

**TRINITY COUNTY
BOARD OF SUPERVISORS**
Trinity County Library
Conference Room
351 Main Street
Weaverville, CA

SPECIAL MEETING AGENDA
July 30, 2021

Chairman
Supervisor Jeremy Brown - District 4

Vice-Chairman
Supervisor Dan Frasier - District 5

Supervisor Keith Groves - District 1
Supervisor Jill Cox - District 2
Supervisor Liam Gogan - District 3

Richard Kuhns, Psy.D - County Administrative Officer / Clerk of the Board
Margaret E. Long - County Counsel
Emma Purvis - Deputy Clerk of the Board

The Trinity County Board of Supervisors welcomes you to its meetings which are regularly scheduled for the first and third Tuesday of each month, unless altered to accommodate a holiday, starting at 9:00 a.m. at 351 Main Street, Weaverville, California.

This Board Agenda contains a brief, general description of each item to be considered. Supporting documentation is available online at www.trinitycounty.org, at the County Administrative Office located at 11 Court Street, Room 230, Weaverville, CA, during normal business hours, and in the Public Packet at the rear of the Board Chambers during the meeting.

If you would like to receive notification via email that the agenda has been posted, please send your request to clerkoftheboard@trinitycounty.org.

Members of the public wishing to present documents to the Board of Supervisors during the meeting must submit ten (10) copies to the Deputy Clerk of the Board.

During the meeting the Trinity County Board of Supervisors may take action sitting as the Board of Supervisors and as the governing body of: The Trinity County Transportation Commission, the In-Home Supportive Services Authority, the Consolidated Transit Services Agency, the Trinity County Board of Equalization, the Trinity County Housing Authority and the Solid Waste Local Task Force.

In compliance with the Americans with Disabilities Act, those requiring accommodations for this meeting should notify Emma Purvis at the County Administrative Office three (3) full business days prior to the meeting at (530) 623-1382 or clerkoftheboard@trinitycounty.org.

ZOOM INFORMATION

Join Zoom Meeting

<https://zoom.us/j/5950072851?pwd=RHp6TDhNajNJMVJHZFJIRmhacmJjUT09>

Meeting ID: 595 007 2851

Passcode: 267684

Dial In:

1 (669) 900-6833

If you need assistance with Zoom please go to this website:

<https://support.zoom.us/hc/en-us/articles/201362283-Testing-computer-or-device-audio>

Just a reminder that the chat feature is not the appropriate forum to ask questions or provide comments. This chat should only be used to notify us of technical issues. No response will be given in acknowledgement or otherwise via the Zoom chat.

Public Comment given via Zoom can only be done audibly (not via chat), and you must either "Raise Your Hand" or use the chat to request your turn.

CALL MEETING TO ORDER IN OPEN SESSION

10:00 AM

PLEDGE OF ALLEGIANCE

10:00 AM Public Hearings

Planning and Zoning

- 1.1 Conduct a public hearing to consider introducing, waiving the reading of and extending Urgency Ordinance 315-850 enacted on June 15, 2021, imposing a temporary moratorium on the issuance of new Commercial Cannabis Cultivation Licenses (CCCL) in, and the transfer of existing CCCLs into, the Lewiston community area for 10 months and 15 days.

Unknown fiscal impact.

County Matters

These items include non-routine, or controversial matters and are listed alphabetically by department. A member of the Board or Staff may request that an item be heard out of order.

Planning and Zoning

- 2.1 Continue from July 20, 2021 the appeal hearing to consider upholding, modifying or overturning the Planning Commission's decision to make a determination for a Mitigated Negative Declaration in accordance with the California Environmental

Quality Act, and approve a Conditional Use Permit for Trinity Equipment & Materials, LLC on Assessor's Parcel Number 024-220-56-00. (Project Applicant: Thomas Ballanco; Appellant: Citizens for Proper Community Planning).
Unknown fiscal impact.

Adjourn

TRINITY COUNTY

Item Report

Meeting Date: 7/30/2021

Department:
Clerk of the Board

Contact:

Phone:

Zoom Information

Requested Action:

Join Zoom Meeting

<https://zoom.us/j/5950072851?pwd=RHp6TDhNajNJMVJHZFJlRmhacmJjUT09>

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TRINITY COUNTY

Item Report 1.1

Meeting Date: 7/30/2021

Department:
Planning and Zoning

Contact:
Kimberly Hunter, Building &
Planning Director

Phone:
5306231351 Ext 2839

Urgency Ordinance: Lewiston Expansion Licensing Moratorium - 1st Extension

Requested Action:

Conduct a public hearing to consider introducing, waiving the reading of and extending Urgency Ordinance 315-850 enacted on June 15, 2021, imposing a temporary moratorium on the issuance of new Commercial Cannabis Cultivation Licenses (CCCL) in, and the transfer of existing CCCLs into, the Lewiston community area for 10 months and 15 days.

Fiscal Impact:

Unknown fiscal impact.

Summary:

The Board of Supervisors approved this Urgency Ordinance on June 15, 2021. This is the first extension of the Urgency Ordinance as provided by California Government Code section section 65858.

Discussion:

On May 5, 2021, the Friends of Lewiston Grass Valley Creek submitted documents to the Planning Department requesting an expansion of the existing Lewiston Opt Out by approving an interim ordinance prohibiting the issuance of new or transferred Commercial Cannabis Cultivation Licenses. Currently there are several commercial cannabis cultivation applications that pending within the proposed opt out area and would be considered as new licenses.

The proposed Lewiston Opt Out Expansion is located to the west and south of the existing Lewiston Opt Out. The area consists of 124 parcels (9 which are either owned by the Bureau of Land Management or the State of California), and includes the following individual neighborhoods which have various zoning districts. The majority of the development in the proposed opt out area is rural residential with open space, commercial, timber and agricultural uses as well. Concerns have been expressed by property owners and residents in the area that include, but are not limited to, the following issues: water quality, water quantity, odor, safety, traffic, odor and cumulative impacts.

The identified opt out expansion area includes parcels in the following neighborhoods:

- Lewiston Road
- Steelhead Circle
- Browns Mountain Road

- Wellock Road
- Oak Ranch Road
- Benvenuto Way
- Lockhart Ranch Road
- Lowden View
- Dirt Road
- Ohio Lane
- Ponderosa Pines
- Riverfront Road
- Coffin Road

There are currently three (3) existing commercial cannabis licenses issued within the extended Lewiston opt out area with two (2) pending applications that have been previously noticed for approval and one (1) pending application being evaluated that would be a transfer into the opt out area.

Alternatives Including Financial Implications:

Reject the proposed item and direct staff.

Departmental Recommendation:

Staff recommends that the Board adopt the extension for Urgency Ordinance 315-850.

ATTACHMENTS:

Description

Urgency Ordinance 315-850

Communications Received

Urgency Ordinance Ext. 1

Public Comment Received After Posting but Prior to the Meeting

Additional Public Comment Received After Posting but Prior to the Meeting

ZONING ORDINANCE NO. 315-850

**AN URGENCY INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE
OF COMMERCIAL CANNABIS CULTIVATION LICENSES WITHIN
THE AREA OF LEWISTON**

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

SECTION I: PURPOSE AND AUTHORITY.

The purpose of this urgency ordinance is to create a moratorium on the issuance of new and transferred licenses within the area of Lewiston, identified by the map and list of Assessor's Parcel Numbers hereto attached at "Exhibit A." (Lewiston Opt Out Extension). This urgency ordinance is adopted pursuant to California Constitution Article 11, Section 7, Government Code sections 65800, et seq., particularly section 65858, and other applicable law.

SECTION II: FINDINGS.

The Board of Supervisors of the County of Trinity makes the following findings in support of the immediate adoption and application of this urgency ordinance:

1. The state and federal law governing the definition and cultivation of commercial cannabis cultivation is complex, evolving, and may adversely affect the public, peace, health, or safety of residents or of visitors to Trinity County.
2. The majority residents and property owners within the Lewiston Opt Out Extension area have signed a petition requesting that commercial cannabis cultivation be prohibited as it has been detrimental to the neighborhoods.
3. There is no feasible alternative to enactment of this moratorium ordinance that will satisfactorily mitigate or avoid the previously identified impacts to the public health, safety and welfare with a less burdensome or restrictive effect.
4. In order to ensure the effective implementation of the County of Trinity's land use objectives and policies, a temporary moratorium on the issuance of new licenses and the transfer establishment and/or approval of commercial cannabis cultivation is necessary.
5. This ordinance complies with State law and imposes reasonable regulations that the Board of Supervisors concludes are necessary to protect the public safety, health and welfare of residents and business within the County.

SECTION III. COMMERCIAL CANNABIS CULTIVATION PROHIBITED

A. During the term of this interim ordinance, no new Commercial Cannabis Cultivation Licenses shall be issued within the Lewiston Opt Out Extension area. Current Commercial Cannabis

Cultivation Licensees within the Lewiston Opt Out Extension area can transfer their licenses to properties outside of the Lewiston Opt Out Extension area or to a new owner of their legally licensed property within the Lewiston Opt Out Extension area, pursuant to County Code.

B. The provisions of this section shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, and/or use of controlled substances, or to authorize conduct that is unlawful under state or federal law. As authorized by Government Code section 25132, and except as otherwise provided by state statute, any person or entity violating any provision of this ordinance shall be guilty of a misdemeanor. Moreover, absent a certificate of registration from the federal government, the cultivation of commercial cannabis remains a violation of federal law as of the date of adoption of this ordinance and this ordinance is not intended to, and does not authorize conduct or acts that violate federal law, does not serve in any manner as an obstacle to enforcement of federal law, and does not protect any of the above-described persons from arrest or prosecution under those

SECTION IV. CONFLICTING LAWS.

For the term of this ordinance, as set forth in Section 8 below, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other County Code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

SECTION V. DECLARATION OF URGENCY.

Based on the findings set forth above, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon adoption by the Board of Supervisors.

SECTION VI. CONFLICTING LAWS.

For the term of this ordinance, as set forth in Section 8 below, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other County Code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

SECTION VIII. CEQA.


This ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemption applies: section 15308 (actions taken as authorized by local ordinance to assure protection of the environment). There are no unusual circumstances under CEQA Guideline 15300.2(c). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

SECTION VIII. EFFECTIVE DATE AND TERM

This ordinance is an interim ordinance adopted as an urgency measure pursuant to Government Code section 65858, and it shall be of no further force and effect forty-five (45) days from its date of adoption, unless it is extended by further action of the Board of Supervisors, pursuant to Section 65858.

Introduced, passed and enacted on this 15th day of June 2021, by the Board of Supervisors, of the County of Trinity by motion, second (Groves/Cox), and the following vote:

AYES: Supervisors Cox, Groves, Gogan, Frasier, and Brown
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None




JEREMY BROWN, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

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

By: _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel

Exhibit A

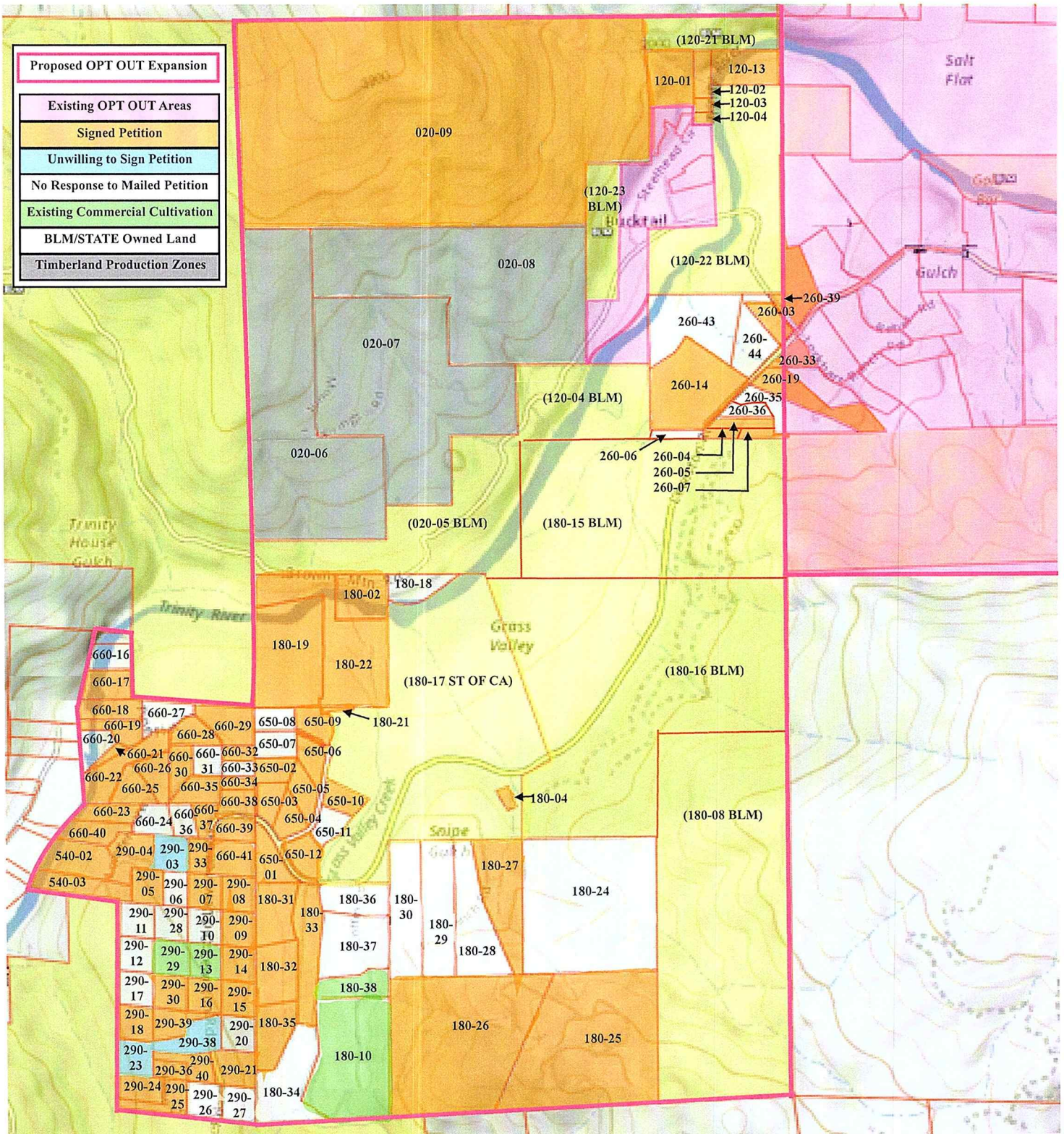


Exhibit A

FRIENDS OF THE LEWISTON GRASS VALLEY CREEK
OPT OUT EXPANSION - WORKING LIST
as of 4/19/2021

124	PROPOSED TOTAL PARCELS FOR INCLUSION
Zoned ELIGIBLE for Cannabis Cultivation	
112	Total Parcels
73	SP = Signed Petition in Favor of
3	N = Not in Favor of
4	G = Existing Commercial Cultivation
32	NR = No Response to Mailed Petition
Zoned INELIGIBLE for Cannabis Cultivation	
12	Total Parcels
9	B = BLM/State Owned
3	Z = Timberland Production Zones

