responsibility during ground-disturbing activities	Permittee and construction contractor responsibility during ground-disturbing activities	Trinity County Planning and the THPOs for the Nor-Rel-Muk Nation, Hoopa Valley, Redding Rancheria, Round Valley, Tsnungwe and Wintu Tribes	Less Than Significant			
CR-2: Archeological Resources If any buried archeological materials or indicators are uncovered or discovered during any cannabis cultivation activities, all ground-disturbing activities shall immediately cease within 100 feet of the find. The applicant will notify the Appropriate Person within 48 hours of any discovery. The Appropriate Person is the County Planning Director. Prehistoric archeological indicators include, but are not limited to: obsidian and chert flakes and chipped stone tools; bedrock outcrops and boulders with mortar cups; ground stone implements (grinding slabs, mortars, and pestles) and locally darkened midden soils containing some of the previously listed items plus fragments of bone, fire affected stones, shellfish, or other dietary refuse. Historic period site indicators generally include, but are not limited to: fragments of glass,	Permittee and construction contractor responsibility during ground-disturbing activities	Permittee and construction contractor responsibility during ground-disturbing activities	Trinity County Planning and Native American Heritage Commission	Less Than Significant			

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
Patton Conditional Use Permit (P-18-23) and Variance (CCV)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
<p>ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps; and old trails.</p> <p>In the event that prehistoric archeological materials or indicators are discovered, the applicant will also notify the Native American Heritage Commission within 48 hours of any discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery.</p> <p>The applicant will notify any potentially culturally affiliated California Native American tribes of the discovery within 48 hours of receiving a list from the Native American Heritage Commission. The applicant will promptly retain a professional archeologist to evaluate the discovery. This will likely be the same archeologist who completed the Cultural Resources Assessment. The applicant will submit proposed mitigation and conservation measures to the appropriate person(s) SWRCB and regulatory agencies, as applicable, for written approval. The appropriate person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.</p> <p>In the event of a discovery of prehistoric archeological materials or indicators are discovered, the applicant will also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The appropriate person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving prehistoric archeological resources and tribal cultural resources with appropriate dignity. Ground-disturbing activities shall not resume within 100 feet of the discovery until all approved measures have been completed to the satisfaction of the SWRCB and regulatory agencies, as applicable.</p>							
<p>CR-3: Human Remains Upon discovery of any human remains, the applicant will immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98. The following actions shall be taken immediately upon the discovery of human remains:</p> <p>All ground-disturbing activities in the vicinity of the discovery shall stop immediately. The applicant will immediately notify the county coroner. Ground disturbing activities shall not resume until the requirements of Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 have been met. The applicant will ensure that the area within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5)., The Trinity County Coroner must be informed and consulted, per State law.</p> <p>Per Health and Safety Code section 7050.5, the coroner has two working days to examine human remains after being notified by the person responsible for the excavation, or by their authorized representative. If the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission.</p>	<p>Permittee and construction contractor responsibility during ground-disturbing activities</p>	<p>Permittee and construction contractor responsibility during ground-disturbing activities</p>	<p>Trinity County Coroner and Native American Heritage Commission</p>	<p>Less Than Significant</p>			

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
Patton Conditional Use Permit (P-18-23) and Variance (CCV)

