

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

PROJECT TITLE: Green Beach Ventures, LLC (GBV, LLC) Conditional Use Permit

APPLICANT: Michael Herron

PROPERTY OWNER: Michael Herron

REPORT BY: Planning Director Kim Hunter and SHN

LOCATION: 324 Frog Pond Lane, Hayfork, California (APN 017-010-080)

GENERAL PLAN DESIGNATION: Agriculture (A)

ZONING DISTRICT: Agricultural 20-acre minimum (A20)

SITE CHARACTERISTICS:

The approximately 10.95-acre project site is located on the eastern aspect of Hayfork Valley in the community of Hayfork at 324 Frog Pond Lane (APN 017-010-80) (see Att. 3 – Location Map). The subject property's main access is provided from an unimproved private road (Frog Pond Lane) via Summit Creek Road, which intersects with SR-3 approximately 0.9 miles driving distance to the west (see Att. 3 – Location Map and Att. 4 – Project Aerial). The project site is located approximately 0.35 miles from the closest section of SR-3 and approximately 1,000 feet south of the confluence of Duncan Creek and Carr Creek, which are tributaries to Hayfork Creek.

The project site has historically been used for minor selective logging and agricultural activities. Currently, the site contains commercial cannabis cultivation of up to 10,000 s.f. of mixed-light canopy area (Adult-Use Small Mixed-Light Tier 1 commercial license). Existing development on the site includes a permitted shop/garage (2,256 s.f.), permitted septic system, several hoop houses and appurtenant improvements for the cannabis cultivation activity, a cannabis waste composting area, two (2) ponds, a recreational vehicle, and several accessory structures. A permitted single-family residence is currently under construction at the site. The water source for the property is a surface water diversion from an unnamed stream that fills the two (2) ponds. The ponds hold an estimated 370,000 gallons, cumulatively. Power is provided by the Trinity Public Utilities District (TPUD).

The project site is designated Agriculture (A) under the County General Plan and has a zoning district of Agricultural 20-acre minimum parcel size (A20). Surrounding land uses include rural residences, cannabis cultivation farms, non-irrigated pastureland, and other agricultural activity. The nearest neighboring residence to the parcel is approximately 100 feet to the east of the eastern boundary of the project site (see Att. 4 – Project Aerial). 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
015-270-015 North	1.86	Agriculture (A)	Agricultural 20-acre minimum (A20)
015-270-011 North	2.16	Agriculture (A)	Agricultural 20-acre minimum (A20)
015-270-018 North	1.2	Agriculture (A)	Agricultural 20-acre minimum (A20)
015-270-007 North	2.13	Agriculture (A)	Agricultural 20-acre minimum (A20)
015-270-022 Northeast	1.99	Agriculture (A)	Agricultural 20-acre minimum (A20)
017-010-081 East	10.96	Agriculture (A)	Agricultural 20-acre minimum (A20)
017-010-088 Southeast	5.67	Agriculture (A)	Agricultural 20-acre minimum (A20)
017-010-087 South	5.71	Agriculture (A)	Agricultural 20-acre minimum (A20)
017-010-086 South	5.76	Agriculture (A)	Agricultural 20-acre minimum (A20)
017-010-045 West	40.59	Agriculture (A)	Agricultural 20-acre minimum (A20)
015-270-016 Northwest	6.95	Agriculture (A)	Agricultural 20-acre minimum (A20)

PROJECT DESCRIPTION:

The purpose of this project is to develop the property with five commercial cannabis activities, which include the following:

1. Cannabis cultivation with up to 10,000 ft² of mixed-light canopy area (Adult-Use Small Mixed-Light Tier 1 commercial license);
2. Non-storefront retail business;

3. Commercial nursery (Type 4) with up to 3,500 s.f. of canopy area;
4. Distribution business (Type 11); and
5. Nonvolatile manufacturing operation (Type 6).

The applicant has already acquired licenses for the cannabis cultivation and non-storefront retail activities. The project proponent is applying for three additional licenses for the commercial nursery, distribution, and non-volatile manufacturing activities, which requires a Conditional Use Permit per the County Cannabis Ordinance.

Project Components

The components of the proposed project are described below:

1. Cultivation: The property is currently licensed to cultivate up to 10,000 square feet of mixed-light cannabis canopy area. The current cultivation area is located on the southwest portion of the property (see Att. 4 – Project Aerial). Small tunnel-style primitive hoop houses are currently used to cultivate the cannabis plants, which are accessed from the sides of these structures. The mixed-light cultivation activity does not require artificial lighting or electricity use. It occurs with the use of blackout tarps (light deprivation) to allow the applicant to have multiple harvests during the growing season. GBV, LLC proposes to transition to three (3) 2,400 s.f. (7,200 s.f. total) permanent greenhouse structures for their mature plant canopy and will continue to use similar light deprivation growing methods. GBV currently houses its immature plants that are used for onsite cultivation activity in one of the hoop house structures in the southwestern portion of the site. The applicant proposes to construct a 3,500 s.f. engineered greenhouse to house the immature plants, which will include the use of artificial lighting (see Att. 7 – Project Plans).

There is an area dedicated to composting of organic cannabis waste located to the northeast of the cultivation area. A portion of a 2,256 s.f. shop/garage is currently used for drying and processing of the plants once harvested. In the future, the plants will be processed in four (4) separate 400 s.f. shipping containers; two of these shipping containers will also be used for drying. Additionally, one (1) 200 s.f. cargo container will be used for harvest storage (see Att. 7 – Project Site Plans).

2. Non-storefront retail: The California Bureau of Cannabis Control (BCC), with Trinity County concurrence, has issued GBV, LLC a non-storefront retail license (C9-0000345-LIC). The initial location for the non-storefront retail activity will be in a portion of the existing 2,256 s.f. shop/garage. In the future, the non-storefront retail activity will be located in a 200 s.f. shipping container (see Att. 7 – Project Site Plans).
3. Commercial Nursery: GBV, LLC proposes a commercial nursery that will include onsite retail sales and the delivery of immature plants to licensed cannabis operations. The applicant proposes to construct a 3,500 s.f. engineered greenhouses to house the immature plants for the commercial nursery, which will include the use of artificial lighting (see Att. 7 – Project Site Plans).

4. Distribution: The BCC issued GBV, LLC a State self-distribution license on March 23, 2020, which expired on the same date in 2021. GBV, LLC is currently in the process of renewing the license, having notified the BCC and initiating the renewal process prior to the expiration of the previous license. This application proposes a full distribution facility (not just self-distribution) that will be located in a 400 s.f. shipping container (see Att. 7 – Project Site Plans).
5. Non-volatile manufacturing: GBV, LLC is proposing to conduct non-volatile manufacturing activities (Type 6), in two (2) 200 s.f. shipping containers. GBV, LLC plans to manufacture bath bombs, lotions, balms, and edibles.
6. Other structures for cannabis activity: Additional structures that are proposed by the project include the following:
 - One (1) 400 s.f. cargo container will be used for cultivation research and development.
 - A 120 s.f. structure will be used for agricultural chemical/pesticide storage.
 - A 120 s.f. structure will be used as an administrative hold area.
7. Residence: A permitted dwelling is in the process of being constructed on the property.
8. Infrastructure: Infrastructure improvements proposed by the project include the following:
 - Electrical lines will be extended underground to the new shipping containers and greenhouses. There are two (2) three-phase power poles on the property and the applicant is proposing additional 400 amp (three-phase) electrical service.
 - The applicant proposes to incorporate solar panels on the roofs of the barn and home.
 - A new septic system will be installed to accommodate waste from the manufacturing facility, which will have its own separate and permitted plumbing system.

Number of Employees

Subject to seasonal fluctuations (i.e., depending upon the time of year), it is estimated there would be a maximum of twelve (12) full-time onsite employees.

Site Access

The subject property's main access will continue to be provided via Frog Pond Lane. There is an existing locking gate at the entrance to the site that restricts access. No new roadway encroachments are required for the implementation of the proposed project.

Water Availability

Water is provided to the project site by a surface diversion from an unnamed stream that fills two (2) permitted ponds. The ponds hold an estimated 370,000 gallons, cumulatively.

It is estimated that water use for both domestic and cannabis activities will be approximately 280,000 gallons annually. Water conservation methods will include drip irrigation, keeping the plants small, covering the greenhouse with shade cloth, and using irrigation timers. A Small Irrigation Use Registration has been filed with the State Water Resources Control Board, which allows the applicant to store water for cannabis use. Per the requirements of the registration, the applicant is only allowed to withdraw water during the wet season (e.g., Nov 15th to April 15th). The proposed project will not require the use of any groundwater or other/additional water resources for any of its operations.