APN	PHYSICAL ADDRESS	STATUS	ZONING	OWNER
025-020-05	NOT ADDRESSED	B	A	
025-020-06	1200 MOUNTAIN SRPINGS RD	Z	TPZ	
025-020-07	446 MOUNTAIN SPRINGS RD	Z	TPZ	
025-020-08	356 MOUNTAIN SPRINGS RD	Z	TPZ	
025-020-09	640 BROWNS MOUNTAIN RD	SP	TPZ	
025-120-01	7001 BROWNS MOUNTAIN RD	SP	RR1	
025-120-02	294 STEELHEAD CIRCLE	SP	RR1	
025-120-03	292 STEELHEAD CIRCLE	SP	RR1	
025-120-04	276 STEELHEAD CIRCLE	SP	RR1	
025-120-13	240 BROWNS MOUNTAIN RD	SP	OS	
025-120-21	NOT ADDRESSED	B	OS	
025-120-22	NOT ADDRESSED	B	RR5	
025-120-23	NOT ADDRESSED	B	OS	
025-120-24	NOT ADDRESSED	B	RR1	
025-180-02	5870 BROWNS MOUNTAIN	SP	RR5	
025-180-04	3671 LEWISTON ROAD	SP	A10	
025-180-08	NOT ADDRESSED	B	OS	
025-180-10	310 COFFIN ROAD	G	RR5	
025-180-15	NOT ADDRESSED	B	AF	
025-180-16	NOT ADDRESSED	B	AF	
025-180-17	3700 LEWISTON ROAD	B	A10	
025-180-18	5920 BROWNS MOUNTAIN	NR	RR5	
025-180-19	275 WELLOCK ROAD	SP	A10	
025-180-21	270 WELLOCK	SP	A10	
025-180-22	270 WELLOCK	SP	RR5	
025-180-24	311 OAK RANCH ROAD	NR	AF40	
025-180-25	1551 OAK RANCH ROAD	SP	AF40	
025-180-26	601 OAK RANCH ROAD	SP	AF40	
025-180-27	251 OAK RANCH ROAD	SP	A10	
025-180-28	240 OAK RANCH ROAD	NR	A10	
025-180-29	410 OAK RANCH ROAD	NR	A10	
025-180-30	480 OAK RANCH ROAD	NR	A10	
025-180-31	70 BENVENUTO WAY	SP	RR5	
025-180-32	160 BENVENUTO WAY	SP	RR5	
025-180-33	75 BENVENUTO WAY	SP	RR5	
025-180-34	345 BENVENUTO WAY	NR	RR5	
025-180-35	250 BENVENUTO WAY	SP	RR5	
025-180-36	100 COFFIN ROAD	NR	RR5	

APN	PHYSICAL ADDRESS	STATUS	ZONING	OWNER
025-180-37	150 COFFIN ROAD	NR	RR5	
025-180-38	200 COFFIN ROAD	G	RR5	
025-260-03	2720 LEWISTON ROAD	SP	RR5	
025-260-04	2981 LEWISTON ROAD	SP	A10	
025-260-05	2951 LEWISTON ROAD	SP	A10	
025-260-06	2994 LEWISTON ROAD	NR	RR5	
025-260-07	2987 LEWISTON ROAD	SP	A10	
025-260-14	2872 LEWISTON ROAD	SP	RR5	
025-260-19	90 LOCKHART RANCH	SP	A10	
025-260-33	48 LOCKHART RANCH	SP	A10	
025-260-35	2891 LEWISTON ROAD	NR	A10	
025-260-36	2697 LEWISTON ROAD	NR	A10	
025-260-39	7205 BROWNS MOUNTAIN RD	SP	RR5	
025-260-43	7204 BROWNS MOUNTAIN RD	NR	RR5	
025-260-44	7202 BROWNS MOUNTAIN RD	NR	RR5	
025-290-03	151 S PONDEROSA PINE	N	RR2.5	
025-290-04	271 LOWDEN VIEW	SP	RR2.5	
025-290-05	301 LOWDEN VIEW	SP	RR2.5	
025-290-06	167 S PONDEROSA PINE	NR	RR2.5	
025-290-07	4611 LEWISTON ROAD	SP	RR2.5	
025-290-08	150 DIRT ROAD	SP	RR2.5	
025-290-09	230 DIRT ROAD	SP	RR2.5	
025-290-10	4710 LEWISTON ROAD	NR	RR2.5	
025-290-11	NOT ADDRESSED	NR	RR2.5	
025-290-12	NOT ADDRESSED	NR	RR2.5	
025-290-13	4790 LEWISTON ROAD	G	RR2.5	
025-290-14	250 DIRT ROAD	SP	RR2.5	
025-290-15	300 DIRT ROAD	SP	RR2.5	
025-290-16	4860 LEWISTON ROAD	SP	RR2.5	
025-290-17	NOT ADDRESSED	NR	RR2.5	
025-290-18	NOT ADDRESSED	SP	RR2.5	
025-290-20	310 DIRT ROAD	NR	RR2.5	
025-290-21	5001 LEWISTON ROAD	SP	RR2.5	
025-290-23	161 OHIO LANE	N	RR2.5	
025-290-24	141 OHIO LANE	SP	RR2.5	
025-290-25	150 OHIO LANE	SP	RR2.5	
025-290-26	10 OHIO LANE	NR	RR2.5	
025-290-27	5041 LEWISTON ROAD	NR	RR2.5	
025-290-28	4718 LEWISTON ROAD	NR	RR2.5	
025-290-29	4798 LEWISTON ROAD	G	RR2.5	
025-290-30	4868 LEWISTON ROAD	SP	RR2.5	
025-290-33	41 S PONDEROSA PINE	SP	RR2.5	
025-290-36	211 OHIO LANE	SP	RR2.5	
025-290-38	4930 LEWISTON ROAD	N	RR2.5	
025-290-39	4900 LEWISTON ROAD	SP	RR2.5	
025-290-40	4940 LEWISTON ROAD	SP	RR2.5	
025-290-41	4501 LEWISTON ROAD	SP	RR2.5	
025-540-02	320 LOWDEN VIEW	SP	RR5	
025-540-03	360 LOWDEN VIEW	SP	RR5	
025-650-01	4361 LEWISTON ROAD	SP	RR5	
025-650-02	4428 LEWISTON ROAD	SP	A10	

APN	PHYSICAL ADDRESS	STATUS	ZONING	OWNER
025-650-03	4420 LEWISTON ROAD	SP	A10	
025-650-04	11 WELLOCK ROAD	SP	A10	
025-650-05	121 WELLOCK ROAD	SP	A10	
025-650-06	215 WELLOCK ROAD	SP	A10	
025-650-07	221 WELLOCK ROAD	NR	A10	
025-650-08	227 WELLOCK ROAD	NR	A10	
025-650-09	237 WELLOCK ROAD	SP	A10	
025-650-10	110 WELLOCK ROAD	SP	A10	
025-650-11	100 WELLOCK ROAD	NR	A10	
025-650-12	20 WELLOCK ROAD	SP	A10	
025-660-16	161 RIVERFRONT ROAD	NR	RR5	
025-660-17	121 RIVERFRONT ROAD	SP	RR5	
025-660-18	400 PONDEROSA PINES	SP	RR5	
025-660-19	390 PONDEROSA PINES	SP	RR5	
025-660-20	381 PONDEROSA PINES	NR	RR5	
025-660-21	361 PONDEROSA PINES	SP	RR5	
025-660-22	341 PONDEROSA PINES	SP	RR5	
025-660-23	220 LOWDEN VIEW	SP	RR5	
025-660-24	215 LOWDEN VIEW	NR	RR5	
025-660-25	170 LOWDEN VIEW	SP	RR5	
025-660-26	130 LOWDEN VIEW	SP	RR5	
025-660-27	290 PONDEROSA PINES	NR	RR5	
025-660-28	141 PONDEROSA PINES	SP	RR5	
025-660-29	150 PONDEROSA PINES	SP	RR5	
025-660-30	60 LOWDEN VIEW	SP	RR5	
025-660-31	20 LOWDEN VIEW	NR	RR5	
025-660-32	130 PONDEROSA PINES	SP	RR5	
025-660-33	80 PONDEROSA PINES	NR	RR5	
025-660-34	60 PONDEROSA PINES	SP	RR5	
025-660-35	17 PONDEROSA PINES	SP	RR5	
025-660-36	70 S PONDEROSA PINE	NR	RR5	
025-660-37	11 PONDEROSA PINES	SP	RR5	
025-660-38	4440 LEWISTON ROAD	SP	RR5	
025-660-39	40 DIRT ROAD	SP	RR5	
025-660-40	250 LOWDEN VIEW	SP	RR5	

FROM: Debra Crawford
SENT: Fri 7/9/2021 5:06 PM
SUBJECT: Lewiston Opt Out letter in Support

Dear Board of Supervisors,

This letter is in support of extending the Lewiston Opt out that was approved at the last BOS meeting.

As a historic town, Lewiston residents enjoy the quiet, the views, the sights of wildlife, sound of birds, the wind in the trees and the smell of fresh air.

Allowing the continuation of weed grows in Lewiston will erode all of the factors that make Lewiston so desirable for many residents. The Lewiston opt-out petition was overwhelmingly in favor of eliminating future cannabis grows.

At the last BOS meeting, the opposition implied that the citizens of Lewiston were racist because we didn't want marijuana grown here. Clearly, opposition plans on utilizing societal "hot buttons" to garner support, but this simply is not the case – it is untrue, insulting, and quite dangerous and inflammatory talk that could incite violence into our community. Thank you for calling that out at the last meeting.

We don't want weed grown in Lewiston or any rural residential area for the reasons we have stated over and over again including: traffic, water diversion and pollution concerns, light pollution, noise, security, ruined landscapes, and the SMELL.

Marijuana is huge profit driven crop - and growers are getting wise to optimizing the dollar potential. These are not little "mom and pop farms" – these are serious, highly funded grows, designed to maximize potential profits and are capable of growing in greenhouses year-round which need to utilize artificial light and creates year-round water demands to the delicate water tables already severely impacted by our ongoing drought. They need to be growing this crop in commercial agricultural zones, where there is already well established and regulated agencies that can deal with the issues of water, fertilizers, light and air pollution and not allow these "farms" to tuck in-between residences making neighborhoods vulnerable to crime and all the other factors that have been outlined above.

Just do the right thing, rethink this zoning – many residents are in fear of these grows and possible retaliation. It's your job to think big picture and protect our neighborhoods from the negative impacts of weed grows.

Thank you for your consideration

FROM: Jim Knight
SENT: Mon 7/12/2021 7:24 AM
SUBJECT: Opt-out

In support of Kristie and Earnie bell , we support their need for and Opt-out. We have been dealing with the crap that comes growers, and the trash they bring with their grows and neighborhood. These growers, bring down property values, and even make it hard to sale your property if needed.

These grows should not be in a community that does not support grows. Listen to your public and approve the opt-out for the Bells.

Jim Knight

FROM: Sue Leutwyler
SENT: Mon 7/12/2021 5:10 PM
SUBJECT: Re: 7/20/2021 BOS Meeting - Lewiston Expansion Opt Out Extension

Good afternoon, everyone,

I would like to thank you and the county staff once again for your support last month and for your consideration at this next meeting for extending our Lewiston Expansion Opt-Out as you recently did for the Rush Creek Opt-Out.

I know my husband and I and the vast majority of our community here in Lewiston are very much in support of the county's efforts to rectify the under-estimated, unintended negative effects commercial cannabis cultivation has had on our rural residential neighborhoods. Without rehashing all of the extensive and well-documented grievances (odor, noise, water use, traffic, crime and odor, odor, odor) that long-time non-cannabis residents have placed before you, I would like to lend my support and encouragement for the difficult task you have ahead to find a suitable compromise for all parties involved in this delicate issue.

I have to say that when we drafted our Lewiston Opt-Out, we intentionally used the Rush Creek Opt-out no-transfer language. I'm not sure how that Rush Creek no-transfer language got 'lost' when our opt-out petition got put before you a couple of meetings ago, but as you re-discovered at the last meeting, the Rush Creek opt-out did in fact have it, and while I realize that residents don't personally have a 'vote' on the no-transfer issue, I would like to re-emphasize that this obviously was important to our petition signers and I'm sure continues to be important to all of us. As the Board considers options to 'standardize' these (and any future) opt-out requests, I would like to offer my support for the creative ideas the Board is considering to incentivize the cannabis cultivators to get out of our neighborhoods and into more appropriate cannabis-zoned areas. I'm sure both sides of this issue (as well as County officials!) would benefit from the peace of mind that would come from the county being crystal clear about where it is or is not appropriate to have commercial cannabis operations. We can then all (both cannabis growers and non-cannabis growers) make informed decisions about what the quiet enjoyment of our properties will be without the stress or worry of unhappy, grumpy neighbors.