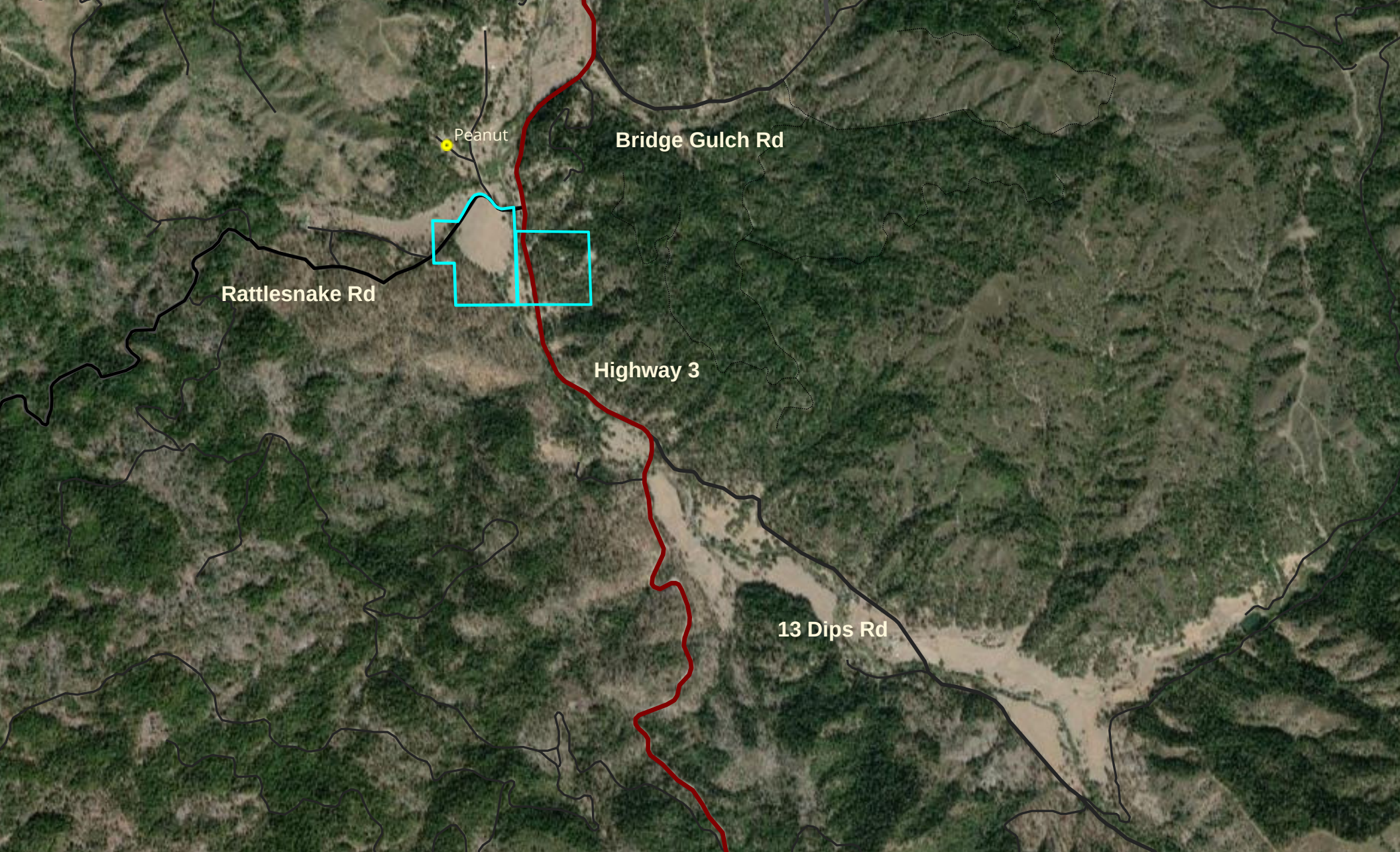
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
<p>Per Public Resources Code section 5097.98, the Native American Heritage Commission will immediately notify the persons it believes to be the most likely descended from the deceased Native American. The most likely descendent has 48 hours to make recommendations to the landowner or representative for the treatment or disposition, with proper appropriate dignity, of the human remains and any associated grave goods.</p> <p>If the Native American Heritage Commission is unable to identify a descendant; the mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner; or the most likely descendent does not make recommendations within 48 hours; and the most likely descendants and the landowner have not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98, the landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98.. If the landowner does not accept the descendant’s recommendations, the landowner or the descendants may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k)</p>							
Energy							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Geology and Soils							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Greenhouse Gas Emissions							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Hazards and Hazardous Materials							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Hydrology and Water Quality							
<p>HWQ-1: Groundwater Monitoring</p> <p>Prior to the commencement of on-site operations that require groundwater resources, the project application shall provide the County Department of Environmental Health and State Waterboard with groundwater monitoring data for the existing on-site production well that documents the existing production and water recovery rate. Each month thereafter, the project applicant shall provide the Trinity County Department of Environmental Health and State Waterboard with water well recovery rate data. Should the County Department of</p>	Permittee and/or operator responsibility prior to commencement of groundwater withdrawal and as part of annual license renewal	Permittee and/or operator responsibility prior to commencement of groundwater withdrawal and as part of annual license renewal	Trinity County Department of Environmental Health and California State Water Resources Control Board	Less Than Significant			

**CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
Patton Conditional Use Permit (P-18-23) and Variance (CCV)**

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
Environmental Health or the State Water board identify potential drawdown impacts data based on this data, the project applicant shall develop adaptive management measures to allow for recovery of groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered based on annual monitoring data provided to the County as part of subsequent annual inspections.							
Land Use and Planning							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Mineral Resources							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Noise							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Population and Housing							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Public Services							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Recreation							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Transportation							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Tribal Cultural Resources							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Utilities and Service Systems							

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
Patton Conditional Use Permit (P-18-23) and Variance (CCV)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Wildfire							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Mandatory Findings of Significance							
Implementation of Mitigation Measures AQ-1, BIO-1 to BIO-3, CR-1 to CR-3, and HWQ-1.	Per AQ-1, BIO-1 to BIO-3, CR-1 to CR-3, and HWQ-1	Per AQ-1, BIO-1 to BIO-3, CR-1 to CR-3, and HWQ-1	Per AQ-1, BIO-1 to BIO-3, CR-1 to CR-3, and HWQ-1	Less Than Significant			