Tree Removal

In order to preserve oak woodland habitat resources, all oak trees with a 16" DBH or with a secondary cavity, such as a basal hollow, will be retained for nest and denning habitat. Shipping container placement was chosen based on oak tree retainment plans. Five Oregon white oak trees are slated for removal. The trees will be cut with chainsaws.

STAFF/AGENCY COMMENTS:

Project referrals were sent out to the various County departments and applicable government agencies on 8/13/20. 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	The County Assessor responded to the project referral on 8/17/20 with the following comments: 1) there are unpaid taxes on the property; 2) the mailing address needs to be updated; and 3) the range for the property is 11 West, not 21 West.	As applicable, the comments from the County Assessor's Office have been included as conditions of approval for the project (see condition 4).
County Department of Transportation (DOT)	No comments received.	NA
County Building Department	No comments received.	NA
County Environmental Health Department	No comments received.	NA
CalTrans – District 2	Caltrans responded to the project referral in an email dated 8/13/20 stating, "Caltrans has no comments."	NA
CALFIRE	No comments received.	NA
CDFW	CDFW responded to the project referral in a letter dated 8/24/20, which addressed the following: 1) preparation of a Biological Resource Assessment; 2) Botanical surveys; 3) California Endangered Species Act; 4) Pond construction/Use of artificial water sources; 5) Nesting bird protection; 6) Critical wintering deer range; 7)	The comments from CDFW were addressed by the preparation of a Biological Assessment and the incorporation of mitigation measures in the IS/MND.

Department/Agency	Comment	Comments Addressed?
	Rodenticides and pesticides; 8) Lake and/or Streambed Alteration Agreement; and 9) Mitigation.	
NCRWQCB	No comments received.	NA
NCUAQMD	No comments received.	NA
Fire District: Hayfork Volunteer Fire Department	No comments received.	NA
Trinity County Waterworks District	Trinity County Waterworks District responded to the project referral in an email dated 8/13/20 stating, " <i>Trinity Co Waterworks has not comments on this proposal as it is outside of our District.</i> "	NA
Code Compliance/Cannabis Division	No comments received.	NA
Trinity Public Utilities District (TPUD)	TPUD responded to the project referral in an email dated 8/18/20 stating, " <i>This location is currently served by the Hayfork substation 1202 circuit, this circuit is reaching capacity due to all the large service requests, additional service connections may be limited.</i> "	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 was initiated on August 18, 2020. No response was received.	NA
Redding Rancheria	A request for consultation pursuant to AB 52 was initiated on August 18, 2020. No response was received.	NA
Wintu Educational & Cultural Council	A request for consultation pursuant to AB 52 was initiated on August 18, 2020. No response was received.	NA
Round Valley Reservation/Covelo Indian	A request for consultation pursuant to AB 52 was initiated on August 18, 2020. No response was received.	NA
Native American Heritage Commission	A request for consultation pursuant to AB 52 was initiated on August 18, 2020. No response was received.	NA
Hoopa Valley Tribe	A request for consultation pursuant to AB 52 was initiated on August 18, 2020. 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 the preparation of technical studies.

PUBLIC COMMENTS RECEIVED:

As of the writing of this staff report, public comments were received from the California Department of Toxic Substances Control (DTSC), California Department of Fish and Wildlife (CDFW), and California Department of Food and Agriculture (CDFA) 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 Toxic Substances Control (DTSC): Project Manager Gavin McCreary of DTSC wrote a comment letter to the County (dated 4/29/21) with comments on the CEQA IS/MND that was prepared for the proposed project. The comments provided by DTSC and the responses from County staff are provided below:

1. Hazardous Materials: The MND should acknowledge the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

Response to Comment 1: The Environmental Impact Report (EIR) prepared for the County's Cannabis Ordinance, acknowledged the potential for unidentified hazardous materials contamination to be uncovered during construction activities from the development of new cannabis operations. For this reason, mitigation was included to reduce impacts to less than significant, which required amendment of the County's Cannabis Ordinance to include new standards related to the preparation of environmental site assessments and hazardous materials contingency plans for construction activities. These requirements are included in Sections 17.43G.030.T and 17.43G.030.U of the County's Cannabis Ordinance (No. 315-849). Section 17.43G.030.T requires applications for new cannabis activities on sites that contain existing or previous commercial, business park, or industrial uses to include a site assessment for the presence of potential hazardous materials, including an updated review of environmental risk databases.

The project site is zoned for agricultural use and has historically been used for minor selective logging and agricultural activities. The project site is currently used for a licensed cannabis cultivation operation. As such, the site is not known to contain existing or previous land uses that would result in significant hazardous material contamination. The environmental risk databases that are referred to in the County's Cannabis Ordinance can be found on the CalEPA website at the following link: <https://calepa.ca.gov/sitecleanup/corteselist/>. These databases are collectively referred to as the "*Cortese List Data Resources*" and include the DTSC Envirostor database. As discussed in the Hazards and Hazardous Materials section of the IS/MND, no hazardous facilities or sites are identified in these

databases to be present at the project site or in the adjacent area (pg. 3.0-30). Since these environmental risk databases do not indicate the presence or likely presence of contamination at or adjacent to the project site, the County's Cannabis Ordinance does not require the applicant to prepare a Phase I Environmental Site Assessment. The EIR prepared for the County's Cannabis Ordinance (DEIR, pgs. 3.9-14 to 3.9-15) determined that implementation of the above-described requirements (Sections 17.43G.030.T and 17.43G.030.U), would reduce impacts related to unidentified hazardous materials to a less than significant level.

2. Lead Contamination: Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the MND.

Response to Comment 2: The subject property's main access is provided from an unimproved private road (Frog Pond Lane) via Summit Creek Road, which intersects with SR-3 approximately 0.9 miles driving distance to the west (see Att. 3 – Location Map and Att. 4 – Project Aerial). The project site is located approximately 0.35 miles (1,848 feet) from the closest section of SR-3.

Caltrans and the DTSC entered into a Soil Management Agreement for Aerially Deposited Lead-Contaminated Soils, which became effective July 1, 2016 (<https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/dtsc-ct-adlfinal-063016-a11y.pdf>). The agreement applies to soils on the state highway system with elevated lead derived from leaded fuel tailpipe emissions. According to information contained in the agreement (pg. 2), the highest lead concentrations are usually found within 10 feet of the edge of the pavement of roadways and within the top six inches of the soil. In some cases, lead can be as deep as two to three feet below the surface and can extend 20 feet or more from the edge of pavement.

Based on the historically low level of traffic on the access roads that will be used for the project (i.e., Summit Creek Road and Frog Pond Lane) and the distance from SR-3 to the project site (over 1,800 feet), it is not anticipated that the project site would contain significant quantities of ADL-contaminated soils that would warrant soil testing prior to the proposed construction activities. Additionally, this issue was not identified as being a potentially significant impact in the EIR prepared for the County's Cannabis Ordinance (DEIR, Section 3.9 – Hazards and Hazardous Materials).

3. Mining Activity: If any sites within the project area or sites located within the vicinity of the project have been used or are suspected of having been used for mining activities, proper investigation for mine waste should be discussed in the MND. DTSC recommends that any project sites with current and/or former mining operations onsite or in the project site area should be evaluated for mine waste according to DTSC's 1998 Abandoned Mine Land Mines Preliminary Assessment Handbook (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/11/aml_handbook.pdf).

Response to Comment 3: The project site is located within the Hayfork Community Planning Area and has historically been used for minor selective logging and agricultural activities and is currently used for a licensed cannabis cultivation operation. According to the applicant's consultant, the project site does not have a history of mining activity or any mine waste. Surrounding land uses include rural residences, cannabis cultivation farms, non-irrigated pastureland, and other agricultural activity. No information has been provided to indicate that there are sites in the immediate project area that have been used for mining activity and have mine waste that has a potential to impact the project site. According to the Hayfork Community Plan (2006, pg. 6.17), most of the mining claims in the Plan Area are dredging operations. Hard rock mining generally occurs outside of the Plan Area at locations such as the Kelly Mine, which is located approximately 4 miles southwest of the project site.

4. Building Demolition: If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf).

Response to Comment 4: According the project information submitted by the applicant, there are no buildings that are proposed to be demolished as part of the project.

5. Importation of Fill: If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material* (https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/SMP_FS_Cleanfill-Schools.pdf).

Response to Comment 5: According to the applicant's consultant, the site would be balanced and would not require the import or export of fill material for the proposed improvements.