With appropriately defined cannabis zones, I think we will all breathe a big sigh of relief and get on with our various pursuits. I believe properly zoned commercial cannabis can become a great boon to the county, and I look forward to the day when the county can focus on weeding out (no pun intended) the illegal grows so that our licensed commercial growers can reap the benefits they deserve w/o having to fight battles on two fronts ... neighbors who don't want them as neighbors and illegal growers who undercut their legitimate businesses.

I know you are all under a lot of 'heat' right now from both sides of this issue and I encourage you to keep up the good work and please, please, please extend the Lewiston Expansion Opt-Out until you come to a final comprehensive decision for the County!

Sue Leutwyler

FROM: Thomas Sanders
SENT: Thur 7/15/2021 10:20 AM
SUBJECT: Lewiston Urgency Ordinance Vote

Greetings to all Trinity County Supervisors,

I am writing on behalf of the Lewiston Residents Urgency Ordinance Commercial Cannabis Opt-out extension. I request that you consider the following and vote in favor of the extension as originally requested and submitted:

1. Cannabis cultivation licenses are issued to individual persons, businesses, LLC's or Corporations and not to the County parcel. These licences are not recorded on the title of the property and should not be transferred with the sale of the property.
2. Commercial licensing of Rural Residential property is a misuse of zoning. If we are to wait 3-4 years for the updating of the County's General Plan to address this land-use issue, the continuance of such practice will result in more licenses wrongfully issued and renewed, thus compounding the difficulty in reversing the practice.
3. Several years ago, Trinity County began issuing cannabis cultivation licenses in Rural Residential zoned properties without notice to existing residential property owners in the surrounding neighborhoods. The possible impacts to existing residential neighborhoods were unknown at that time. This decision was supposed to benefit "Mom and Pop" businesses in rural neighborhoods, but has become apparent that large "corporate" enterprises and tenant-leased "sharecroppers" are the majority of licensees in our Rural Residential Neighborhoods.
4. The majority of the rural residential neighborhood in Lewiston had signed a petition against cannabis licensing in their neighborhood and included in the request was a non-transfer of license with sale of the licensed property. To not allow their full request listed in their petition is to ignore the majority in favor of the minority (cultivator). Either we live by the democratic process or we do not. Your vote will determine your position on this.
5. Rush Creek Area Opt-out extension was recently granted by a 5-0 vote of the Board. Included in their extension was the verbiage to not allow transfer of license with sale of the property. I ask that your vote will be in favor of granting the Lewiston residents request in full as submitted, and not allowing transfer of licenses with the property sale..
6. The combined capital investments within the residentially-used properties owned by the Lewiston residents far exceeds the investment of the commercial cannabis property owner(s). Commercial cannabis property adjacent to residential-use properties will result in the loss of value and equity for home owners. Such losses will by far exceed any loss experienced by sale of cannabis property that is not allowed to transfer the cannabis license with the sale.
7. Granting allowance of license transfer with the sale of the cannabis property invalidates the intent of an Opt-out. Such allowance will only perpetuate commercial cannabis cultivation activity without end.

Again, I urgently request that the Board vote 5-0 in favor of this extension and grant the Lewiston Opt-out request in full as originally submitted. Your vote will determine the direction this land-use issue takes, either for the benefit or the detriment of the Rural Residential neighborhoods. Your vote will reflect your position on the democratic process. The majority have spoken and I pray you will listen.

Thank you for your consideration,
Tom and Joan Sanders

FROM: Kristel Bell
SENT: Thur 7/15/2021 1:42 PM
SUBJECT: Extension of the Lewiston Opt-Out Expansion

Dear Board of Supervisors,

Thank you for supporting the wishes of our community by granting the Lewiston Opt-Out Expansion on 6/15/2021 with a vote of 5-0. We now urge you to once again vote in favor of extending the temporary moratorium on the issuance of commercial cannabis in our neighborhood.

The original findings in support of the immediate adoption and application remain unchanged. As you are aware by the numerous testimonies brought forth over the past year, allowance of commercial cannabis in our rural residential neighborhood has proven to be detrimental to our health and well-being.

What we don't always discuss, though, is the fear and safety factors associated with this type of business. These elements we face on a day-to-day basis, as well as the nuisance issues, are what have led us here today.

- Attachment 1 are photos taken earlier this year of a sample of intimidating signs posted on trees along a public road in our neighborhood. Families enjoyed walking and riding bikes on this road until these sadistic signs appeared. One can only assume the intent is to relay a message. Whatever their true meaning, the tone is quite frightening, disturbing, and surely not welcome in our neighborhood.
- Attachment 2 is a series of articles from various news periodicals depicting crimes associated with cannabis operations in Trinity County and the North State over the past couple of years. Legal or illegal – cannabis cultivation does attract undesirable and unsafe activities.

That being said and as set as precedence by the granted Rush Creek opt-out, we further request you support the initiative to deny the transfer of grandfathered cultivation licenses upon the sale of property within a defined opt-out area. Such licenses were originally approved without our knowledge and consent. They appeared in the dead of the night; we were not afforded the opportunity to voice our concerns or even consider the implications these operations would have to our neighborhood. Furthermore, owners of these licenses do not demonstrate the desire to participate in or become an intricate member of our community. According to the Clerk Recorder's records, deeds have transferred a cumulative total of 9 times for the three licenses in the Lewiston Opt-Out Expansion area since 2016. From year to year, we never know who the owners are of these operations as they change so frequently. They appear to purchase a license with the intent to "flip" the project for quick financial gain. Quite a contrast to the many long term residents and businesses in Lewiston; many of the properties have remained within the same family for multiple generations.

These permitted cultivation operations are not "mom and pop" businesses growing a product utilizing the natural resources surrounding them. These are large, commercial industrial style operations currently misplaced in our rural residential areas. They clear the land of its native plants and trees to install their massive greenhouses. They drain our electrical grids to heat their grows when it's cold outside and to cool them when it's hot. They drill deep wells (multiple for the same project) to feed the enormous thirst of their product, jeopardizing the availability of water. They install large fans to create wind. They use artificial lighting to emulate daylight. They manipulate the environment to produce their product. They negatively impact our quality of life.

Please recognize there are areas in Trinity County, such as Lewiston, who wish to remain free of commercial cannabis cultivation.

Please recognize that property owners in our area have premium investments in our properties, homes and businesses.

There must be a balance in our County. We urge you to extend the moratorium until such time a permanent solution can be implemented.

Sincerely,
Ernie and Kristel Bell
Attachment 1



GUNSHOT VICTIM IN HAYFORK FLOWN OUT BY HELICOPTER

[June 24, 2021](#) | [Kym Kemp](#) | [3 comments](#)



A Reach Air Medical Services helicopter responded to Hayfork Summit and carried the victim to an out-of-the-county hospital.

ROBBERS IMPERSONATING LAW ENFORCEMENT TIED UP A CULTIVATOR AND TOOK CANNABIS AND CASH IN THE HAYFORK AREA

[April 19, 2021](#) | [Kym Kemp](#) | [23 comments](#)



"The suspects were impersonating law enforcement officers and tied up the victims."

MAN ARRESTED FOR DOUBLE STABBING NEAR HAYFORK CLAIMS SELF-DEFENSE

April 4, 2021 | [Kym Kemp](#) | [50 comments](#)

Stabbing

The suspect said "he had fled the scene prior to the arrival of law enforcement, as other present individuals had been threatening to kill him."

MEDEVAC REQUESTED AFTER TWO STABBED NEAR HAYFORK

April 4, 2021 | [Kym Kemp](#) | [41 comments](#)

Air Transport Requested

The Incident Commander reported over the scanner that one person has a stab to the back, the groin, and what is being called an "evisceration." The second person has a stab wound to the head and the back.

NEW YORK MAN ARRESTED FOR MURDER AFTER SHOOTING IN HAYFORK

[December 13, 2020](#) | [Kym Kemp](#) | [15 comments](#)



"Deputies responded to the location and upon arrival, detained a variety of individuals. Deputies also located on the property a recently deceased individual, who appeared to have sustained a gunshot wound."

HOMICIDE IN HAYFORK

[December 11, 2020](#) | [Kym Kemp](#) | [10 comments](#)



Law enforcement and firefighters are responding to a shooting off Hyampom Road out Cedar Gulch Road after receiving the report about noon.

HOME INVASION ROBBERY IN HAYFORK

[May 5, 2020](#) | [Kym Kemp](#) | [14 comments](#)



"All victims had been bound with zip ties during the course of the incident. One of the victims had sustained significant injuries, the result of being struck by one of the suspects multiple times on the head and face."

SUSPECT IDENTIFIED IN CASE WHERE GIRLFRIEND ALLEGEDLY LIT MAN ON FIRE NEAR HAYFORK

[March 26, 2020](#) | [Kym Kemp](#) | [16 comments](#)



"Novak was interviewed, during which time she admitted to pouring lamp fluid on the victim's head and then set the victim on fire."

ARMED ROBBER STEALS 50 POUNDS OF MARIJUANA FROM HOME NEAR HAYFORK

[March 14, 2020](#) | [Kym Kemp](#) | [29 comments](#)



"All victims described the suspect as an Asian male, between 25 and 30 years of age, standing approximately 5 foot 2 inches tall and being of a slender build."

\$90,000 CONFISCATED IN HAYFORK AREA RAID; EXPLOSIVE DEVICES 'MADE SAFE' BY BOMB SQUAD

[October 4, 2019](#) | [Kym Kemp](#) | [83 comments](#)



Two parcels were raided. "On the second parcel, nearly a hundred 10-foot tall cannabis plants were eradicated, 30 pounds of processed cannabis was seized, and 1,038 vials of concentrated cannabis oil were confiscated..." said the DFW.

FBI OPERATION IN HAYFORK WITH HELICOPTER AND K-9 CAPTURES TWO FLEEING SUSPECTS

[August 5, 2019](#) | [Kym Kemp](#) | [35 comments](#)



"The next thing I know I see two guys running for their life."

CDFW ASSISTED BY NATIONAL GUARD AND OTHER AGENCIES NAB NEARLY 3000 PLANTS AND DETAIN 8 SUSPECTS DURING RAIDS YESTERDAY IN HAYFORK AND RUTH AREA

[July 3, 2019](#) | [Kym Kemp](#) | [74 comments](#)



"[S]cientific staff documented 16 Fish and Game Code violations."

[UPDATE] NATIONAL GUARD JOINS LOCAL AGENCIES IN SERVING 15 WARRANTS NEAR HAYFORK; TWENTY-THREE SUSPECTS DETAINED

[June 28, 2019](#) | [Kym Kemp](#) | [203 comments](#)



"The operations yielded an estimated 12,548 illegal marijuana plants, 801 pounds of processed marijuana, 15 firearms and \$435,875 in U.S. currency."

SIX ARRESTED IN DOWNTOWN HAYFORK

[April 6, 2019](#) | [Kym Kemp](#) | [37 comments](#)



Marijuana, ecstasy, psilocybin mushrooms, etc. found, says Trinity County Sheriff.

ILLEGAL MARIJUANA GROW BUSTED IN HAYFORK AREA

[March 7, 2019](#) | [Kym Kemp](#) | [75 comments](#)



"Officers seized five firearms, 455 pounds of processed marijuana, 1,540 grams of Butane Honey Oil (BHO) and equipment for a BHO lab."

MULTIPLE ILLEGAL MARIJUANA GROWS CLEANED UP ON NATIONAL FOREST LAND IN HAYFORK BURNT RANCH AREA

[December 17, 2018](#) | [Kym Kemp](#) | [58 comments](#)



"Over 6 tons of trash removed and close to 6 miles of irrigation line removed from streams being diverted."

SEARCH OF HAYFORK PROPERTY YIELDS STOLEN GOODS, ACCORDING TO TRINITY COUNTY SHERIFF'S OFFICE

[January 16, 2018](#)

[Kym Kemp](#)

[6 comments](#)



"The stolen items had originated from numerous Trinity County Burglaries..."

TRINIDAD WOMAN MISSING AFTER VISIT TO HAYFORK

[June 16, 2017](#) | [Kym Kemp](#) | [36 comments](#)



Press release from the Humboldt County Sheriff's Office: On 6/12/2017, [REDACTED] was reported as a missing person. [REDACTED] is described as of Filipino ancestry, 5 feet tall weighing 135 pounds with black hair and brown eyes. She has a tattoo of a tiger on her foot, a tattoo of a dragonfly on her wrist, and a

MAN MISSING OUT OF HAYFORK

[March 29, 2017](#) | [Kym Kemp](#) | [45 comments](#)

[REDACTED]
Missing From: Hayfork, CA
Date Missing: 3/26/2017
Time: Between 2:30 pm – 5:00 pm
Date of Birth: 12/4/1988
Age: 28
Sex: Male
Height: 5'7"
Weight: 150 lbs
Build: Medium
Eyes: Brown
Hair: Black curly shoulder length
Race: Asian
Complexion: Olive
Clothing: Gray jogger sweats and a t-shirt



"[REDACTED] was last seen at the property located on [REDACTED] Hayfork, CA."

RESIDENTS NEAR ATTEMPTED ROBBERY IN DOUGLAS CITY TOLD TO SHELTER IN PLACE WHILE OFFICERS CHASE SUSPECTS

[November 2, 2019](#) | [Kym Kemp](#) | [30 comments](#)



Please remember that information gathered from initial reports is subject to revision as more facts become available.

THREE VEHICLES AND 100 POUNDS OF CANNABIS TAKEN DURING HOME INVASION ROBBERY IN TRINITY PINES YESTERDAY

[January 26, 2021](#) | [Kym Kemp](#) | [20 comments](#)



"[T]here were between five and seven suspects, all male, all dressed in black and wearing complete black face masks. The suspects were also armed with various firearms and spoke English."

MULTIPLE PROPERTIES RAIDED FOR CANNABIS VIOLATIONS IN SOUTHERN TRINITY COUNTY

[July 17, 2020](#) | [Kym Kemp](#) | [88 comments](#)



"A total of 136,262 marijuana plants were eradicated, 4,592.80 pounds of processed marijuana was destroyed, 11 firearms and \$106,900 of US Currency was confiscated."