Attachment 3 - Location Map [P-18-23]

January 26, 2022



KEY:

 Project Parcel

 Highways

 Community

 Roads

Attachment 4 - Aerial Map [P-18-23]



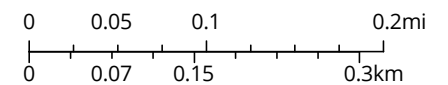
January 26, 2022



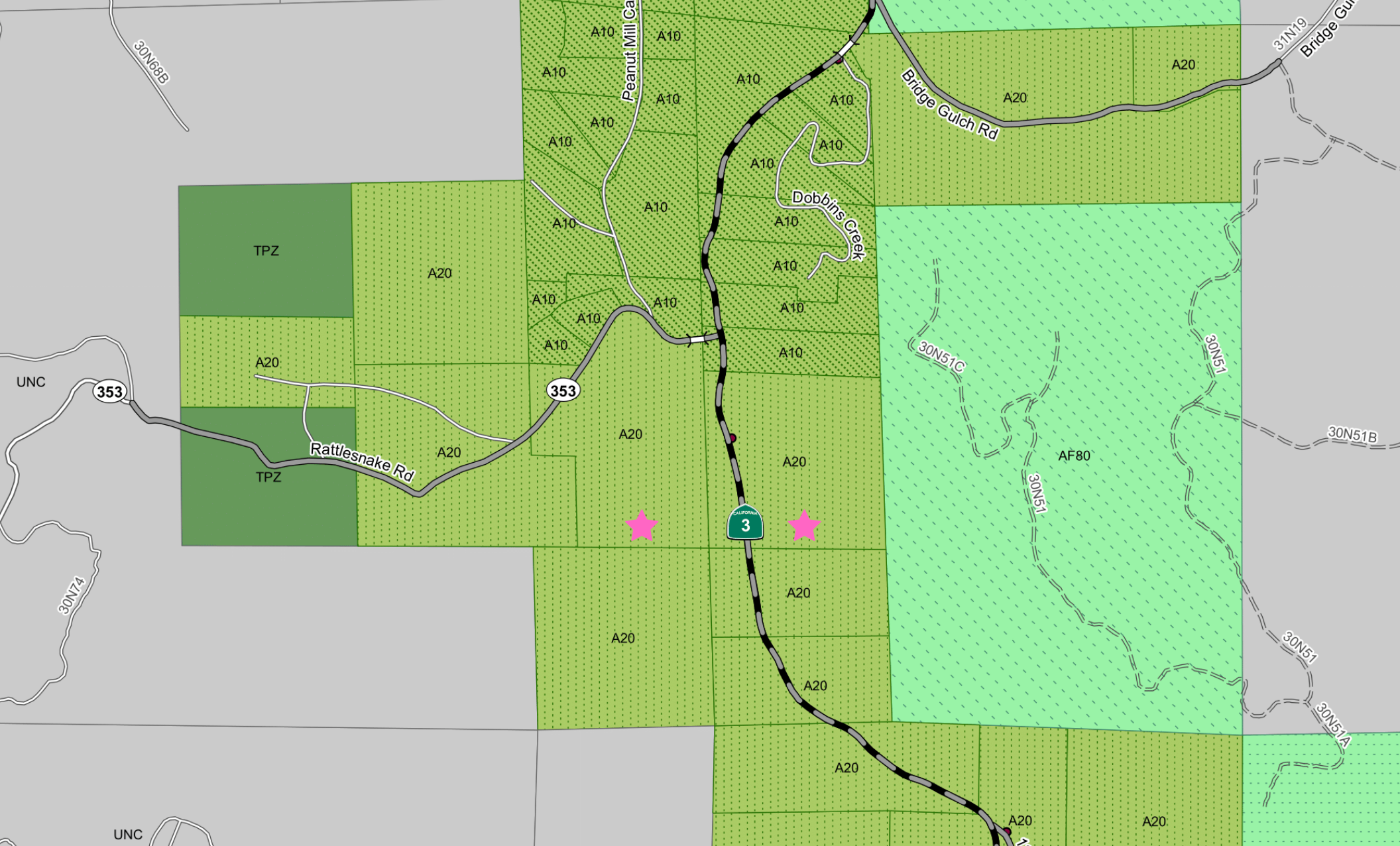
Parcel Key

- APN 019-750-013-000
- APN 019-750-017-000

1:9,028



Maxar



Attachment 5 - Zoning Map [P-18-23]