6. Agricultural Activity: If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wpcontent/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>).

Response to Comment 6: Organochlorinated pesticides (OCPs) are a type of synthetic pesticide that is highly toxic and was used extensively from the 1940s through the 1960s in the United States and Europe in agriculture and mosquito control. Examples of OCPs include, but are not limited to, DDT, Eldrin, Dieldrin, and Lindane. OCPs were first introduced into California agriculture in 1944 and reached peak usage in the 1960s. In 1974, the use of DDT was banned for agricultural purposes, and the elimination of remaining OCPs in California agriculture quickly followed (DTSC, 2008, pg. 2).

According to DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>), the guidance was initially prepared for use in evaluating soil at proposed new school sites and existing schools undergoing expansion projects where the property was currently or previously used for agricultural activities. This guidance is now expanded to include any project with DTSC oversight and to provide a uniform and streamlined approach for evaluating agricultural properties. The guidance is intended for properties where pesticides and/or fertilizers were presumably applied uniformly. This includes agricultural properties that are currently under cultivation with row, fiber or food crops, orchards, or pasture. It is also applicable to fallow and former agricultural properties that are no longer in production and have not been disturbed beyond normal disking and plowing practices. The guidance does not apply to former agricultural property that has been graded for construction or other purposes, that has received fill, or had had parking lots or structures placed on it following active use as an agricultural field (DTSC, 2008, pg. 2).

As described above, the project site is zoned for agricultural use and has historically been used for minor selective logging and agricultural activities. The project site is currently used for a licensed cannabis cultivation operation. The project site is located on the eastern aspect of Hayfork Valley and contains soils that are well-drained and moderately erosive. Elevations at the site range from approximately 2,600 to 2,630 feet and the dominant tree canopy on the site is primarily composed of Oregon white oak and codominant ghost pine, with an

understory of manzanita and ceanothus. Existing development on the site includes a permitted shop/garage (2,256 s.f.), permitted septic system, several hoop houses and appurtenant improvements for the cannabis cultivation activity, a cannabis waste composting area, two (2) ponds, a recreational vehicle, and several accessory structures. A permitted single-family residence is also currently under construction at the site. According to the applicant's consultant, known past agricultural activity on the site has included cannabis cultivation. Based on the topography, vegetation patterns, existing onsite development, and known past use of the property, the project site does not appear to meet the criteria for a property that would be subject to DTSC's 2008 *Interim Guidance for Sampling Agricultural Properties (Third Revision)*.

California Department of Fish and Wildlife (CDFW): Habitat Conservation Program Manager Curt Babcock of CDFW wrote a comment letter to the County (dated 5/27/21) 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. Western pond turtle (*Emys marmorata*): The western pond turtle is a species of special concern (SSC) that occurs in a broad range of aquatic water bodies, including manmade ponds, and exhibits high site fidelity. It is likely that the pond turtle would be found near the construction site. Furthermore, if found and relocated, the likelihood of the pond turtle returning to the construction site is high. The Department recommends a biologist inspect the work area daily before work begins and during construction. If western pond turtles are observed at any time during Project construction, work shall halt and the Department should be contacted.

Response to Comment 1: The applicant is required to comply with Section 17.43G.030.E of the County Cannabis Ordinance (No. 315-849), which addresses pond turtles. This section requires pre-construction surveys conducted by a qualified biologist 24 hours before new development activities. If 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 pond turtles are not detected during the pre-construction survey, further mitigation is not required. The EIR prepared for the County's Cannabis Ordinance (DEIR, pgs. 3.4-46 to 3.4-47) determined that the implementation of this measure would reduce impacts to pond turtles to a less than significant level. The requirement to conduct pre-construction surveys for pond turtles per the requirements of the County Cannabis Ordinance, has been included as a condition of approval for the project.

2. Lake and Streambed Alteration: Cannabis cultivators applying for an Annual License from the California Department of Food and Agriculture must have a Lake and Streambed Alteration (LSA) Agreement or written verification that one is not needed. No record of a LSA Notification was found for the Project parcel including for the stream diversion or ponds described in the MND. 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 LSA Notification, pursuant to section 1600 et seq. of the FGC, 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. Work within ephemeral streams, washes, watercourses with subsurface flow, and floodplains are also subject to notification requirements. 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, please access our website at <https://www.wildlife.ca.gov/Conservation/LSA>.

Response to Comment 2: According to the applicant's consultant, the applicant will be submitting an LSA Notification to CDFW for the surface water diversion and on-stream ponds existing on the property. The applicant is also required to comply with Section 17.43G.030.P.3 of the County's Cannabis Ordinance (No. 315-849), which requires a Streambed Alteration Notification if site development would affect the bed, bank, channel, or associated riparian habitat subject to CDFW jurisdiction under California Fish & Game Code Section 1602. The requirement to obtain an LSA for site improvements (existing and proposed) within CDFW jurisdiction has been included as a condition of approval for the proposed project.

3. Nesting Birds: If the Project has the potential to directly impact nesting bird habitat or indirectly disturb nesting birds through audio or visual disturbance, the Department recommends the following measures be implemented to protect nesting birds and raptors protected under FGC sections 3503 and 3503.5:
 - a) Conduct vegetation removal and other ground-disturbance activities associated with construction from September 1 through January 31, when birds are not nesting; or
 - b) Conduct pre-construction surveys for nesting birds if vegetation removal or ground disturbing activities are to take place during the nesting season (February 1 through August 31). These surveys shall be conducted by a qualified biologist no more than one week prior to vegetation removal or construction activities during the nesting season. If an active nest is located during the pre-construction surveys, a non-disturbance buffer shall be established around the nest by a qualified biologist in consultation with the Department. No vegetation removal or construction activities shall occur within this non-disturbance buffer until the young have fledged, as determined through additional monitoring by the qualified biologist. The results of the pre-construction surveys shall be sent electronically to the Department at R1CEQARedding@wildlife.ca.gov.

Response to Comment 3:

The applicant is required to comply with Sections 17.43G.030.F and 17.43G.030.H of the County Cannabis Ordinance (No. 315-849), which includes similar standards for pre-construction nesting bird surveys. The EIR prepared for the County's Cannabis Ordinance (DEIR, pgs. 3.4-47 to 3.4-48 and pgs. 3.4-51 to 3.4-52) determined that the implementation of these measures would reduce impacts to nesting birds to a less than significant level. Due to the presence of suitable habitat for nesting birds adjacent to the project site, the requirement to conduct pre-construction surveys for nesting birds per the requirements of the County Cannabis Ordinance, has been included as a condition of approval for the project.

4. Bats: Trees that contain cavities, crevices and/or exfoliated bark have high potential to be used by various bat species. If the Project will impact trees with the above-referenced characteristics, a thorough survey of the large trees should be conducted by a qualified biologist or arborist familiar with these features to determine if tree features and habitat elements are present. Trees with features potentially suitable for bat roosting should be clearly marked prior to removal.

If removal or disturbance of trees identified to have roost structure will occur during the bat maternity season, when young are non-volant (March 1 – Aug 31), or during the bat hibernacula (November 1 – March 1), when bats have limited ability to safely relocate roosts, it could cause a significant impact to bats through direct mortality during the roost removal. Impacts to roosts are usually accompanied by high mortality of bats, which is a significant impact because a single colony could consist of the entire local population of a species. The availability of suitable roosting habitat is considered a limiting factor in almost all bat species. Roost site suitability is often based on a narrow range of suitable temperatures, relative humidity, physical dimensions, etc., and many species exhibit high roost site fidelity. Depending on the impact, if any, to the roosting habitat, additional mitigation may be necessary and could include providing replacement or alternate roost habitat. If necessary, humane evictions should be conducted during seasonal periods of bat activity, which may vary by year, location, or species and must be conducted by or under the supervision of a biologist with specific experience conducting exclusions. Humane exclusions could consist of a two-day tree removal process whereby the non-habitat trees and brush are removed along with certain tree limbs on the first day and the remainder of the tree on the second day. This two-step process changes the microhabitat of the area causing the bats to vacate the area under their own volition, therefore minimizing mortality and other impacts to bat species.