SEVEN WARRANTS SERVED IN TRINITY COUNTY FOR CANNABIS GROWS

[September 20, 2019](#) | [Kym Kemp](#) | [43 comments](#)



"Our cannabis enforcement program in Redding continues to focus on critical habitat found in Trinity County where many important, threatened or endangered species call home."

17,000 ILLEGAL CANNABIS PLANTS ERADICATED IN ISLAND MOUNTAIN RAID

May 1, 2021 | Kym Kemp | 123 comments



"Numerous environmental violations were documented by CDFW and the State Water Board, which included illegal diversion of surface water for cannabis irrigation, trash, debris and pollutants within 150 feet of waters of the state and unlawful deposition of substances into state waters, which are harmful to fish, plant life, mammals and birds."

THE SACRAMENTO BEE

FIRES

Officers shoot, kill man near pot farms threatened by Lava Fire in Northern California

BY RYAN SABALOW AND SAM STANTON JUNE 29, 2021 09:21 AM



FROM: Susanne Risso
SENT: Thur 7/15/2021 3:09 PM
SUBJECT: Lewiston Urgency Ordinance Opt Out extension

Dear BOS,

We are writing to urge you to vote in favor of the Lewiston Urgency Ordinance Commercial Cannabis Opt-out extension.

There are numerous reasons why this should be approved. Among them but not limited to are:

Licenses are issued to individuals, businesses, LLC's, or corporations, not property parcels; therefore, should not be transferred with the sale of the property. This is a misuse of zoning ordinances. It will only serve to compound problems down the road.

The majority of the rural residential residents in Lewiston have signed a petition against cannabis in their neighborhood. That request includes a non-transfer of license upon sale of property. To ignore this fact, ignores the wishes of the majority and is undemocratic. Granting license transfers with the sale of the cannabis property invalidates the intent of an Opt-out. Such allowance will only perpetuate commercial cannabis cultivation activity without end. The Rush Creek Opt-out extension was granted by a 5-0 vote in favor of the extension with all provisions. Why would you not be consistent with all Opt-outs? That would not make any sense.

Please listen to the majority of rural residential residents and approve the extension as submitted.

Thank you for your time,

Susanne Risso
Paul Baldwin

FROM: John Letton
SENT: Thur 7/15/2021 5:54 PM
SUBJECT: Lewiston/Grass Valley Creek "Opt Out"

Honorable Members of the Board:

I am informed that on July 20, 2021 you will consider the extension of the "Lewiston opt-out", and specifically whether CCLs within the "opt out" area can be "transferrable" during that extension. Please consider the following.

The Four Principles adopted by the County in 2016 as re-affirmed in the EIR (Section 2.2, "Project Objectives") certified in December 2020 state the following objectives for the County's CCL program:

- a.) To regulate cannabis operations in a manner that ensures that the county is a safe place for all residents to live and work;
- b.) To protect the county's quality of life and natural environment;
- c.) To ensure that cannabis operations avoid environmental damage and detrimental impacts on communities and neighborhoods.
- d.) To regulate cannabis operations to protect the county's reputation as a tourist destination; and,
- e.) **To align the County's commercial cannabis regulations with state requirements.**

I am sure residents of the "opt out" area will fully address a.) through c.). With respect to d.) concerning tourism, I suggest the interests and experiences of One Maple Winery should be primary considerations. I write to remind you of e.) above, the specific EIR Project Objective to align the County's commercial cannabis regulations with state requirements.

The State of California prohibits "transfers" of annual state cultivation licenses from one individual or entity to another. CDFA Regulations § 8202, *et seq.* Certification of the County's EIR requires the County to align its regulation of CCLs with the State of California requirements. Simply put, your extension of the Lewiston/Grass Valley Creek "opt out" area may not allow "transfers" of CCLs.

Thank you for your consideration.

Respectfully,

John Letton, Douglas City

FROM: Mike McMaster
SENT: Fri 7/16/2021 5:57 AM
SUBJECT: Continue the opt out.

Please extend the opt out.
We don't need cultivation in neighborhoods.
Mike McMaster

FROM: Carol Fencil
SENT: Fri 7/16/2021 7:57 AM
SUBJECT: Fwd: Lewiston Opt-Out Support

Hi,

I want to thank you for this opportunity to speak about the Lewiston Opt-out, which is very much a concern for every resident that has, or might have, a commercial cannabis grow that negatively affects their property, their ability to enjoy their property, reduced water availability, obnoxious odors, increased traffic, generator noise, light pollution, and associated crime.

The opt-out is in essence a zoning change. Counties often make zoning changes for the betterment of the community. (Changing zoning to create low-income housing is just one example. The property owners Are Not reimbursed for any real or perceived losses) The Opt-out doesn't make our neighborhood "whole"....UNTIL there is language stating that there is NO transfer of the license with the sale of the property. This is the only way to get our neighborhoods back and make it a true Opt-out. This is what the majority of our (Rush Creek) residents want, and Lewiston residents also. Why consider the Greed of the Growers, with out more strongly considering the needs of the Original Residents!!!

The blight of the Commercial grows has a devastating effect on our neighborhoods. There is little code enforcement on the illegal grows, there is certainly less code enforcement for growers that are out of compliance, are dangerous, are a nuisance, have residents in fear... Why should our residential neighborhoods be subject to the bad behaviors of growers that move in with a license transfer. Leon Draper will have a field day, buying more property for his grows, and there is little enforcement to protect the neighbors. We all know how bad some of these growers can be, and with transfers, you would be subjecting this (and any other opt out) neighborhood to the whims and bad behavior of growers.

Our water is an issue every year, but more so this year. How much water is being used by these large Commercial Grows? Everyone in the neighborhood of a grow is affected by their water use. Creeks are drying up, wells are drying up. Water is being hauled in for many of the grows.

The rights of the original property owners must take precedent over the rights of the newly established Commercial Cannabis Grows. The growers should be able to sell their licenses, just NOT in an opt-out area. Growers complain that they wouldn't be able to sell their property for a ridiculous amount of money with out the license. What about the reduced value of all the properties around the grow... as no one but another grower wants to live next to a grow.

The county had a plan to establish and help growers. There was no help for us on how we could prevent the Grows in our own neighborhood. We had no warning that this was going to happen in our neighborhoods. This was a mistake that needs to be corrected. We need to be able to establish Opt-Out Neighborhoods with out the continuing fear, nuisance, smells, traffic, water use, and potential for crime, by allowing Grows to stay in our neighborhood. Licenses should be transferrable to areas that are conducive to this activity. Forget about Grandfathering in a Grow... Grandfather in our neighborhoods with out this blighted nuisance.

Thank You,
Carolyn Fencil

FROM: Ric Leutwyler
SENT: Fri 7/16/2021 8:38 AM
SUBJECT: Lewiston Opt-Out

Hello,

I am writing in support of extending the recently approved Lewiston Opt-Out. I also encourage you to consider modifying the language/scope to match that of the recently extended Rush Creek Opt-Out.

Our initial intent was for the Lewiston Opt-Out to include the restriction on transfers... but the language was changed during the approval process. This seems like a perfect opportunity to strengthen the positive impact of the emergency ordinance and to establish consistency among the emergency ordinances. I believe that this would not only better serve the residents in the area... it would also better serve the county. Having consistency establishes a stronger position for defending actions/decisions in the future.

Thank you for your support in addressing the problems caused during the early (less informed) days of cannabis licensing efforts here in Trinity County. I truly appreciate your efforts to reconsider and to set things in the right direction for the county and its residents.

Ric

FROM: Nancy Anderson
SENT: Fri 7/16/2021 9:15 AM
SUBJECT: Letter of Support for Extension of the Lewiston Opt Out Expansion

Dear Board Members,

As a business owner, more than just a private citizen and landowner, who has invested my life savings into my property as a place of business, I obviously support this Opt Out as a way to keep a commercial cannabis operation out of my area. My business is designed to promote Agritourism and Ag Education for youth in Trinity County, and every week I have young families with children visit my alpacas and llamas. I am working with families in Lewiston to restart the 4H program at my location by Sept 1 and already offer a "Young Ranchers" class this summer for local youth to learn about these amazing animals. I believe that the location of commercial grows in small acreage rural residential areas is a mistake because of the proximity to neighbors with either children or grandchildren, or operations like mine that try to draw tourism for young families.

Allowing large cannabis operations in a rural residential area was a mistake from the inception of the county's cannabis program, and these Opt Outs are at best a bandaid on the problem, but they are all we have until new and better zoning rules can undo the damage done. I believe that the county needs to move towards zoning that is more logical, environmentally sound and considerate to ALL its citizens. FULLY COMPLIANT growers, not ALL growers who apply, should be allowed to operate, but those that are not should not be renewed and should be put out of business unless they comply. And transfers of licenses should be suspended in all Opt Out areas, as the whole reason for an Opt Out is to eliminate commercial grows entirely.

The county is in a dilemma of its own making, and I believe that we in Lewiston are patiently trying to guide the county back to right path. There is a "silent majority" that I believe is starting to speak up now, and it is in the county's best interest to listen.

Sincerely,
Nancy Anderson
One Thing Ranch/Owner

FROM: Tom Hepner
SENT: Fri 7/16/2021 9:33 AM
SUBJECT: Commercial Cannabis Opt-Out

Please accept our overwhelming support for your recent decision of the Lewiston Opt-Out. We further wish to urge you to adopt the Rush Creek Opt-Out.

My family has maintained a residence in the Bucktail area since the 1950's. Continuing the rural and non-commercialized atmosphere of our beautiful area and community is paramount to my wife and I and, the rest of our family (27-strong). I can't tell you how much we love and enjoy the peaceful, pristine beauty of the this wonderful area.

We truly thank you for your diligence in this matter and hope you will continue to protect our community.

Yours very sincerely,
Tom Hepner

FROM: Laurie Wills
SENT: Fri 7/16/2021 11:22 AM
SUBJECT: Lewiston Opt-Out / July 20, 2021 BOS Meeting

Dear Chairman Brown and Supervisors,

I understand the Lewiston Opt Out Expansion is back on the Board's agenda July 20, 2021, for consideration in **extending** the temporary Urgency Ordinance that you unanimously approved on June 15, 2021. I am asking you to reconsider the necessary language for a moratorium on transfers as well.

At the initial hearing on this matter, County staff recommended the following: ***It is staff's recommendation that the Board adopt the interim urgency ordinance to place a moratorium on the issuance of new and transfer of existing Commercial Cannabis Cultivation Licenses in the proposed Lewiston Opt Out Expansion area with the same provisions applied to the Rush Creek Opt Out (Ordinance 315-845).***

Despite the request by the Friends of the Lewiston Grass Valley Creek and the staff recommendation, the Board deviated from the Rush Creek Opt Out language when it voted to allow transfers of existing CCLs within the Lewiston Opt Out Expansion area contrary to the precedent set by Ordinance 315-845. Accordingly, we respectfully request that you reconsider adding this language to the Lewiston Opt Out Expansion Ordinance for consistency purposes and because there are 3 CCLs within close proximity of each other in this densely populated area that have all transferred at least once already and in some cases numerous times.

At a recent Board meeting, a Supervisor asked if the existing licensee within the Rush Creek Opt Out was trying to transfer their license and the answer was yes (albeit the Opt Out was preventing them from doing so). As you may recall, I spoke in favor of supporting the Rush Creek Opt Out extension during the public comment period to specifically address the importance of the moratorium on transfers because we've discovered a pattern of what appears to be "flipping" among the cannabis farms in the Lewiston Opt Out area. As you know, flipping is a term describing purchasing an asset and holding it for only a short period of time before re-selling it for a quick profit. I implore you to consider the wishes of your long term residents (the majority) in these Opt Out communities. Our neighborhoods have been adversely impacted by the commercial cannabis farms that moved into our rural residential communities without notice to the residents and without the opportunity for the residents to appeal the initial approval of these licenses. We are now exercising our rights to PRESERVE OUR COMMUNITIES that we've resided in for decades. If the licensees were serious about operating long term businesses in this community like the Trinity Fly Shop, Old Bridge Rafting, One Maple Winery and One Thing Ranch (to name a few), they wouldn't be experiencing the high turnover we're seeing with these 3 licensed cannabis farms. It is not your job as Supervisors of this County to ensure cannabis farmers make a profit on their short term investments by allowing them to perpetually "flip their farms" within Opt Out areas at the detriment of the rest of the residents and businesses who have to deal with the ongoing nuisance issues and the revolving door of new licensees coming and going. Furthermore, the fact the farms in the Lewiston Opt Out Expansion area have such a high turnover is, in and of itself, cause for unrest in the community which leads me to my next point ... public health, safety and welfare.

Some contend a finding has not been made under Government Code section 65858 to justify the Opt-Out Urgency Ordinance. Let me remind you that community members have provided numerous reasons why they feel there is a current and imminent threat. Some of these reasons include but are not limited to: a.) threats and intimidation, b.) reverse 911 calls warning residents of possible danger and to lock

down, c.) a reluctance to file complaints and/or sign petitions by some who fear retaliation, c.) confirmation of felony convictions of a former licensee for kidnapping, assaulting and robbing former employees of the cannabis farm, d.) evidence of a Trinity Superior Court case (No. 21F062A) involving multiple felony and misdemeanor charges of cultivating > 6 plants with concurrent violations of CA Health and Safety Codes and violations of CA Fish and Wildlife Codes [Disclaimer: defendants are presumed innocent until proven guilty], e.) the uptick in serious cannabis related crimes in Trinity County that include armed robberies, assaults, attempted homicides and homicides, and f.) water concerns that are exacerbated during consecutive years of drought. Families are conserving water for their daily usage while cannabis cultivators drill more wells and bring in more storage tanks to hoard water to meet the needs of their plants.