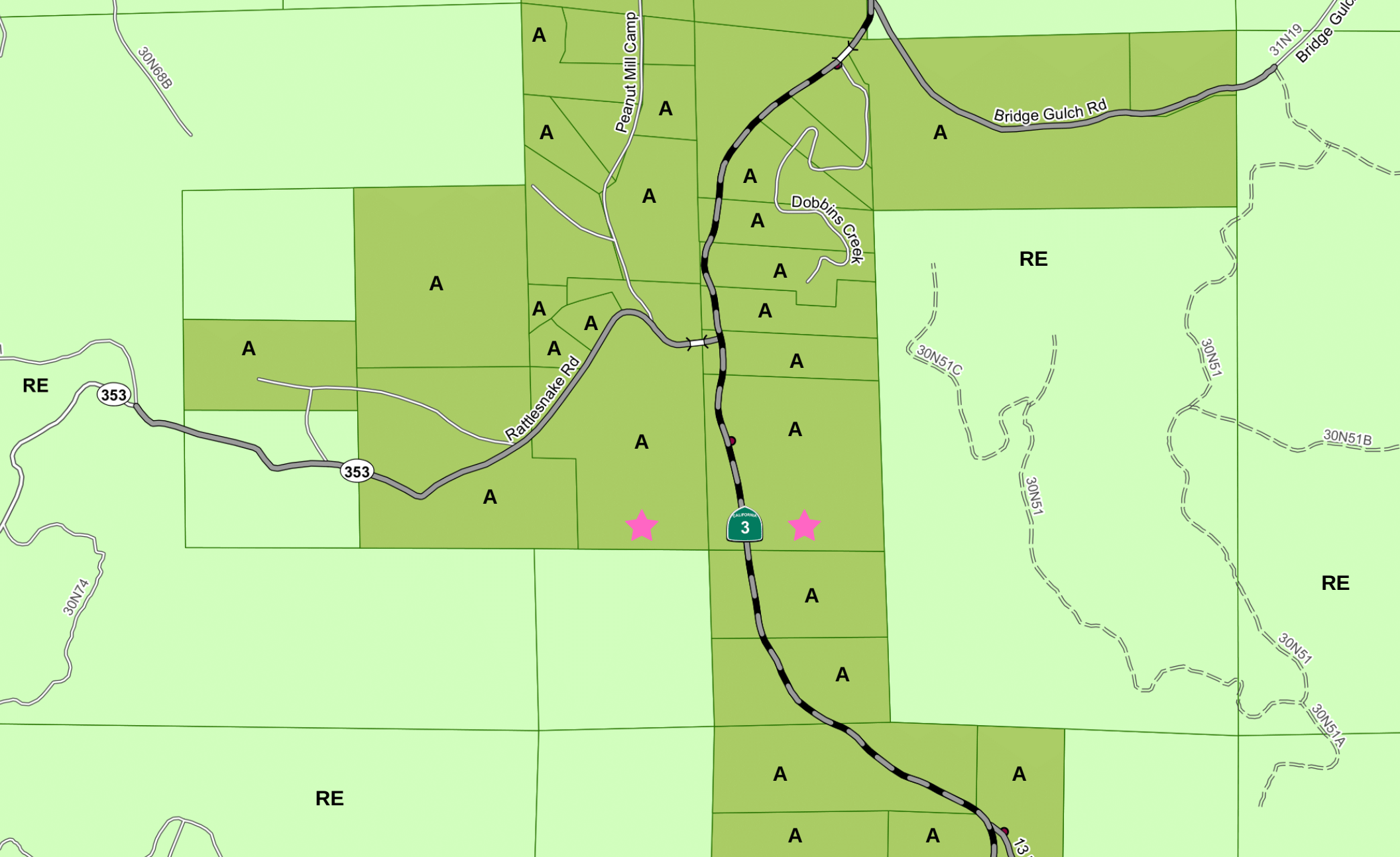
January 26, 2022

KEY:

- Agricultural with a 20-Acre Minimum: A20
- Agricultural with a 10-Acre Minimum: A10
- Unclassified: UNC

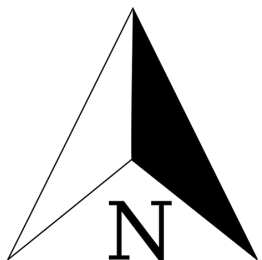
- Agricultural Forest with an 80-Acre Minimum: AF80
- Timber Production Zone: TPZ
- ★ Project Parcels





Attachment 6 - General Plan Designation Map

January 26, 2022



KEY:

- Agricultural: A
- ★ Project Parcels

- Resource: RE

P-18-23

Attachment 7 - Project Site Plan

APNs 019-750-013, and -017

P-18-23 | Rodney Patton