Response to Comment 4: The applicant is required to comply with Section 17.43G.030.N of the County Cannabis Ordinance (No. 315-849), which states that before commencing any development related to cannabis activities, a qualified biologist will conduct surveys for roosting bats. If bat roosts are found, a mitigation plan for the specific occurrence shall be submitted to the Planning Director and CDFW for review and approval. Consistent with Mitigation Measure 3.4-21 from

the EIR prepared for the County Cannabis Ordinance, the mitigation plan shall include establishing a buffer around any maternity colonies large enough to prevent disturbance. In addition, if roosting bats are found, the following recommendations from CDFW shall be implemented:

- Avoid removal or disturbance of trees identified to have roost structure during the bat maternity season, when young are non-volant (March 1 – Aug 31), or during the bat hibernacula (November 1 – March 1).
- Humane exclusions shall consist of a two-day tree removal process whereby the non-habitat trees and brush are removed along with certain tree limbs on the first day and the remainder of the tree on the second day.

Pre-construction surveys for roosting bats and the preparation, approval, and implementation of a mitigation plan, if roosting bats are found, has been included as a condition of approval for the project.

5. Lighting: The Department recognizes the adverse effects that artificial lighting has on birds and other nocturnal species. The effects are numerous and include impacts to singing and foraging behavior, reproductive behavior, navigation, and altered migration patterns. To minimize adverse effects of artificial light on wildlife, the Department recommends that lighting fixtures associated with the Project be downward facing, fully shielded, and designed and installed to minimize photo-pollution and spillover of light onto adjacent wildlife habitat.

Response to Comment 5: The County's Cannabis Ordinance (No. 315-849) contains several performance standards related to lighting including the following:

- Section 17.43.060.L contains a general lighting performance standard for cultivation operations, which states: *"All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky."*
- Section 17.43.060.M contains a lighting performance standard for cultivation operations using artificial lighting, which states: *"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."*

These performance standards are consistent with CCR Sections 8304(c) and 8304(g) regarding state licensing requirements for cultivation. The EIR prepared for the County's Cannabis Ordinance (DEIR, pgs. 3.1-11 and 3.4-59) determined that these standards would reduce the impacts of lighting to wildlife to a less than significant level. The requirement to comply with the lighting performance standards in the County's Cannabis Ordinance, has been included as a condition of approval for the proposed project.

6. Trenching: If trenching will occur as a result of Project activities, it should be covered securely prior to stopping work each day, or a ramp should be provided in the trench to prevent wildlife entrapment. If pipes are left out onsite, they should be inspected for animals prior to burying, capping, moving, or filling. The Department recommends a mitigation measure be developed and included in the final environmental document or project approval.

Response to Comment 6: Covering trenches and excavations and checking equipment and materials prior to commencing construction activities is a standard construction safety practice across the industry. As recommended by CDFW, the requirement to securely cover trenches and inspect piping prior to installation has been included as a condition of approval for the project.

7. Survey Results: If any special status species are found during surveys, the Department requests that California Natural Diversity Data Base (CNDDB) forms be filled out and sent to Sacramento and a copy of the form be sent to the Regional office at the above address. Instructions for providing data to the CNDDB can be found at: <https://wildlife.ca.gov/Data/CNDDB/Submitting-Data>.

Response to Comment 7:

Unless permits are required from CDFW, USFWS, or other regulatory agencies with jurisdiction, the submittal of species observation data to CDFW for inclusion in the CNDDB database is a voluntary activity that is often undertaken by biologists and botanists that complete surveys for special status species. Although highly encouraged by CDFW and Trinity County, County staff has determined there is no basis for requiring the applicant and/or their biological consultants to comply with this recommendation.

California Department of Food and Agriculture (CDFA): Licensing Program Manager Lindsay Rains of CDFA wrote a comment letter to the County (dated 5/27/21) with comments on the CEQA IS/MND that was prepared for the proposed project. The comments provided by CDFA and the responses from County staff are provided below:

1. Proposed Project Description: In general, more detailed information related to Proposed Project operations and routine maintenance would be helpful to CDFA. This includes:
 - The types and projected duration equipment anticipated for operations and maintenance activities;
 - The number of workers employed at the cultivation site and estimated number of daily vehicle trips projected to occur during operation; and
 - The source (equipment) and amounts of energy expected to be used in operating the cultivation facility, including any energy management and efficiency features incorporated into the proposed project.

Response to Comment 1: The project description in the IS/MND was revised (see pgs. 2.0-3 to 2.0-4) to include the additional information requested by CDFA.

2. Acknowledgement of CDFA Regulations: The IS/MND states that CDFA is responsible for “monitoring commercial cannabis cultivation.” CDFA is responsible for the licensing of cannabis cultivation and is responsible for the regulation of cannabis cultivation and enforcement, as defined in the Medicinal and Adult Use Cannabis Regulation and Safety Act (MAUCRSA) and CDFA regulations related to cannabis cultivation (Bus. & Prof. Code, §26103(a)). The IS/MND’s analysis would also benefit from discussion of the protections for environmental resources provided by CDFA’s regulations (Cal. Code Regs. tit.3, § 8000 et seq.). In particular, the impact analysis would be further supported by a discussion of the effects of state regulations on reducing the severity of impacts on the following resource topics:

- Aesthetics (See 3 California Code of Regulations § 8304(c); § 8304(g).)
- Air Quality and Greenhouse Gas Emissions (See § 8102(s); § 8304(e); § 8305; § 8306.)
- Biological Resources (See § 8102(w); § 8102(dd); § 8216; § 8304(a-c); § 8304(g).)
- Cultural Resources (See § 8304(d).)
- Hazards and Hazardous Materials (See § 8102(q); § 8106(a)(3); § 8304(f); § 8307.)
- Hydrology and Water Quality (See § 8102(p); § 8102(v); § 8102(w); § 8102(dd); § 8107(b); § 8216; § 8304(a and b); § 8307.)
- Noise (See § 8304(e); § 8306.)
- Utilities and Service Systems (See § 8102(s); § 8108; § 8308.)
- Energy (See § 8102(s); § 8305; § 8306.)
- Cumulative Impacts (related to the above topics)

Response to Comment 2: The IS/MND has been revised to discuss relevant CDFA regulations related to the resource topics listed above (see pages 3.0-6, 3.0-11, 3.0-12, 3.0-19, 3.0-30, 3.0-31, 3.0-34, and 3.0-50 of the IS/MND).

3. CalCannabis PEIR potential impacts: The CalCannabis PEIR determined that some environmental topics generally fell outside of CalCannabis’ regulatory authority because these topics are regulated by local land use. Additionally, there are other topics for which detailed analysis in the CalCannabis PEIR was not possible because of the statewide nature of the CalCannabis licensure program. Many of these topics involve the evaluation of site-specific conditions, the details of which were infeasible to identify and evaluate in a statewide PEIR, and the characteristics of which were unknown at the time the PEIR was published (e.g., the locations of new cultivation sites that would be planned and licensed were unknown at the time the PEIR was published).

For those topics, listed below, the CalCannabis PEIR determined that potential impacts would most appropriately be evaluated in local regulatory program-level documents or site-specific documents.

CalCannabis requests that CEQA documents prepared by or on behalf of cannabis cultivation applicants evaluate the impacts of commercial cannabis cultivation projects for these resource topics, at an appropriate regionally-focused and site-specific level, and include mitigation measures that will ensure projects will not result in significant adverse impacts on the environment.

Response to Comment 3: This comment from CDFA does not identify the specific resource topics that were not adequately evaluated in the CalCannabis PEIR. However, CDFA does generally state that those topics would most appropriately be evaluated in local regulatory program-level documents or site-specific documents. The County prepared and adopted an EIR (SCH# 2018122049) for its Cannabis Program Ordinance that addresses potential environmental impacts from implementation of the ordinance. The EIR contains numerous mitigation measures that were also incorporated into the County's Amended Cannabis Program Ordinance as enforceable regulations. Additionally, an IS/MND (SCH# 2021040649) was prepared for the proposed project, which included the preparation of site-specific studies and plans including an Odor Control Plan, Biological Assessment, and Cultural Resources Investigation. The IS/MND also requires several mitigation measures based on the findings of the site-specific analysis. The requirements of the County's Cannabis Ordinance and the mitigation measures in the EIR and IS/MND adequately address all potential environmental impacts of the proposed project, including any that may not have been adequately addressed by the CalCannabis PEIR.

4. Specific Comments and Recommendations: In addition to the general comments provided above, CDFA provides the following comments regarding the analysis in the IS/MND. In Section V (Cultural Resources, pg. 3.0-18), the impact analysis and the impact statement for this resource topic indicate that impacts would be no impacts. However, the checkbox indicates that there would be "less than significant with mitigation incorporated." The text, impact statement, and checkbox should be made consistent.

Response to Comment 4: The IS/MND has been revised (see pg. 3.0-18) to correct the checkbox for question a. in Section V. (Cultural Resources) to show that "No Impact" would result to historical resources from implementation of the proposed project.