Thank you Supervisors for validating our concerns by your 5-0 vote to adopt the temporary Urgency Ordinance. We hope these concerns continue to resonate with you as you consider extending the temporary Urgency Ordinance and adding language that breaks the questionable cycle of transfers/ownership changes within this Opt Out area. To echo what the Bell's wrote in their letter to the Board, " ... deeds have transferred a cumulative total of 9 times for the three licenses in the Lewiston Opt-Out Expansion area since 2016." Does that statistic make you pause? It should. Whatever the reasons may be, I'm sure opponents will blame the county for the high turnover but the bottom line is there is turnover in this area that can't be denied. If a cultivator decides to sell/transfer their license **of their own free will**, they are doing it by choice. Please allow them to transfer their license out of the Opt Out area when they can do so legally and then close the door behind them if they exercise this "choice." Look at the small businesses that suffered tremendous losses during the Covid shutdowns. All we have to do is look out the window to see the expansions that have occurred during this same period at the 3 cannabis farms in question. I don't mean to sound flippant but money doesn't seem to be an issue for them. I'm sure they can weather the storm and continue operating until a legal transfer out can occur while the County works diligently to address these issues and roll out their transition plan.

Lastly, One Maple Winery was established in 1998 and as you know it is located in the Lewiston Opt Out Expansion area. Please give this business the same consideration you gave the cannabis industry when you adopted the temporary Urgency Ordinance banning industrial hemp in Trinity County in 2019 based on the potential harm it posed to the local cannabis producers. Sadly, it doesn't appear anyone considered the potential harm commercial cannabis producers would have on our local vineyard [One Maple Winery] before approving two commercial cannabis licenses on parcels right next door to the winery in 2016. A third commercial cannabis license was approved above the winery in 2018. It is now surrounded by licensed commercial cannabis farms. Placing a moratorium on the issuance of new and transfer of existing commercial cannabis licenses would help mitigate the detrimental impacts this situation has had on One Maple Winery (and the non-cannabis residents and businesses). I'm not aware of any other winery in the County that has been affected the way this one has. I want to believe if a temporary Urgency Ordinance to ban hemp is enacted for the sole purpose of protecting the cannabis industry from harm, surely you can enact a temporary Urgency Ordinance that provides protections to One Maple Winery (and other wineries in the County) from harm as well. Please take additional steps to right this wrong.

I urge you to extend the Urgency Ordinance and modify the language to include a moratorium on transfers consistent with the the Rush Creek Opt Out Ordinance. Thank you in advance for your thoughtful consideration.

Laurie Wills
Resident of the Lewiston Opt Out Expansion Area

FROM: Phyllis Swanson
SENT: Fri 7/16/2021 11:43 AM
SUBJECT: Continuation of recently approved Lewiston Opt-out

To the Trinity County Board of Supervisors
Re: Lewiston Expansion Opt-Out Extension
July 16, 2021

We, Don & Phyllis Swanson live on Lewiston Road and are writing to you to show our support of extending the recently approved Lewiston Opt-out.

We have lived in Trinity County for 40 years and have seen and continue to experience its demise due to the pot farms. As you are aware there are way too many pot farms here and with the recent impact on our rural residential neighborhood in Lewiston/Grass Valley Creek and surrounding neighborhoods our quality of life here is at risk

We and many of our neighbors chose to live here in Trinity County, settling in the Lewiston Valley for its beauty, peacefulness and the wonderful people that live here. We did not settle here for the noise, the smell, the criminal element that it brings and the destruction of the natural resources (water, trees, erosion) that now plague this once peaceful valley – it's destroying our neighborhood.

Without having to repeat our on-going complaints all we ask at this point is that you (1) please extend our request for the Lewiston Expansion Opt-out and (2) **put the language back that mirrors the same language that was in the Rush Creek Opt-out and was in our original Opt-out request that includes the restriction on license transfers.** This is important to us, and to all of us that live here.

I believe with your continued support I'm hoping soon we all (cannabis growers and us non-cannabis growers) can eventually move on, not bother you; the Board anymore and as one of my other neighbors put it "get on with our various pursuits.

Thank you for your support

Don & Phyllis Swanson
Lewiston CA

FROM: Heidi Miller
SENT: Fri 7/16/2021 11:47 AM
SUBJECT: Board Item Letter of Support Opt Out Ordinance

Hello,

Please see below letter of support to the Lewiston Opt-Out Ordinance.

Thank you,
Heidi Miller

Dear Trinity County Board of Supervisors,

Thank you and staff for supporting the Lewiston opt out expansion. It has been many exhausting years for county management, members of the public and cannabis industry adventurist. These past years communities throughout the county have for the most part embraced a cannabis industry model or have supported a theoretical model. These past many years have also shown that a large majority of residents and rural residential communities throughout Trinity have been using appropriate channels to clearly express real safety concerns and cumulative impacts from the cannabis industry. We have watched impacts, and grow sites grow expansively with in some cases no input watching these small cottage grow turn into large scale industrial operation that in some cases like the grow next to us using more power than our county hospital. Experiencing and seeing cannabis industry leaders steering and controlling the industry in Trinity understandably and skillfully taking advantage of industry management loopholes, some communities like ours here in Lewiston have chosen to slow the grow. The community of Lewiston, Rush Creek and Lewiston/Friend of Grass Valley Creek have used the appropriate steps with an un-arguable unanimous vote do not want any further commercial cannabis expansion in our rural residential neighborhood. Clearly seeing how powerful the cannabis industry leaders have become in Trinity for example; driving qualified real-estate market values well beyond real market value, creating a local cash only market, filtering cash through various local public and private channels, paying and offering cash for purchase or to hush and impressively professionally steering the cannabis industry in Trinity. It is this time we have to speak up and slow the grow. The Miller family does not support allowing any additional or the transfer of any additional cannabis license and ask that this be written into the new ordinance.

Please do not hesitate to contact me if you have any questions.

Thank you,

Tony Miller
Resident of Lewiston

FROM: Galen Anderson
SENT: Fri 7/16/2021 11:58 AM
SUBJECT: Lewiston Opt-out extension

It is imperative that the Lewiston Expansion Opt-out for the Grass Valley/Ohio Hill area be extended and made permanent.

Trinity County grossly underestimated the negative effects of commercial cannabis in rural residential areas. Cannabis cultivation is proving to be incompatible with most other land uses, especially residential land. Additionally, encouraging cannabis growers to use groundwater for cannabis irrigation is going to lead to water shortages, especially for residents that likely can't afford to drill deeper in the race to the bottom.

The county has surrendered Hyampom, Trinity Pines, Hayfork, Wildwood and many inholdings surrounded by federal lands to cannabis. When will there be enough? I do not want Trinity County to devolve into one large hell hole of cannabis cultivation. The county can't enforce its current ordinance. This Grass Valley/Ohio Hill area was beautiful and will be destroyed by cannabis if new permits are granted/expanded. The quality of life of the residents has been negatively affected for all the reasons that have been mentioned again and again: noise, smell, lights, traffic, visual blight, sediment delivery to streams, runoff from pesticides and fertilizer, waste products, roaming unfriendly dogs, and crime.

Please approve the opt out expansion.

Galen Anderson

FROM: Scott Simpson
SENT: Fri 7/16/2021 11:59 AM
SUBJECT: Lewiston Opt Out Zone

Greetings

As a resident of Oak Ranch Rd, included within the recently discussed Lewiston Opt Out Zone, I am writing to request that the board of supervisors do whatever steps are necessary to continue to move toward ensuring that this become a permanent ban on any new permitting of commercial cannabis grows within the defined borders.

The past five years have been extremely stressful and difficult as we have all seen many detrimental occurrences that have impacted our quality of life. I've lived there since 1999, so the differences have been glaring and easy to identify. I've had numerous stray dogs chasing deer all over my 40 acres. I cannot get my mail without getting a headache on hot fall days, due to the extreme stench. There are portions of my parcel that I cannot spend any time on, due also to the stench of the grow on Coffin Road. Back up beepers, heavy equipment, additional traffic have all also arrived with the commercial grows. Add to this the visual blight of giant white grow houses in every direction visible from my once pristine view, and I must say the entire thing still makes me sad on a daily basis.

There simply needs to be more space between residences and these large grows than is available in what we refer to as Grass Valley Creek. I am certain the county wants no more problems in our area as much as we want there to be no further issues.

Please make the Lewiston Opt Out Zone permanent, and ensure that no existing permits elsewhere can be move into the opt out zone boundaries. We deserve to maintain the quality of life in our rural area that we all came here to enjoy.

Thank you for your consideration.

Scott Simpson
Oak Ranch Road

FROM: Gayl Ward
SENT: Fri 7/16/2021 12:12 PM
SUBJECT: Extension of Lewiston Expansion opt out BOS meeting 20Jul21

We are writing to encourage your support for the extension of the Lewiston Expansion opt-out which you approved as an interim urgency ordinance on June 15, 2021.

All the reasons that caused the vast majority of residents and property owners to rally against commercial cannabis in our neighborhood still exist, which validates the extension until such time as these issues can be addressed in a permanent ordinance. In general, there are concerns for the public health, safety, and welfare. Specifically, our environment has been negatively impacted by the associated smell, noise, threatening behavior of the growers, and potential contamination of the water we all access with our wells, to mention a few. Another concern regarding our common water table is the disproportionate amount of water drawn and used by the large commercial grows when we are in an extreme drought and we all fear our wells will go dry. It is a valid concern in any year but especially so under our current drought conditions. California's drought has become a major issue which seems to get worse year after year with no expectation of relief in sight.

Our urgency ordinance is in many ways consistent with the recently approved extension of the Rush Creek opt out with one major exception. The Rush Creek opt out is written with a ban on the transfer of licenses when a property is sold within the opt out zone. As we head toward a permanent ordinance, consistency among the opt-out zones would simplify and clarify the process. We urge you to consider changing the language in the Lewiston expansion urgency ordinance to also prohibit the transfer of commercial cannabis licenses when properties within the opt out zone are sold.

We would like to thank you for the time and effort you have taken to listen and understand our concerns in this matter. We hope we can count on your support for this extension.

Respectfully,
Roy and Gayl Ward

ZONING ORDINANCE NO. 315-850 EXT 1

AN URGENCY INTERIM ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY IMPOSING A TEMPORARY MORATORIUM ON THE ISSUANCE OF COMMERICAL CANNABIS CULTIVATION LICENSES WITHIN THE AREA OF LEWISTON

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

SECTION I: PURPOSE AND AUTHORITY.

The purpose of this interim urgency zoning ordinance is to create a moratorium on the issuance of new and transferred commercial cannabis cultivation licenses with the area of Lewiston, identified by the map hereto attached at “Exhibit A.” (Lewiston Opt Out). This urgency ordinance is adopted pursuant to California Constitution Article 11, Section 7, Government Code sections 65800, et seq., particularly section 65858, and other applicable law.

SECTION II: FINDINGS.

The Board of Supervisors of the County of Trinity makes the following findings in support of the immediate adoption and application of this urgency ordinance:

1. The state and federal law governing the definition and cultivation of commercial cannabis cultivation is complex, evolving, and may adversely affect the public, peace, health, or safety of residents or of visitors to Trinity County.
2. The residents and property owners within the Lewiston Opt Out area have requested that commercial cannabis cultivation be prohibited as it has been detrimental to the neighborhoods.
3. There is no feasible alternative to enactment of this moratorium ordinance that will satisfactorily mitigate or avoid the previously identified impacts to the public health, safety and welfare with a less burdensome or restrictive effect.
4. In order to ensure the effective implementation of the County of Trinity’s land use objectives and policies, a temporary moratorium on the issuance of new licenses and the transfer of established and/or approval of commercial cannabis cultivation into the Lewiston Opt Out area is necessary.
5. This ordinance complies with State law and imposes reasonable regulations that the Board of Supervisors concludes are necessary to protect the public safety, health and welfare of residents and business within the County.

SECTION III. COMMERCIAL CANNABIS CULTIVATION PROHIBITED

A. During the term of this interim ordinance, no new or transferred Commercial Cannabis Cultivation Licenses shall be issued within the Lewiston Opt Out area. Current Commercial

Cannabis Cultivation Licensees within the Lewiston Opt Out Extension area may transfer their licenses to properties outside of the Lewiston Opt Out Extension area or to a new owner of their legally licensed property with the Lewiston Opt Out Extension area, pursuant to County code section 17.43.030.E.

B. The provisions of this section shall not be construed to protect any person from prosecution pursuant to any laws that may prohibit the cultivation, sale, distribution, possession, and/or use of controlled substances, or to authorize conduct that is unlawful under state or federal law. As authorized by Government Code section 25132, and except as otherwise provided by state statute, any person or entity violating any provision of this ordinance shall be guilty of a misdemeanor. Moreover, absent a certificate of registration from the federal government, the cultivation of cannabis remains a violation of federal law as of the date of adoption of this ordinance and this ordinance is not intended to, and does not authorize conduct or acts that violate federal law, does not serve in any manner as an obstacle to enforcement of federal law, and does not protect any of the above-described persons from arrest or prosecution under those

SECTION IV. CONFLICTING LAWS.

For the term of this ordinance, as set forth in Section 8 below, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other County Code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

SECTION V. DECLARATION OF URGENCY.

Based on the findings set forth above, this ordinance is declared to be an urgency ordinance that shall be effective immediately upon adoption by the Board of Supervisors.

SECTION VI. CONFLICTING LAWS.

For the term of this ordinance, as set forth in Section VIII below, the provisions of this ordinance shall govern. To the extent that there is any conflict between the provisions of this ordinance and the provisions of any other County Code, ordinance, resolution or policy, all such conflicting provisions shall be suspended.

SECTION VIII. CEQA.

This ordinance is exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemption applies: section 15308 (actions taken as authorized by local ordinance to assure protection of the environment). There are no unusual circumstances under CEQA Guideline 15300.2(c). Each exemption stands as a separate and independent basis for determining that this ordinance is not subject to CEQA.

SECTION VIII. EFFECTIVE DATE AND TERM

This ordinance is an interim zoning ordinance adopted as an urgency measure pursuant to Government Code section 65858, and it shall be of no further force and effect forty-five (45)

days from its date of adoption, unless it is extended by further action of the Board of Supervisors, pursuant to Section 65858.

This interim urgency ordinance was enacted at the Board of Supervisors meeting on June 15, 2021, and shall hereby be extended for 10 months and 15 days as provided by California Constitution Article 11, Section 7, Government Code section 65858(a).

Introduced, passed and enacted on this 30th day of July 2021, by the Board of Supervisors, of the County of Trinity by motion, second (/), and the following vote:

AYES: Supervisors
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

JEREMY BROWN, VICE CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

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

By: _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

Margaret E. Long, County Counsel

Exhibit A

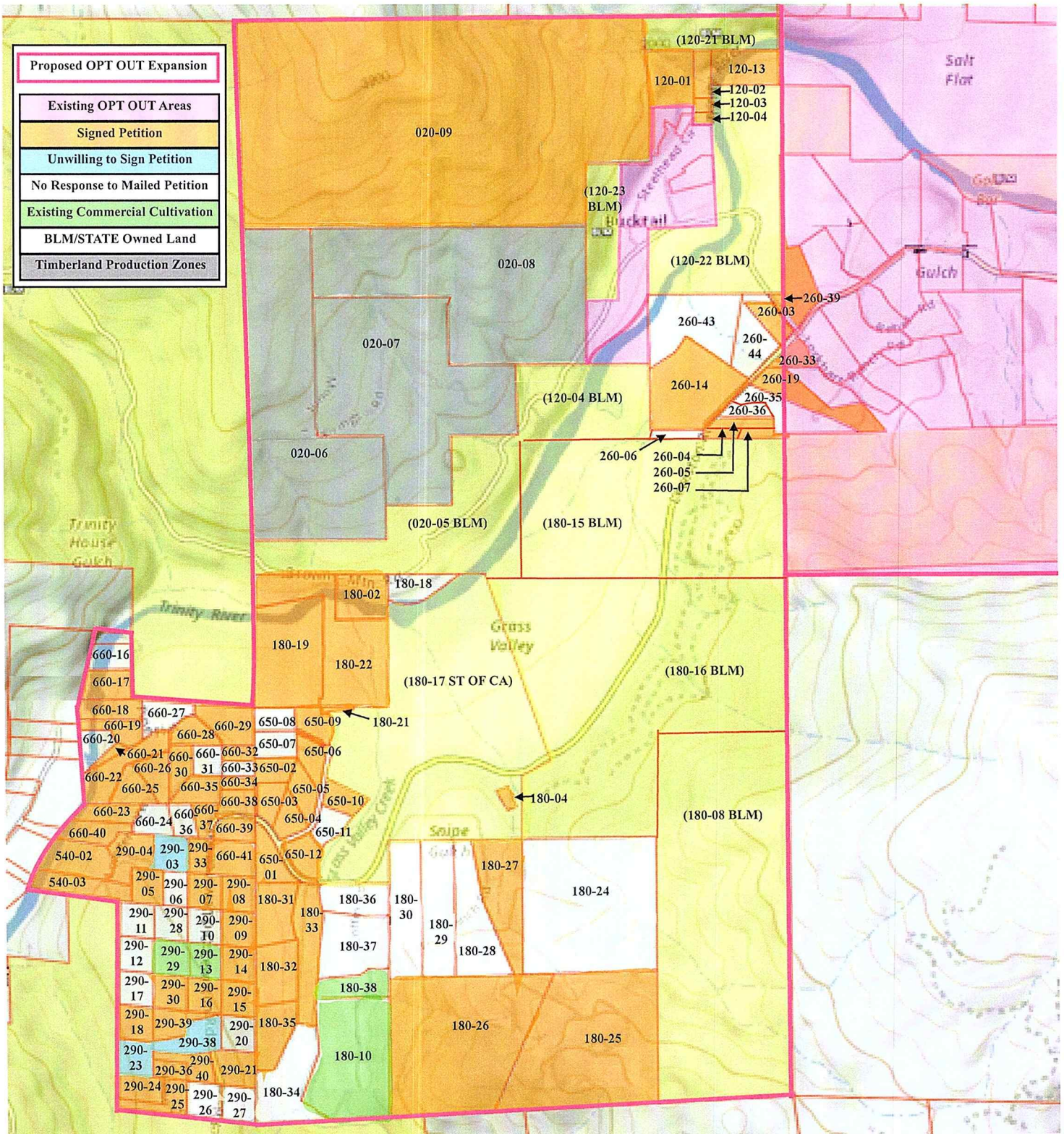


Exhibit A

FRIENDS OF THE LEWISTON GRASS VALLEY CREEK
OPT OUT EXPANSION - WORKING LIST
as of 4/19/2021

124	PROPOSED TOTAL PARCELS FOR INCLUSION
Zoned ELIGIBLE for Cannabis Cultivation	
112	Total Parcels
73	SP = Signed Petition in Favor of
3	N = Not in Favor of
4	G = Existing Commercial Cultivation
32	NR = No Response to Mailed Petition
Zoned INELIGIBLE for Cannabis Cultivation	
12	Total Parcels
9	B = BLM/State Owned
3	Z = Timberland Production Zones

APN	PHYSICAL ADDRESS	STATUS	ZONING	OWNER
025-020-05	NOT ADDRESSED	B	A	
025-020-06	1200 MOUNTAIN SRPINGS RD	Z	TPZ	
025-020-07	446 MOUNTAIN SPRINGS RD	Z	TPZ	
025-020-08	356 MOUNTAIN SPRINGS RD	Z	TPZ	
025-020-09	640 BROWNS MOUNTAIN RD	SP	TPZ	
025-120-01	7001 BROWNS MOUNTAIN RD	SP	RR1	
025-120-02	294 STEELHEAD CIRCLE	SP	RR1	
025-120-03	292 STEELHEAD CIRCLE	SP	RR1	
025-120-04	276 STEELHEAD CIRCLE	SP	RR1	
025-120-13	240 BROWNS MOUNTAIN RD	SP	OS	
025-120-21	NOT ADDRESSED	B	OS	
025-120-22	NOT ADDRESSED	B	RR5	
025-120-23	NOT ADDRESSED	B	OS	
025-120-24	NOT ADDRESSED	B	RR1	
025-180-02	5870 BROWNS MOUNTAIN	SP	RR5	
025-180-04	3671 LEWISTON ROAD	SP	A10	
025-180-08	NOT ADDRESSED	B	OS	
025-180-10	310 COFFIN ROAD	G	RR5	
025-180-15	NOT ADDRESSED	B	AF	
025-180-16	NOT ADDRESSED	B	AF	
025-180-17	3700 LEWISTON ROAD	B	A10	
025-180-18	5920 BROWNS MOUNTAIN	NR	RR5	
025-180-19	275 WELLOCK ROAD	SP	A10	
025-180-21	270 WELLOCK	SP	A10	
025-180-22	270 WELLOCK	SP	RR5	
025-180-24	311 OAK RANCH ROAD	NR	AF40	
025-180-25	1551 OAK RANCH ROAD	SP	AF40	
025-180-26	601 OAK RANCH ROAD	SP	AF40	
025-180-27	251 OAK RANCH ROAD	SP	A10	
025-180-28	240 OAK RANCH ROAD	NR	A10	
025-180-29	410 OAK RANCH ROAD	NR	A10	
025-180-30	480 OAK RANCH ROAD	NR	A10	
025-180-31	70 BENVENUTO WAY	SP	RR5	
025-180-32	160 BENVENUTO WAY	SP	RR5	
025-180-33	75 BENVENUTO WAY	SP	RR5	
025-180-34	345 BENVENUTO WAY	NR	RR5	
025-180-35	250 BENVENUTO WAY	SP	RR5	
025-180-36	100 COFFIN ROAD	NR	RR5	

APN	PHYSICAL ADDRESS	STATUS	ZONING	OWNER
025-180-37	150 COFFIN ROAD	NR	RR5	
025-180-38	200 COFFIN ROAD	G	RR5	
025-260-03	2720 LEWISTON ROAD	SP	RR5	
025-260-04	2981 LEWISTON ROAD	SP	A10	
025-260-05	2951 LEWISTON ROAD	SP	A10	
025-260-06	2994 LEWISTON ROAD	NR	RR5	
025-260-07	2987 LEWISTON ROAD	SP	A10	
025-260-14	2872 LEWISTON ROAD	SP	RR5	
025-260-19	90 LOCKHART RANCH	SP	A10	
025-260-33	48 LOCKHART RANCH	SP	A10	
025-260-35	2891 LEWISTON ROAD	NR	A10	
025-260-36	2697 LEWISTON ROAD	NR	A10	
025-260-39	7205 BROWNS MOUNTAIN RD	SP	RR5	
025-260-43	7204 BROWNS MOUNTAIN RD	NR	RR5	
025-260-44	7202 BROWNS MOUNTAIN RD	NR	RR5	
025-290-03	151 S PONDEROSA PINE	N	RR2.5	
025-290-04	271 LOWDEN VIEW	SP	RR2.5	
025-290-05	301 LOWDEN VIEW	SP	RR2.5	
025-290-06	167 S PONDEROSA PINE	NR	RR2.5	
025-290-07	4611 LEWISTON ROAD	SP	RR2.5	
025-290-08	150 DIRT ROAD	SP	RR2.5	
025-290-09	230 DIRT ROAD	SP	RR2.5	
025-290-10	4710 LEWISTON ROAD	NR	RR2.5	
025-290-11	NOT ADDRESSED	NR	RR2.5	
025-290-12	NOT ADDRESSED	NR	RR2.5	
025-290-13	4790 LEWISTON ROAD	G	RR2.5	
025-290-14	250 DIRT ROAD	SP	RR2.5	
025-290-15	300 DIRT ROAD	SP	RR2.5	
025-290-16	4860 LEWISTON ROAD	SP	RR2.5	
025-290-17	NOT ADDRESSED	NR	RR2.5	
025-290-18	NOT ADDRESSED	SP	RR2.5	
025-290-20	310 DIRT ROAD	NR	RR2.5	
025-290-21	5001 LEWISTON ROAD	SP	RR2.5	
025-290-23	161 OHIO LANE	N	RR2.5	
025-290-24	141 OHIO LANE	SP	RR2.5	
025-290-25	150 OHIO LANE	SP	RR2.5	
025-290-26	10 OHIO LANE	NR	RR2.5	
025-290-27	5041 LEWISTON ROAD	NR	RR2.5	
025-290-28	4718 LEWISTON ROAD	NR	RR2.5	
025-290-29	4798 LEWISTON ROAD	G	RR2.5	
025-290-30	4868 LEWISTON ROAD	SP	RR2.5	
025-290-33	41 S PONDEROSA PINE	SP	RR2.5	
025-290-36	211 OHIO LANE	SP	RR2.5	
025-290-38	4930 LEWISTON ROAD	N	RR2.5	
025-290-39	4900 LEWISTON ROAD	SP	RR2.5	
025-290-40	4940 LEWISTON ROAD	SP	RR2.5	
025-290-41	4501 LEWISTON ROAD	SP	RR2.5	
025-540-02	320 LOWDEN VIEW	SP	RR5	
025-540-03	360 LOWDEN VIEW	SP	RR5	
025-650-01	4361 LEWISTON ROAD	SP	RR5	
025-650-02	4428 LEWISTON ROAD	SP	A10	

APN	PHYSICAL ADDRESS	STATUS	ZONING	OWNER
025-650-03	4420 LEWISTON ROAD	SP	A10	
025-650-04	11 WELLOCK ROAD	SP	A10	
025-650-05	121 WELLOCK ROAD	SP	A10	
025-650-06	215 WELLOCK ROAD	SP	A10	
025-650-07	221 WELLOCK ROAD	NR	A10	
025-650-08	227 WELLOCK ROAD	NR	A10	
025-650-09	237 WELLOCK ROAD	SP	A10	
025-650-10	110 WELLOCK ROAD	SP	A10	
025-650-11	100 WELLOCK ROAD	NR	A10	
025-650-12	20 WELLOCK ROAD	SP	A10	
025-660-16	161 RIVERFRONT ROAD	NR	RR5	
025-660-17	121 RIVERFRONT ROAD	SP	RR5	
025-660-18	400 PONDEROSA PINES	SP	RR5	
025-660-19	390 PONDEROSA PINES	SP	RR5	
025-660-20	381 PONDEROSA PINES	NR	RR5	
025-660-21	361 PONDEROSA PINES	SP	RR5	
025-660-22	341 PONDEROSA PINES	SP	RR5	
025-660-23	220 LOWDEN VIEW	SP	RR5	
025-660-24	215 LOWDEN VIEW	NR	RR5	
025-660-25	170 LOWDEN VIEW	SP	RR5	
025-660-26	130 LOWDEN VIEW	SP	RR5	
025-660-27	290 PONDEROSA PINES	NR	RR5	
025-660-28	141 PONDEROSA PINES	SP	RR5	
025-660-29	150 PONDEROSA PINES	SP	RR5	
025-660-30	60 LOWDEN VIEW	SP	RR5	
025-660-31	20 LOWDEN VIEW	NR	RR5	
025-660-32	130 PONDEROSA PINES	SP	RR5	
025-660-33	80 PONDEROSA PINES	NR	RR5	
025-660-34	60 PONDEROSA PINES	SP	RR5	
025-660-35	17 PONDEROSA PINES	SP	RR5	
025-660-36	70 S PONDEROSA PINE	NR	RR5	
025-660-37	11 PONDEROSA PINES	SP	RR5	
025-660-38	4440 LEWISTON ROAD	SP	RR5	
025-660-39	40 DIRT ROAD	SP	RR5	
025-660-40	250 LOWDEN VIEW	SP	RR5	

Suzie Hawkins

From: Clark Tuthill [REDACTED]
Sent: Saturday, July 24, 2021 12:02 PM
To: clerkoftheboard
Subject: Ordinance no 315-850

We are very much opposed to growing commercial cannabis in the Lewiston area; especially within 300 feet of my home. The hill above our home drains directly into the Trinity River and we are all aware of the chemicals that seep into the main stem of the river.

Please continue the extension Ordinance No. 315-850.

Louise and Clark Tuthill
[REDACTED]

Sent from my iPhone

From: [Trent Tuthill](#)
To: [clerkoftheboard](#)
Subject: Support on extension of Ordinance No. 315-850
Date: Saturday, July 24, 2021 11:47:46 PM

Board of Supervisors

I urge the board to extend Ordinance No. 315-850, An Urgency Interim Ordinance of the BoS Imposing a Temporary Moratorium on the issuance of commercial cannabis cultivation licenses within the Lewiston area.