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 non-storefront retail) and the activities proposed in this application (i.e., commercial nursery, distribution, and non-volatile manufacturing). Additionally, the proposed residence and 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. Ordinances 315-823, 315-829, 315-830 and 315-841 regulate cultivation and are all specifically titled "*An Ordinance of the Board of Supervisors of the County of Trinity Amending Zoning Ordinance No. 315 Creating Section 28: Commercial Cannabis Cultivation Regulations.*" Based on the uses proposed by the applicant, the following ordinances would also apply to the project:

- Ordinance 315-833 (Wholesale Cannabis Nurseries and Resale of Auxiliary Nursery Products)
- Ordinance 315-834 (Distribution of Cannabis)
- Ordinance 315-842 (Commercial Manufacturing of Cannabis)

In addition, the County adopted an Amended Cannabis Program Ordinance on 12/28/20 (Ordinance No. 315-849) that contains new requirements and performance standards for commercial cannabis activities that apply to the project. All of these ordinances are referred to, collectively, in this section as the "Cannabis Ordinance" and are found in Chapters 17.43 and 17.43A through 17.43G in the County Code.

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 a residence and 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, the applicant has previously been issued licenses for up to 10,000 s.f. of mixed-light canopy area (Adult-Use Small Mixed-Light Tier 1 commercial license) and a non-storefront retail business. Per Sections 17.43 (Commercial Cannabis Cultivation Regulations) and 17.43D (Cannabis Non-Storefront Retail) of the County Cannabis Ordinance, these are allowable cannabis uses in the Agricultural (A) zoning district.

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.

Per Section 17.43F.020 of the County Cannabis Ordinance, to be eligible for a Type 6 (Non-Volatile Manufacturing) 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 is for a property that is appropriately zoned Agricultural (A), making the property eligible for a Type 11 non-volatile manufacturing license.

Table 3 compares the design of the proposed project (i.e., structures for cannabis activities, proposed residence, 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*	>10 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	>10 feet	Yes
Minimum Rear Yard	20 feet	>20 feet	Yes

County Code Development Standard	County Code Requirement	Proposed by Project	Compliant with County Code?
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. It is assumed that the subdivision creating the 10.95-acre project site occurred prior to the application of the A20 zoning to the site.

As illustrated on the Project Site Plans (see Att. 7) and noted in Table 3, the proposed project has been designed to be consistent with the development standards in the County Code.

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 to 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 tribal cultural resources. 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#: 2021040649) and was circulated for review from 04/28/2021 to 05/27/2021. 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 Toxic Substances Control (DTSC), California Department of Fish and Wildlife (CDFW), and California Department of Food and Agriculture (CDFA) 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 project description and project figures 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 Planning Department website on the Environmental Review page at the following address: <https://www.trinitycounty.org/Planning>

The current cannabis use permit application for this property was submitted to the County in January 2020. 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 commercial cannabis operation to allow a commercial nursery, distribution, and non-volatile manufacturing activities, in addition to the existing mixed-light cultivation and non-storefront retail 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 rural residences, cannabis cultivation farms, non-irrigated pastureland, and other agricultural activity. The closest sensitive receptors are more than 400 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 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).

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-20-02) based on the recommended findings in Resolution 2021-09 and subject to the conditions of approval set forth in Exhibit A to Resolution 2021-09.

ATTACHMENTS:

- 1) Draft Resolution 2021-09 and Conditions of Approval
- 2) CEQA Mitigation Monitoring and Reporting Plan (MMRP)*
- 3) Location Map
- 4) Project Aerial
- 5) Zoning Map
- 6) General Plan Designation Map
- 7) Project Site Plan

*Environmental Review: The CEQA Initial Study/Mitigated Negative Declaration can be found online on the Planning Department's Environmental Review Page under "Cannabis Projects" at: <https://www.trinitycounty.org/node/2609>

RESOLUTION NO. 2021-09

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY
APPROVING CONDITIONAL USE PERMIT
(Green Beach Ventures, LLC (GBV, LLC), P-20-02)**

WHEREAS, Michael Herron filed an application dated January 15, 2020 for a Commercial Cannabis Use Permit (P-20-02). The CUP is for the expansion of an existing commercial cannabis operation to allow a commercial nursery, distribution, and non-volatile manufacturing activities, in addition to the existing mixed-light cultivation and non-storefront retail activities. The project is located at 324 Frog Pond Lane, Hayfork, California on Trinity County assessor parcel number 017-010-080; and

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 (4/28/21 to 5/27/21) by posting it on the County of Trinity website and filing with the State Clearinghouse (SCH#: 2021040649); 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 June 10, 2021; and

WHEREAS, at said public hearing, due consideration was given to all oral and written comments regarding the request for approval of the Conditional Use Permit, and the Planning Commission concluded that the Conditional Use Permit should be granted subject to certain conditions 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 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 commercial cannabis operation to allow a commercial nursery, distribution, and non-volatile manufacturing activities, in addition to the existing mixed-light cultivation and non-storefront retail 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 rural residences, cannabis cultivation farms, non-irrigated pastureland, and other agricultural activity. The closest sensitive receptors are more than 400 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 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. The Planning Commission of the County of Trinity hereby approves the Conditional Use Permit (P-20-02), subject to the conditions set forth in Exhibit "A", attached hereto and made a part hereof.

DULY PASSED AND ADOPTED this 10th day of June, 2021 by the Planning Commission of the County of Trinity by motion of Commissioner _____, seconded by Commissioner _____, and the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

DIANA STEWART, Chair
Planning Commission
County of Trinity, State of California

ATTEST:

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

EXHIBIT “A” to Resolution PC-2021-09
CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL
(Green Beach Ventures, LLC (GBV, LLC), P-20-02)

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 Permittee shall comply with all relevant requirements listed in the August 17, 2020 referral response from the Trinity County Assessor’s Office.
5. 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.
6. 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.
7. 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.
8. 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.

9. The Permittee shall comply with the following recommendations from the May 27, 2021 referral response email from CDFW:

- Streambed Alteration Notification
The applicant shall submit a Streambed Alteration Notification to CDFW for all existing and proposed site improvements that are within CDFW jurisdiction and require a Lake and Streambed Alteration Agreement.
- Lighting
Prior to the final inspection of the proposed improvement by the Building Department, the applicant shall demonstrate compliance with the lighting performance standards in Sections 17.43.060.L and 17.43.060.M of the County's Cannabis Ordinance (No. 315-849).
- Trenching
If trenching will occur as part of the improvement proposed by the project, the trenches shall be covered securely prior to stopping work each day, or a ramp should be provided in the trench to prevent wildlife entrapment. If pipes are left out onsite, they shall be inspected for animals prior to burying, capping, moving, or filling.

The following conditions of approval include the mitigation measures from the Initial Study-Mitigation Negative Declaration (SCH#: 2021040649) 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.

10. **AQ-1:** The applicant shall implement the Odor Control Plan included as Attachment A to the IS/MND (SCH#: 2021040649) to minimize potential odor impacts to sensitive receptors adjacent to the project site. Odor reduction measures in the plan include redundant carbon filtration located throughout the facility, negative pressure in all cannabis related zones, odor ionizing technology, and employee standard operating procedures.
11. **BIO-1:** Any heavy equipment used to develop the property should be thoroughly washed and inspected for weeds before arrival in order to prevent the introduction of new weed species.
12. **BIO-2:** Monthly monitoring and treatment of yellow starthistle in the Project development area should be conducted throughout the growing season, together with rapid (treatment) response for new weed populations and modification of an integrated pest management plan, which addresses the biological considerations of the target species.
13. **BIO-3:** Two Oregon oak seedlings shall be planted within the riparian setback around the ponds for every oak tree that is cut during Project development. Seedlings shall be watered once monthly from May through October, for the first three years after planting. Vitality of said plantings shall be monitored once annually. Replanting will occur if the viable population of seedlings drops below 85%. Additionally, vigor monitoring of the planted oaks shall occur once annually, for a period of five years. Data collected for each plant will include date, height, and vigor (good, moderate, poor, or dead). Replacement plantings will occur annually if the planting survival rate falls below 85% of the total original planting numbers.
14. **BIO-4:** Nest and den surveys shall be completed within seven (7) days prior to construction or disturbance by a qualified biologist, as defined in §722.3.A of the California Code of Regulations, if the activities occur between February 1st and August 31st. In the event that a nest or den is

detected, a protective buffer shall be established by the biologist to avoid deleterious impacts to the animal or offspring, such as nest abandonment.