Thank you
Trent Tuthill
Douglas City

From: [Sandy Obester](#)
To: [clerkoftheboard](#)
Subject: Temporary Moratorium on cannabis in Lewiston
Date: Sunday, July 25, 2021 10:16:36 AM

We support the extension of Ordinance No. 315-850 imposing a temporary moratorium on the issuance of commercial cannabis cultivation licenses within the Lewiston area. We live in a residential area with relatively small parcels and cannabis cultivation would impose negative consequences to our residents such as crime, odor, grading (which the board should address), and unwanted traffic.

Paul and Sandy Obester
[REDACTED] Douglas City CA 96024

From: [Bill Dickens](#)
To: [clerkoftheboard](#)
Subject: Ordinance No. 315-850
Date: Monday, July 26, 2021 9:02:27 PM

We are writing this to add our concerns to those of others in regards to the extension of the above mentioned ordinance for the Lewiston area (commonly referred to as the Lewiston opt out area for commercial cannabis cultivation). We have lived in the opt out area for 20 years and fully support what the group is proposing. Our voices are being added to those of our neighbors insisting that: (1) the urgency ordinance be extended in accordance with California Government Code section 65858(a), (2) a moratorium on transfers be considered and approved consistent with Rush Creek's ordinance, and (3) under no circumstances should any pending applications receive consideration for a commercial cannabis license within the Lewiston Opt-Out area. The numerous existing cultivation sites are negatively impacting not only our safety and welfare but also our health. No longer can we enjoy being outside with the smells of cannabis growing and being harvested. The odor gives my husband migraines so he is not able to be outside during several months out of the year. And with longer growing periods, the months of being confined indoors is increasing. We are not able to open windows nor turn the swamp cooler on during this period as the smell is permeating the entire area and being sucked into our residence! Indoor temps can reach into the high 80's during peak periods. We are also concerned about the water table being contaminated with all the pesticides that are being used on the plants. The increase in traffic around the area is getting worse, especially on Lewiston Road / Ohio Hill area - alot of drivers not obeying speed limits (the sound of screeching tires at the bottom of Ohio Hill is evidence of their speed (we live on a private road and there are alot of non residents that fly by our house at all times of the day and night with no concern for the safety of the residents nor their pets that reside here!). Grow lights and fans in the area are also audible and distressing. We do not want more of these issues affecting our area and our daily lives.

We are asking that you, the Board of Supervisors, listen to our concerns and do the right thing for the Lewiston area. Grant us the protections on the 3 provisions mentioned in our letter. Protect the residents of our community from being exposed to current and imminent threats to our health, safety, and welfare.

Thank you.

Caryl & Bill Dickens

Lewiston, CA 96093

7/26/21

Trinity County
Community Development Services
Planning Department
P.O. Box 2819 Weaverville, CA 96093

To Whom it May Concern,

I am a property owner in Trinity County. I am writing you to say I agree with the Temporary Moratorium for the Commercial Cannabis Cultivation. I have worked hard all my life and now that I'm able to enjoy my property, I don't want to be surrounded by Cannabis cultivation farms/fields.

If you have any questions for me, please feel free to contact me at [REDACTED].

Thank you,

A handwritten signature in black ink, appearing to read 'K. Langer', written over the printed name.

Kenneth Langer

From: [Mike Deasey](#)
To: [clerkoftheboard](#)
Subject: Ordinance No. 315-850 Cannabis cultivation
Date: Tuesday, July 27, 2021 10:34:03 AM

To: Trinity County Board of Supervisors

From: Kenneth and Linda Deasey Residents of Buck Tail Sub-Division, Lewiston.

Subject: Extension of Ordinance No. 315-850

We have been residents of the small community of Lewiston for over 20 years. We live in a community where the dependence on water is based on private/community wells to satisfy the basic family home requirements.

There is a genuine fear that any commercial cannabis grow would threaten the water table and allow dangerous chemicals to become introduced into our water systems and also pollute the Trinity River which flows behind our property.

The drought situation is very concerning. We have sacrificed years of expensive landscaping just in order to ensure we have enough water for our basic needs and we know these operations require a significant amount of water usage.

There is an Elementary School and a children's bus stop located in close proximity to our area.

Our community also has many vacation rentals which draws families from other locations including out of state. Our community is very family oriented with many children, including grandchildren, who frequently visit.

We request our area become a permanent OPT-OUT against Commercial Cannabis Cultivation.

From: [Corrine Gonzalez](#)
To: [clerkoftheboard](#)
Subject: Ordinance No. 315-850 Cannabis cultivation
Date: Tuesday, July 27, 2021 3:12:49 PM

To: Trinity County Board of Supervisors

From: Carlos Meza and Corrine Gonzalez. We live full time in Buck Tail Sub-Division in Lewiston.

Subject: Extension of Ordinance No. 315-850

My neighbors and us are afraid that if Growers (commercial) of Cannabis, will take both the limited water as we are seeing a drought situation , very scary and concerning. We are also afraid that the water in both wells in Buck Tail and the the river, will be polluted with chemicals that are dangerous to human life and our forest life.

Buck Tail has a lot of cabin rentals. During all the holidays, we see families having a great time. We don't want any Commercial Cannabis Growers. Taking that away, we have a Bus Stop and a Elementary school so very close to a grow site.

Please understand we want to live as families enjoying life, children, grandchildren and not having to worry about Commercial Cannabis Growers. One of Lewiston's favorite place to visit is the Winery. I know our family and others enjoys going there. Commercial Cannabis Growers would certainly ruin our winery.

Please keep our area permanently OPT-OUT against Commercial Cannabis Cultivation.

We request our area become a permanent OPT-OUT against Commercial Cannabis Cultivation.

From: [Sally Barrow](#)
To: [clerkoftheboard](#); [Liam Gogan](#); [Jeremy Brown](#); [Jill Cox](#); [Keith Groves](#); [Dan Frasier](#); [Kim Hunter](#)
Subject: Lewiston opt out expansion extension
Date: Wednesday, July 28, 2021 8:12:19 AM

I am asking you, again, to extend the Lewiston opt out expansion with language consistent with the Rush Creek opt out. No new licenses issued and no transfer of current licenses with the sale of the property.

The cultivators argue that they bought their properties in good faith. Some even mentioned that the county should reimburse them for any perceived loss of profit that might result from this opt out's lack of transfer reinstatement. Any business venture is a gamble. There is never a guaranteed outcome. Growing commercial cannabis seems to be a higher risk gamble than many business ventures, with the lure of larger rewards making it worth that risk. Compare this situation to the original residents of this area. **They** purchased their property in good faith. They had no idea they were gambling! They had no idea that their neighborhoods would be essentially rezoned without their permission. They find that their own investments are greatly reduced in value as a result of this cannabis activity. The Board has already ruled in favor of this opt out for commercial cannabis in this area. The current cultivators are not prohibited from growing here as long as they keep their license in good standing year to year. Allowing these cultivators to transfer their permits with the sale of their property insures that the current unacceptable level of commercial cannabis, which inspired the opt out effort, will never be diminished.

Please don't ignore the voices of the vast majority of the property owners in favor of a financial benefit to a few.

Sally Barrow



From: [shannon lankford](#)
To: [clerkoftheboard](#)
Subject: Lewiston Moratorium on Commercial Cannabis Cultivation Licenses
Date: Wednesday, July 28, 2021 12:02:35 PM

Dear Kim Hunter and the Board of Supervisors;

I'm writing regarding the letter we received on 7-28-21, about the Lewiston Moratorium on the Commercial Cannabis Cultivation Licenses.

Our property is for Sale and this action on our property will severely hurt any future Sale of our property. We own 158 acres on Hwy 299 between "Old Lewiston Road" and "Fawn Lodge Road". We believe we are beyond your proposed project and are not in the Lewiston boundry.

We do not have any neighbors within 9/10's of a mile from us. We are in a hurry to sell the property due to our Mother's health. Also, most people look at our property for the purpose of commercial cultivation of cannabis.

We would like you to send an answer back after you have reviewed this situation.
Thank you for your time.

Sincerely,
Shannon Lankford-Hahnes

McCall Family Trust



From: [Lisa Henning](#)
To: [clerkoftheboard](#)
Cc: [Keith Groves](#); [Jill Cox](#); [Jeremy Brown](#); dfrazier@trinitycounty.org
Subject: URGENT: EXTENSION OF ORDINANCE No. 315-850 MORATORIUM, &tc
Date: Wednesday, July 28, 2021 1:30:10 PM

Dear Board of Supervisors,

I am both a property owner & Trinity "recreant", of a parcel within the Bucktail Subdivision. My father was a very good friend of the fellow (& his wife Anita) who established the Bucktail subdivision, long ago.

The primary purpose my family bought the land was to enjoy the fantastic fishing & swimming (cold as it is!) along this portion of the Trinity River.

I am very familiar with Trinity County, I both agree and strongly encourage you to ratify the **CONTINUATION/EXTENSION OF THE URGENCY INTERIM ORDINANCE of the BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY IMPOSING THE MORITORIUM ON THE ISSUANCE OF COMMERCIAL CANNABIS CULTIVATION LICENSES WITHIN THE LEWISTON AREA.**

I have read through Ordinance No. 315-823 Section 43 in its entirety and while it is a fine starting point for the regulation of Commercial Cannabis within Trinity County, it does not go quite far enough AND we should all work to improve it so that residents, established residences, potential residence land, public welfare, and personal enjoyment of visitors and their safety are not at risk or impaired by the nuisances attendant to Commercial Cannabis activity in its entirety.

Those who visit Trinity County and those who live in Trinity County should be protected against the negative impacts of Commercial Cannabis in the areas specified within this Moratorium.

I support the Opt-out & continued Moratorium and further, will support any/all action required to make this permanent.

I believe you are trying to do the best you can, but diminished property values due to "green rush" hot spots within areas specified of the Moratorium & the effort to Amend Zoning Ordinance No. 315 creating Section 43, ***unless and until perfected***, will more likely than not lead to irreversible damage & the demise of the County as a whole.

I respectfully request the Board extend Ordinance No. 315-850 until the issue can be permanently addressed in the General Plan.

Sincerely,

Lisa Henning (nee Henning-Heinichen)

From: [Lisa Henning](#)
To: [clerkoftheboard](#)
Cc: [Jill Cox](#); [Jeremy Brown](#); [Dan Frasier](#); [Keith Groves](#); [Liam Gogan](#)
Subject: URGENT: SUPPORT EXTENSION OF ORDINANCE No. 315-850 Moratorium, &tc.
Date: Wednesday, July 28, 2021 2:19:39 PM

Dear Board of Supervisors,

I write again to you today, in support of the continuation of the Moratorium, for my second parcel within Trinity County & within the Lewiston Opt Out area.

This property was bought years ago by my father when the Bucktail subdivision was created, and handed down to me. Eventually, it will be inherited by my son. My father purchased it & my family continues to enjoy Trinity County's beauty & tranquility. My property lies upon a slope on Browns (sic) Mountain.

I am very familiar with Trinity County, I both agree and strongly encourage you to ratify the **CONTINUATION/EXTENSION OF THE URGENCY INTERIM ORDINANCE of the BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY IMPOSING THE MORITORIUM ON THE ISSUANCE OF COMMERCIAL CANNABIS CULTIVATION LICENSES WITHIN THE LEWISTON AREA.**

I have read through Ordinance No. 315-823 Section 43 in its entirety and while it is a fine starting point for the regulation of Commercial Cannabis within Trinity County, it does not go quite far enough AND we should all work to improve it so that residents, established residences, potential residence land, public welfare, and personal enjoyment of visitors and their safety are not at risk or impaired by the nuisances attendant to Commercial Cannabis activity.

Those who visit Trinity County and those who live in Trinity County should be protected against the negative impacts of Commercial Cannabis in the areas specified within this Moratorium.

There is plenty of remote land that these individuals could attempt to farm in Trinity County or in any number of remote areas within California, perhaps even focus on moving operations to typical agri-land in the Sacramento Valley which is available to them for their "green rush" purposes without becoming a nuisance. Land that would better suit each party's purpose.

I support the Opt-out & continued Moratorium and further, will support any/all action required to make this permanent.

I believe the Board is trying to do the best you can, but diminished property values due to "green rush" hot spots within areas specified of the Moratorium & the effort to Amend Zoning Ordinance No. 315 creating Section 43, ***unless and until perfected***, will more likely than not lead to irreversible damage & the demise of the County as a whole. Including but not limited to:

Water table (for the Bucktail subdivision)

Erosion

Ecological impact (of the Class 3 brook on the property & Trinity River below, to mention two)

Nuisance (smell, unprofessional agricultural employers & employees, theft, waste, fire hazards-multiple, etc.)

I respectfully request the Board extend Ordinance No. 315-850 until the issue can be permanently addressed in the General Plan.

Thank you.

Sincerely,

Lisa Henning (nee Henning-Heinichen)

Cc Neal Jannol, Esq. (Via Certified Mail)

From: [suzanne w](#)
To: [clerkoftheboard](#)
Subject: Lewiston Opt Out Expansion Extension
Date: Wednesday, July 28, 2021 4:52:31 PM

Trinity County Board of Supervisors,'

I am requesting you vote to extend the Lewiston Opt Out Expansion with language like the Rush Creek Opt Out consisting of no transfers for current licenses with the sale of the property AND no new licenses issued.

The Lewison Opt Out area is similar to Rush Creek in that it is comprised primarily of residents expressing their desire to live WITHOUT commercial cannabis grows. This in part is due to the problematic impact on:

1. Quality of life in these more densely populated Trinity County areas
2. Water related issues including usage, potential water contamination and drainage onto property below
3. Expanded law enforcement calls and requests for assistance

There are many outlying areas and less populated areas in the county better suited for this industry. So a large number of us are hopeful that you recognize the need for this request and vote accordingly.