15. **BIO-5:** To mitigate for unintended harm to fishers, the farm shall use preventative and non-chemical strategies to control rodents. The rodent prevention strategy will focus on reducing the rodent carrying capacity of the site by removing food access and items/features that could provide habitat to rodents. The farm manager will erect owl boxes if needed. In the event that an infestation is detected, traps and EradiBait, a non-anti-coagulant powder corn cob, will be used to extirpate the pests.
16. **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)) and 3 CCR § 8304(d). 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.
17. **CR-2:** If In the event that previously unidentified evidence of human burial or human remains are discovered during Project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5)., The Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. when the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.

The following conditions of approval include the relevant mitigation measures from the Environmental Impact Report (SCH#: 2018122049) that was prepared for the Amended Cannabis Program Ordinance (No. 315-849) adopted by the County Board of Supervisors on December 28, 2020:

18. 3.1-1b: Maintain Cultivation Parcel

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.

19. 3.3-1a: Prohibit Burning Vegetation

Prohibit the burning of vegetation that has been cleared for cultivation purposes. It should also be noted that CDFG regulations prohibit the burning of cannabis waste under CCR, Title 3, Division 8, Chapter 1, Section 8308.

20. 3.3-1b: Implement Diesel Engine Exhaust Control Measures and Dust Control

Exhaust Control Measures: 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.

Dust Control: 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.

21. 3.3-1c: Use Alternative Fuels

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.

22. 3.3-2a: Limit the Use of Fossil Fuel-Powered Outdoor Power Equipment at All Commercial Cannabis Cultivation and Noncultivation Sites

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.

23. 3.3-2b: Require Use of Low Emission Diesel Back-Up Generators at All Commercial Cannabis Cultivation and Noncultivation Sites

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.

24. 3.4-1c: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species

Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ to avoid the introduction or spread of plants classified as invasive plant species by the California Invasive Plant Council:

- The application will include identification of 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 application will identify specific measures to be employed for the removal of invasive species and on-site management practices.
- 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.
- Applicants shall monitor annually to ensure successful removal and prevention of new infestations of invasive species.
- 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.

25. 3.4-2b: Conduct Surveys for Western Pond Turtle and Relocate Individuals

Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of western pond turtle from new development related to cannabis activities:

- If pond turtles are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a), preconstruction surveys, or are determined to be likely to occur, consultation with CDFW shall be initiated to determine whether additional measures, such as project design modifications, relocation of the site, relocation of individual animals by a qualified biologist with a valid CDFW Scientific Collecting Permit, or installation of exclusionary fencing, will be necessary and appropriate.
- Regardless of detection during the initial biological reconnaissance survey, if 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.

In their comments on the project, the California Department of Fish and Wildlife (CDFW) has indicated that it is likely that the pond turtle would be found near the proposed construction site. Therefore, pre-construction surveys will be required for the project consistent with the requirements of Mitigation Measure 3.4-2b.

26. 3.4-2c: Conduct Preconstruction Nesting Raptor Surveys and Establish Protective Buffers

Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of nesting raptors from new development related to cannabis activities:

- To minimize the potential for loss of nesting raptors, tree removal activities shall occur only during the nonbreeding season (September 1–January 31).
- Prior to removal of any trees or ground-disturbing activities between February 1 and August 31, a qualified biologist approved by the County shall conduct preconstruction surveys for nesting raptors and shall identify active nests within 500 feet of the proposed development area. The surveys shall be conducted between February 1 and August 31.
- Impacts to nesting raptors, including direct impacts and indirect impacts (e.g., noise, presence of construction crews) shall be avoided by establishing appropriate buffers around active nest sites identified during preconstruction raptor surveys. Factors to be considered for determining buffer size will include the presence of natural buffers provided by vegetation or topography; nest height; locations of foraging territory; and baseline levels of noise and human activity. Buffer size if the qualified biologist and the applicant, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. The buffer areas shall be protected with construction fencing, and no activity shall occur within the buffer areas until the qualified biologist has determined, in coordination with CDFW, that the young have fledged, the nest is no longer active, or reducing the buffer would not likely result in nest abandonment. Monitoring of the nest by a qualified biologist approved by the County during and after construction activities (e.g., ground disturbance, vegetation removal, installation cultivation sites) will be required if the activity has potential to adversely affect the nest.
- Removal of bald and golden eagle nests is prohibited regardless of the occupancy status under the federal Bald and Golden Eagle Protection Act. If bald or golden eagle nests are found during preconstruction surveys, then the nest tree shall not be removed.
- Trees shall not be removed during the breeding season for nesting raptors unless a survey by the qualified biologist verifies that there is not an active nest in the tree.

Due to the presence of suitable habitat for raptors at and adjacent to the project site, pre-construction nesting bird surveys shall be conducted consistent with the requirements of Mitigation Measure 3.4-2c.

27. 3.4-2e: Conduct Preconstruction Special-Status Nesting Bird Surveys and Establish Protective Buffers

Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ for the protection of little willow flycatcher, olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests from new development related to cannabis activities:

- To minimize the potential for disturbance to or loss of little willow flycatcher, olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests, vegetation removal activities shall occur only during the nonbreeding season (September 1-January 31).
- If little willow flycatcher is detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or is determined to be likely to occur based on the presence of suitable habitat, a protocol-level survey shall be conducted by a qualified biologist familiar with the species and the protocol prior to removal of any vegetation or any ground disturbance. The protocol-level survey shall utilize methods outlined in A Willow Flycatcher Survey Protocol for California (Bombay et al. 2003).
- If little willow flycatcher is determined to be present during the protocol-level survey, no development activity shall occur during the breeding season (May 1 through August 31) in and within 300 feet of the little willow flycatcher habitat. Development activities within or adjacent to identified little willow flycatcher habitat shall not damage or destroy willows or other riparian shrubs unless agreed upon through consultation with CDFW.
- If olive-sided flycatcher, yellow warbler, yellow-breasted chat, or other bird nests are detected during the initial biological reconnaissance survey (see Mitigation Measure 3.4-1a) or are determined to be likely to occur based on the presence of suitable habitat prior to removal of any vegetation or any ground disturbance between February 1 and August 31, a qualified biologist approved by the County shall conduct preconstruction surveys for nests on any structure or vegetation planned for removal. The surveys shall be conducted no more than 7 days before construction commences. If no active nests are found during focused surveys, no further action under this measure will be required. If active nests are located during the preconstruction surveys, the biologist shall notify the Planning Director and CDFW. If deemed necessary by the Planning Director in consultation with CDFW, modifications to the project design to avoid removal of occupied habitat while still achieving project objectives may be required. If the County determines in consultation with CDFW that avoidance is not feasible or conflicts with project objectives, construction shall be prohibited within a minimum of 100 feet of the nest to avoid disturbance until the nest is no longer active.

Due to the presence of suitable habitat for raptors at and adjacent to the project site, pre-construction nesting bird surveys shall be conducted consistent with the requirements of Mitigation Measure 3.4-2e.

28. 3.4-2l: Preconstruction Bat Survey and Exclusion

Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2017-0023-DWQ Order WQ 2019-0001-DWQ for the protection of the pallid bat and Townsend's big-eared bat from new development related to cannabis activities:

- Before commencing any development related to cannabis activities, a qualified biologist approved by the County shall conduct surveys for roosting bats. If evidence of bat use is observed, the species and number of bats using the roost shall be determined. Bat detectors may be used to supplement survey efforts. If no evidence of bat roosts is found, then no further study will be required.
- If pallid bats or Townsend's big-eared bats are found in the surveys, a mitigation program addressing mitigation for the specific occurrence shall be submitted to the Planning Director and CDFW by the qualified biologist subject to the review and approval of the Planning Director in consultation with CDFW. Implementation of the mitigation plan shall be a condition of project approval. The mitigation plan shall establish a buffer area around the nest during hibernation or while females in maternity colonies are nursing young that is large enough to prevent disturbance to the colonies.

Due to the presence of suitable roosting habitat for bats at the project site, pre-construction nesting bird surveys shall be conducted consistent with the requirements of Mitigation Measure 3.4-2l. In addition, if roosting bats are found, the following recommendations from CDFW shall be implemented as part of the mitigation plan:

- **Avoid removal or disturbance of trees identified to have roost structure during the bat maternity season, when young are non-volant (March 1 – Aug 31), or during the bat hibernacula (November 1 – March 1).**
- **Humane exclusions shall consist of a two-day tree removal process whereby the non-habitat trees and brush are removed along with certain tree limbs on the first day and the remainder of the tree on the second day.**

29. 3.4-2n: Implement Generator Noise Reduction Measures

The cultivation of cannabis shall not exceed the noise level standards as set forth in the County General Plan: 55 A-weighted decibels (dBA) from 7:00 a.m. to 7:00 p.m. and 50 dBA from 7:00 p.m. to 7:00 a.m. measured at the property line, except that generators associated with a commercial grow are not to be used between 10:00 p.m. and 7:00 a.m. (Section 315-843[6][b]). The following additional noise performance standards shall apply to generator use:

- Project-generated sound must not exceed ambient nesting conditions by 20-25 dBA.
- Project-generated sound, when added to existing ambient conditions, must not exceed 90 dBA.

30. 3.8-1c: Renewable Electricity Requirements

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.

This mitigation measure is consistent with a local action measure recommended in Appendix B, Local Action, of the 2017 Scoping Plan, which reads, “Require on-site renewable energy generation” (CARB 2017:B-8).

31. 3.10-1a: Demonstrate Compliance with Water Resource Standards

Compliance documentation will be provided to the County as part of the application materials and may be combined with required compliance with SWRCB Order WQ 2019-0001-DWQ.

- All cultivation sites (new and licensed renewals) are required to 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 and will not be limited by a minimum area of disturbance as part of application review and at annual licensed renewal. This will include documentation, Site Management Plan, and grading details prepared by a qualified professional to help ensure that any grading of 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 CCR Title 14, Chapter 4.

Compliance with water diversion standards and restrictions of SWRCB Order WQ 2019-0001-DWQ 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.

- On-site sewage systems shall be designed to accommodate employees and seasonal employees during harvest consistent with the requirements of County Code of Ordinances Section 16.48.122.
- Applications will 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 Five Counties Salmonid Conservation Roads Maintenance Manual. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.

32. 3.12-1: Implement Construction Noise Mitigation

All outdoor construction activity and use of heavy equipment outdoors shall take place between 7:00 a.m. and 7:00 p.m.

33. 3.14-3: Provide Site Access Free of Hazards Due to Geometric Roadway Design

Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that roadways providing site access are in compliance with Chapter 12.10: Design Policies of the Trinity County Code of Ordinances. 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 CCR Title 14, Chapter 4 and SWRCB Order WQ 2019-0001-DWQ.

34. 3.14-4: Provide Adequate Emergency Access

Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that site access is in compliance with Chapter 8.30 – Fire Safe Ordinance of the Trinity County Code.

35. 3.15-3: Implement a Cannabis Waste Composting Management Plan

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:

- 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.
- Identification of water quality control features that ensure no discharge of cannabis waste or other pollutants.
- 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.

36. 3.16-2b: Implement Fire Prevention Measures for On-Site Construction and Maintenance Activities

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 [REDACTED], 202[REDACTED]. 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)
Green Beach Ventures, LLC (GBV, LLC) Conditional Use Permit (P-20-02)

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: Odor Control Plan The applicant shall implement the Odor Control Plan included as Attachment A to the IS/MND (SCH#: 2021040649) to minimize potential odor impacts to sensitive receptors adjacent to the project site. Odor reduction measures in the plan include redundant carbon filtration located throughout the facility, negative pressure in all cannabis related zones, odor ionizing technology, and employee standard operating procedures.	Permittee responsibility throughout operation of the project.	Permittee responsibility throughout operation of the project.	Trinity County Planning	Less Than Significant			
Biological Resources							
BIO-1: Equipment Washing and Inspection for Invasive Species Control Any heavy equipment used to develop the property should be thoroughly washed and inspected for weeds before arrival in order to prevent the introduction of new weed species. BIO-2: Yellow Starthistle Monitoring and Treatment Monthly monitoring and treatment of yellow starthistle in the Project development area should be conducted throughout the growing season, together with rapid (treatment) response for new weed populations and modification of an integrated pest management plan, which addresses the biological considerations of the target species. BIO-3: Oregon Oak Mitigation Plan Two Oregon oak seedlings shall be planted within the riparian setback around the ponds for every oak tree that is cut during Project development. Seedlings shall be watered once monthly from May through October, for the first three years after planting. Vitality of said plantings shall be monitored once annually. Replanting will occur if the viable population of seedlings drops below 85%. Additionally, vigor monitoring of the planted oaks shall occur once annually, for a period of five years. Data collected for each plant will include date, height, and vigor (good, moderate, poor, or dead). Replacement plantings will occur annually if the planting survival rate falls below 85% of the total original planting numbers. BIO-4: Pre-Construction Nest and Den Surveys Nest and den surveys shall be completed within seven (7) days prior to construction or disturbance by a qualified biologist, as defined in §722.3.A of the California Code	Permittee responsibility throughout construction and operation of the project.	Permittee responsibility throughout construction and operation of the project.	Trinity County Planning, CDFW, and USFWS	Less Than Significant			

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
Green Beach Ventures, LLC (GBV, LLC) Conditional Use Permit (P-20-02)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
<p>of Regulations, if the activities occur between February 1st and August 31st. In the event that a nest or den is detected, a protective buffer shall be established by the biologist to avoid deleterious impacts to the animal or offspring, such as nest abandonment.</p> <p>BIO-5: Rodent Management</p> <p>To mitigate for unintended harm to fishers, the farm shall use preventative and non-chemical strategies to control rodents. The rodent prevention strategy will focus on reducing the rodent carrying capacity of the site by removing food access and items/features that could provide habitat to rodents. The farm manager will erect owl boxes if needed. In the event that an infestation is detected, traps and EradiBait, a non-anti-coagulant powder corn cob, will be used to extirpate the pests.</p>							
Cultural Resources							
<p>CR-1: Cultural and Archeological Resources</p> <p>If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 50 feet of the discovery, as required by the California Environmental Quality Act (CEQA; January 1999 Revised Guidelines, Title 14 California Code of Regulations [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.</p>	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, Redding Rancheria, Round Valley, and Wintu Tribes	Less Than Significant			
<p>CR-2: Unidentified Human Remains</p> <p>If In the event that previously unidentified evidence of human burial or human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5), the Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. when the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the</p>	Permittee and Construction Contractor responsibility during ground-disturbing activities	Permittee and Construction Contractor responsibility during ground-disturbing activities	Trinity County Coroner and Native American Heritage Commission	Less Than Significant			

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
Green Beach Ventures, LLC (GBV, LLC) Conditional Use Permit (P-20-02)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.							
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							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
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							

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
Green Beach Ventures, LLC (GBV, LLC) Conditional Use Permit (P-20-02)

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.							
Transportation							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Tribal Cultural Resources							
Implementation of Mitigation Measure CR-1.	Per CR-1	Per CR-1	Per CR-1	Less Than Significant			
Utilities and Service Systems							
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-5, CR-1, and CR-2.	Per AQ-1, BIO-1 to BIO-5, CR-1, and CR-2	Per AQ-1, BIO-1 to BIO-5, CR-1, and CR-2	Per AQ-1, BIO-1 to BIO-5, CR-1, and CR-2	Less Than Significant			



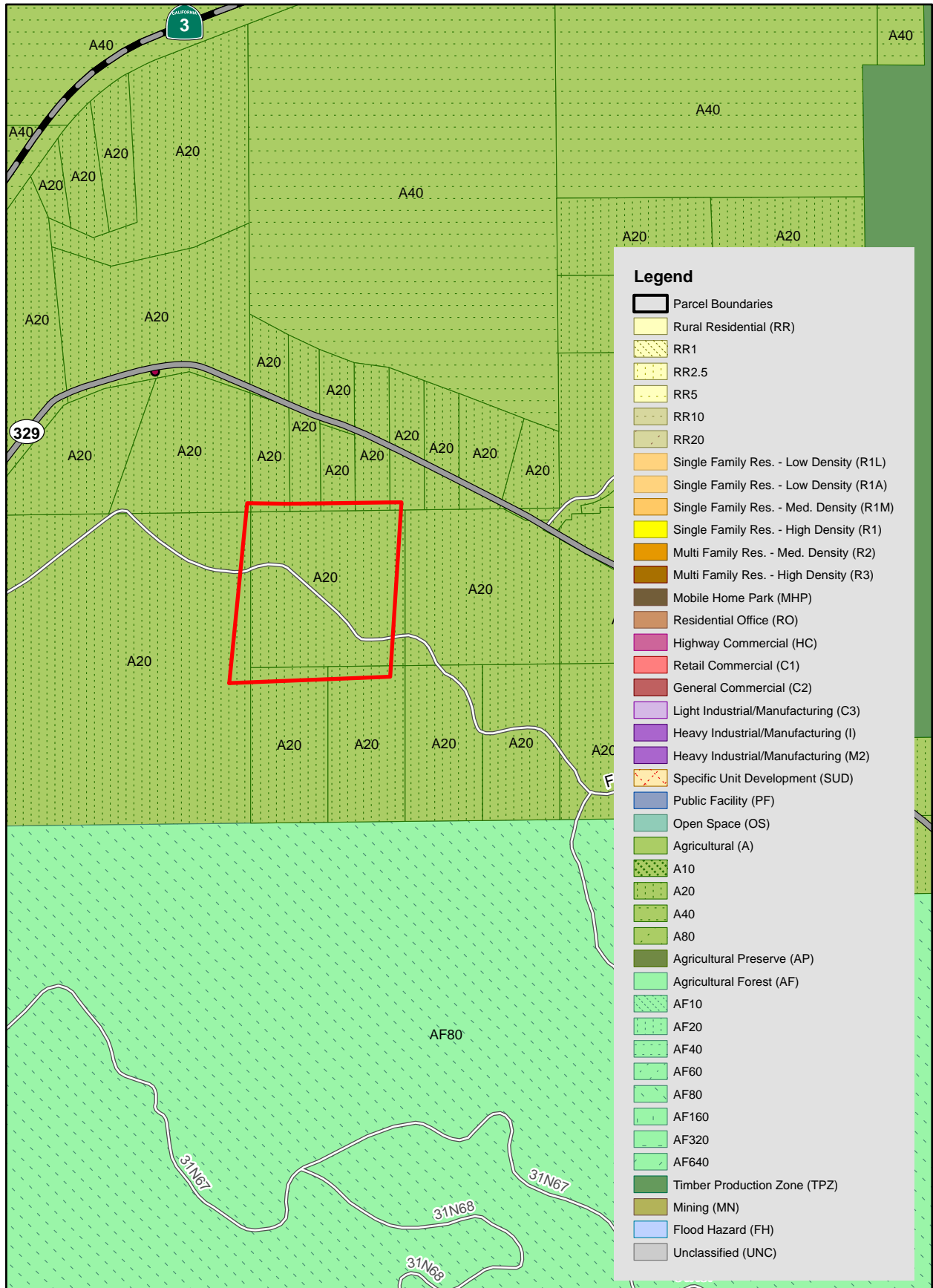
Figure 4 - Project Aerial
APN 017-010-80-00
P-20-02 | Green Beach Ventures, LLC



0 75 150 300 450 600 Feet



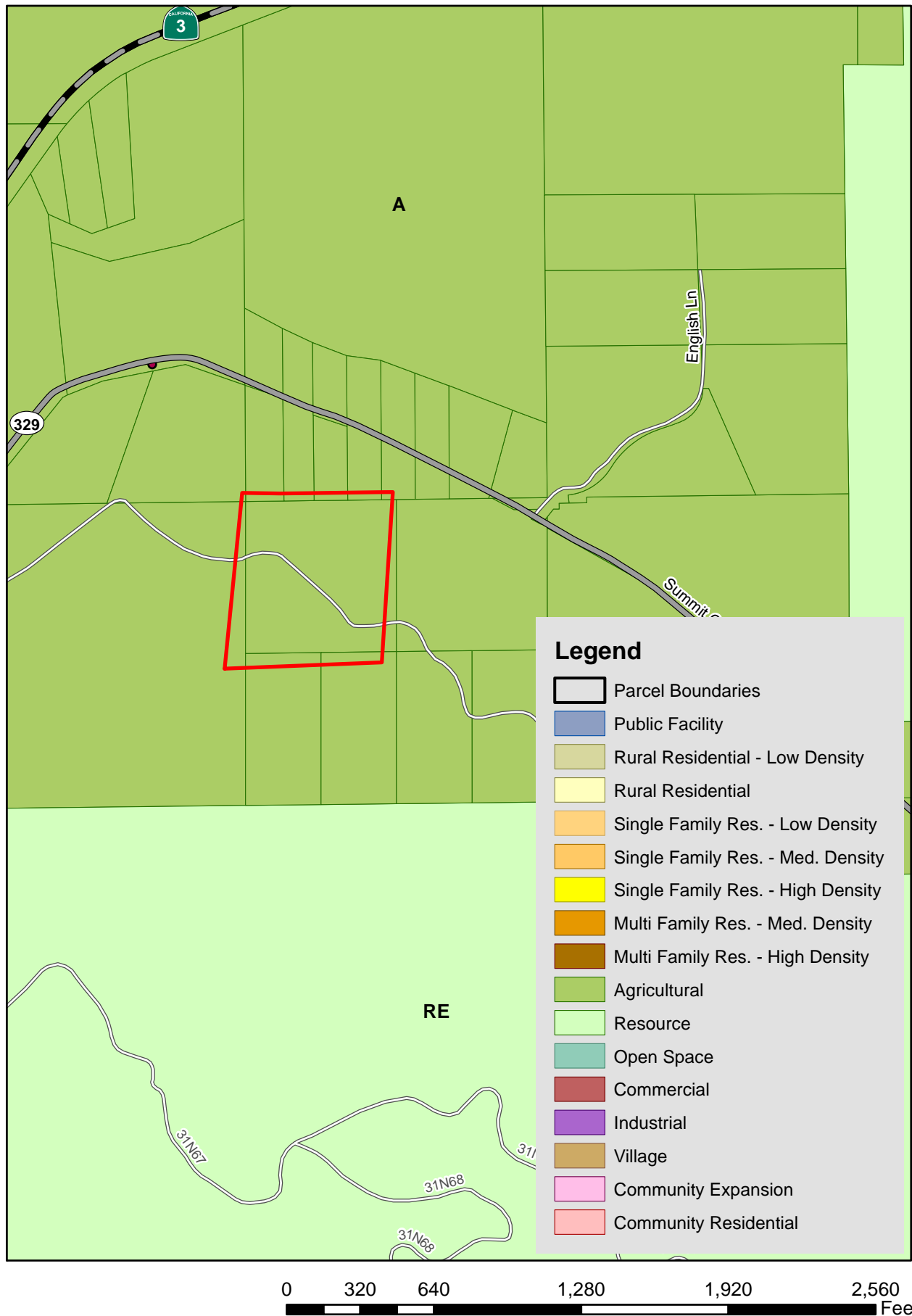
Figure 5 - Zoning Map
APN 017-010-80-00
P-20-02 | Green Beach Ventures, LLC







0 320 640 1,280 1,920 2,560 Feet



Figure 6 - General Plan Designation Map
APN 017-010-80-00
P-20-02 | Green Beach Ventures, LLC



- 1.) 36" CMP (overflow from pond)
- 2.) 36" CMP (overflow from pond)
- 3.) 24" CMP runs under Frog Pond Ln
- 4.) Surface Water Diversion (agriculture and domestic)
- 5.) Pond (15,866sq ft)
- 6.) Pond (14,674sq ft)
- 7.) Frog Pond Lane
- 8.) Class III Watercourse
- 9.) Access Road
- 10.) 5,000G (domestic), 3,000G, 2,500G , 500G (agriculture) Water Storage Tanks;
Proposed 5,000G Water Storage Tank

-  Parcel Boundary
-  Premises Boundary
-  Parcel Entrance/Exit
-  Premises Entrance/Exit

Light-Blue-Dashed Line Indicates Water Transport from
POD to Water Tank to Cultivation

APN:
017-010-80-00

Remaining Portion of
Parcel is Unused



- 1.) Proposed 35' x 100' Commercial Nursery
- 2.) Proposed 35' x 100' Greenhouse - Immature Canopy
- 3.) Three 24' x 100' Greenhouses - Mature Canopy
- 4.) 15' x 50' Cannabis Waste Area - Compost
- 5.) Proposed 10' x 12' Building - Ag. Chemical / Pesticide Storage
- 6.) Proposed 10' x 12' Building - Admin Hold Area



Parcel Boundary



Premises Boundary

APN:
017-010-80-00

Remaining Portion of Parcel is
Unused



Lettered-White-Rectangles are metal shipping containers

A: 10' x 40' = Research & Development

B: 10' x 40' = Drying/Processing

C: 10' x 40' = Drying/Processing

D: 10' x 40' = Processing

E: 10' x 40' = Processing

F: 10' x 40' = Manufacturing/Kitchen

G: 10' x 20' = Manufacturing/Extraction

H: 10' x 20' = Harvest Storage

No Shared Areas Between Licenses

Mature Canopy Area:

(24' x 100')(3)

Total = 7,200 sq. ft.

Immature Canopy Area:

35' x 100'

Total = 3,500 sq. ft.