Sincerely,

Suzanne Wood



From: [Becky Savage](#)
To: [clerkoftheboard](#)
Subject: Lewiston opt out
Date: Friday, July 30, 2021 6:37:12 AM

Please vote for the Lewiston opt out with the language consistent with Rush Creek's agreement. Thank you, Becky Savage

From: [Kristel Bell](#)
To: [clerkoftheboard](#)
Cc: [Suzie Hawkins](#); [Emma Purvis](#)
Subject: Fwd: Moratorium on license transfers
Date: Thursday, July 29, 2021 4:03:14 PM

Hello. Please accept this letter for the record pertaining to Item 1.1 on the 7/30/2021 Special Meeting.

Begin forwarded message:

From: Peggy Wellock
Subject: Moratorium on license transfers
Date: July 27, 2021 at 3:24:24 PM PDT

I am writing this letter to support the moratorium on the transfer of licenses to grow marijuana in our Grass Valley Creek opt-out area. It has been my observation over the past few years that the people who come here to grow, are here for just two reasons....to make big money no matter the harm it causes, and to intimidate. They care nothing for the long range detrimental effects of their grows. They are not involved in their communities. They want people to fear them and seem to delight in their differences.

On the other hand, members of our family have been born, lived, worked and died in Trinity County for generations. My parents, plus those of my husband are buried in Trinity cemeteries. My husband and I also have two adult children buried in this county and as such, we are here to stay. This is our place. We feel like we are firmly vested in Trinity County and the wellbeing of residents and properties. Both of us have served on several jury trials, plus both of us have served on the Grand Jury when called. We both graduated from Trinity High School, as did all six of our children and three grandchildren so far have done the same. My husband worked for 30 years for the Trinity County Road Department, following in the footsteps of his own father. I worked for 16 years for the Trinity Alps Unified School District. In these occupations, we have seen both the best and the worst of human behaviors, with by far the worst being the actions of those under the influence of marijuana as well as other intoxicants. We have never seen these users become smarter because of their usage habits. Quite the contrary.

It is our firm recommendation that no more transfers of licenses be allowed in our area. Who knows the background of the new licensees? Are there felonies and felons involved? Are there weapons on the properties. Who or what agency is following up on these matters? Where is all the water for the grows coming from? If each property is required to have a place of valid residence, are all building permits being followed and deemed legal? If there is supposedly enough water on the property, why are water trucks seen so frequently on Trinity County roads? Are these water haulers paying the same rates for the water they use as are the regular property owners? Are they filling out their water usage permits with the State of California as we regular people are required to do each year when we use water from creeks or rivers. Lots of questions. Too few answers.

Peggy Wellock
Lewiston, CA

Clerk of the Board at clerkoftheboard@trintycounty.org

July 28, 2021

We are residents of the Lewiston Opt Out Expansion area. This letter represents our concerns regarding the extension of the Urgency Ordinance for the Lewiston Opt-Out. The latest developments we were made aware of are very disturbing considering how the Cannabis grows in the Lewiston community is affecting our lives daily and isn't getting better, it is getting worse. Our well has been compromised once already from the grading done on the Dos Santos (CCL-453) property next door. To the best of our knowledge, it was done without any permits and without prior approval, and we believe it caused our well water to turn brown. I had so much dirt in the pressure tank, it had to be changed. We are worried now because of the drought and I know that growing cannabis plants takes a lot of water.

Based on information we're privy to, they are not complying with the rules, meaning when the state came to inspect this particular cannabis farm in April 2021, they did not let them in. This is a direct violation of CDFA's Cannabis Program Code Section 8501(c)(1). These people do not care about anything or anyone. They need to be held accountable but instead every time someone does something wrong, they are given time to correct it. The licensee was given notice by CDFA yet they didn't allow them access. Has anyone asked them why they didn't let them on site to inspect the property? Could they have been doing something wrong?

These commercial cannabis grows are not like having a neighbor. They are very secretive of what they do. They are not neighbors who care about the people who live around them. They are only here to make money! It doesn't matter if it smells, if it ruins your well, if it is an eye sore or any of the many reasons, we don't want them here. They don't care. We were here first so as the majority, we should have a say about the types of businesses in our backyards. Rural residential neighborhoods are not an appropriate location for commercial cannabis operations. They are a nuisance and definitely a detriment, and they are a threat to the safety, health and well-being of this community based on their close proximity to the neighbors around them.

It is very important that the Urgency Ordinance be extended and we urge you to vote in favor of a moratorium on any transfers to be considered and approved consistent with the Rush Creek's Urgency Ordinance. Furthermore, under no circumstances should any pending applications receive any consideration for a commercial cannabis license within the Lewiston Opt-Out Expansion area.

Thank you,

Roger and Donna Teuscher

TRINITY COUNTY

Item Report 2.1

Meeting Date: 7/30/2021

Department:
Planning and Zoning

Contact:
Kim Hunter, Building & Planning
Director

Phone:
5306231351 Ext. 2839

Appeal: Planning Commission Decision: Citizens for Proper Community Planning (P-19-38)

Requested Action:

Continue from July 20, 2021 the appeal hearing to consider upholding, modifying or overturning the Planning Commission's decision to make a determination for a Mitigated Negative Declaration in accordance with the California Environmental Quality Act, and approve a Conditional Use Permit for Trinity Equipment & Materials, LLC on Assessor's Parcel Number 024-220-56-00. (Project Applicant: Thomas Ballanco; Appellant: Citizens for Proper Community Planning).

Fiscal Impact:

Unknown fiscal impact.

Summary:

The appellant, Citizens for Proper Community Planning, represented by Underwood Law Office, P.C., have appealed the Planning Commission's decision to adopt the determination of a Mitigated Negative Declaration (MND) for the California Environmental Quality Act (CEQA) and grant a Condition Use Permit (CUP) for the operation of an onsite commercial cannabis nursery, non-volatile manufacturing, and distribution facility.

At the July 20, 2021 Board meeting the appellant provided additional information pertaining to the EDA grant used for the development of the Trinity Alps Business Park. The Board determined that additional time was needed to review the new information and continued the item to the July 30th Special Meeting.

Discussion:

The proposed T.E.A.M. Commercial Cannabis Project (proposed project) is located within Trinity County, in the town of Weaverville. The project site is located at 311 Industrial Park Way, Weaverville, California. The 6.90-acre site is situated on the Lower Bench area of the Trinity Alps Business Park. Primary site access is provided via the paved Industrial Park Way road off of Highway 299.

The proposed project would develop the property with facilities and infrastructure to accommodate cannabis nursery, distribution, Type 6 (non-volatile), and manufacturing operations. These operations are summarized as follows:

- Nursery operations would be conducted inside propagation chambers in buildings up to

2,000 square feet and in up to 20,000 square feet of enclosed greenhouses with impermeable floors. This operation will employ 2-8 employees on a seasonal basis.

- Distribution operations would be conducted inside 1-2 enclosed steel buildings, each up to 5,000 square feet. This operation will employ 6-12 people through the year.
- Manufacturing operations would be conducted inside an enclosed steel building up to 5,000 sq. ft. in size. Pursuant to state license conditions the interior environment will be strictly controlled including temperature, humidity, and airflow. Any exhaust will be subjected to carbon filtration prior to venting to the atmosphere. All entrances, exits, loading docks, cannabis storage facilities and related operations will be covered by video monitoring and 24-hour onsite security. This operation will employ 4-8 employees throughout the year.

The application and CEQA IS/MND also include proposed testing and processing operations which were not included in the approved CUP:

- Proposed testing operations proposed for the site did not meet the criteria established by Trinity County Zoning Code section 17.43C for Cannabis Testing Facility Regulations.
- Processing Operations are not currently not recognized or provided for in the Trinity County Zoning Code although provisions are included in state law for this type of operation.

Should the testing and processing uses become viable operations at the project site in the future, the CEQA determination has been made an amendment to the CUP may be submitted requesting to include those uses.

The CUP was approved for Nursery, Non-Volatile Manufacturing and Distribution operations only which are respectively addressed by 17.43A, 17.43F, and 17.43B. Specific findings required by the applicable code sections were initially left out of the staff report and resolution. These findings were read into the record at the Planning Commission and included in the record which is an appropriate and acceptable action in such circumstances.

On June 18, 2021, an appeal of the Planning Commission's decision was filed by the Citizens for Proper Community Planning based on the following:

1. The Planning Commission's improper determination of General Plan consistency;
2. Inadequate CEQA review, analysis and mitigation for the proposed project; and
3. Insufficient CUP findings regarding land uses, injurious impacts and plan consistency.

Alternatives Including Financial Implications:

Grant the appeal.

Departmental Recommendation:

Deny the appeal based on the following:

1. No written comments were received during the 30-day public comment period for CEQA citing inadequate CEQA review, analysis and mitigation.
2. No comments were presented in writing or in oral testimony from the public in opposition to this project at the Planning Commission meeting.
3. Uses described for the lower level of the Trinity Alps Business Park with a Conditional Use Permit include heavy commercial and industrial uses. (A cannabis nursery CUP has already been approved in 2018 on an adjacent parcel but has since expired.)

4. The proposed commercial cannabis uses are all allowed within an SUD zone where heavy commercial and industrial uses are permitted.
5. Including those findings read into the record at the June 10th meeting prior to approval, adequate findings were made by the Planning Commission for this project.

ATTACHMENTS:**Description**

Appeal Request Application Form
Planning Commission Memo from 6/10/21
Planning Commission Staff Report from 6/10/21
Additional Findings for the Record
Trinity Alps Business Park SUD Development Standards
TCC Code Sections 17.43A, B, C and F
Planning Commission Resolution 2021-08
Applicant Appeal Response
Appellant Appeal Response
Appellant Documents Received at 7/20/21 Meeting
Public Comment Received After Posting but Prior to the Meeting



COUNTY OF TRINITY
APPEAL OF PLANNING COMMISSION
DECISION TO BOARD OF SUPERVISORS



Received Stamp

Name: Citizens for Proper Community Planning Email: jim@jmulawoffice.com

Telephone: 623-2200 Work: _____ Fax: 623-2204

Address: P.O. Box 2428, Weaverville CA 96093

Decision of Planning Commission rendered on: 6-10-21
(date)

Planning Commission's Decision was to: ☒ Approve ☐ Deny ☐ Continue

Request for:

Reversal of Planning Commission approving Commercial Cannabis Nursery CUP (P-19-38).

Reason for Appeal:

(1) The Planning Commission's improper determination of General Plan consistency in the absence of a current,
with updated and internally consistent elements, and that contemplates and permits such a community changing
project; (2) inadequate CEQA review, analysis and mitigation, for the proposed project, including cumulative
vicinity impacts; and (3) insufficient CUP findings regarding land uses, injurious impacts and plan consistency.

Signature: _____ Date: Friday, June 18, 2021

JAMES M. UNDERWOOD, ESQ.
UNDERWOOD LAW OFFICES, P.C.
For Appellant

Clerk's Use Only

Date Filed: 6-18-21 Fee Collected: 6-18-21
Hearing Date: _____ Planning Dept. Notified: 6-22-21
Notice Published: _____ Notice Mailed: _____

Clear



2 Results

Property Data

024-220-056-000

Property Data

024-220-046-000

Google

Map data ©2021 Imagery ©2021, Maxar Technologies

ENPLAN





TRINITY COUNTY
COMMUNITY DEVELOPMENT SERVICES
BUILDING ♦ PLANNING ♦ ENVIRONMENTAL HEALTH
P.O. BOX 2819, WEAVERVILLE, CALIFORNIA 96093
PHONE (530) 623-1351 ♦ FAX (530) 623-1353

Kim Hunter, Director

MEMORANDUM

DATE: June 10, 2021
TO: Planning Commissioners and members of the public
FROM: Kim Hunter, Director of Planning *[Signature]*
SUBJECT: Agenda Item 5 – CUP Trinity Equipment and Manufacturing (P-19-38)

Staff received the attached letter in opposition to Agenda Item 5.

The Planning Commission originally approved Conditional Use Permit P-17-51, located at 271 Industrial Parkway Weaverville, to facilitate the development and operation of a Commercial Cannabis Nursery on May 24, 2018. The Conditional Use Permit was issued on June 7, 2018 and set to expire on June 7, 2020.

Mr. Kaden Koffler, purchased the property in June of 2019 and on June 5, 2020 County Staff received a letter requesting the extension of time of CUP P-17-51 and the appropriate fees.

Extension of Time (P-20-21) was approved by the Planning Commission on September 10, 2020 and set to expire June 7, 2021. As of today's date, the use approved for the CUP P-17-51 has not been established consistent with Trinity County Zoning Code, Section 17.32.050(C) Conditional Use Permit P-17-51 is expired, Resolution PC-2020-11 is also attached for your review.

Deborah Rogge

From: [REDACTED]
Sent: Monday, June 7, 2021 6:18 PM
To: Info.Planning
Cc: 'Adam Stringham'
Subject: Comments RE P-19-38

This is Kaden Koffler writing these comments on behalf of Kultured Cannabis, as one of its owners.

These comments are in reference to CUP/TEAM P-19-38 on the agenda for a Public Hearing on June 10.

We own 271 Industrial Park Way, Weaverville CA 96093, the property directly adjacent to 311 Industrial Park Way, which is the property with use permit proposals on the agenda.

Our property has an approved cannabis nursery CUP and will be developed into an operational facility very soon. Additionally, our longer term plans included applying for the additional uses of Type 6/7 manufacturing, distribution, and a testing lab.

We have had several conversations with the applicants of P-19-38 over the last couple of years over the possibility of partnership of some kind on our property, and shared with them our plans for developing the site.

As such, we find it interesting the applicants are attempting to pursue essentially the same project that we have already been developing and shared with them over a number of conversations, on a property next door to ours.

We strongly oppose approval of P-19-38 because we see no reason why there should be two cannabis nurseries, manufacturing, distribution, and testing centers side by side.

Thank you,

Kaden Koffler
Kultured Cannabis
[REDACTED]

RESOLUTION NO. PC-2020-11

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY**

**Approving a one-year Extension of Time P-20-21 for Conditional Use Permit P-17-51
(Koffler)**

WHEREAS, the Trinity County Planning Department has considered a request for an extension of time for Conditional Use Permit P-17-51, filed by Kaden Koffler, in accordance with Title 17, Trinity County Zoning Code Section 17.32.050(D); and

WHEREAS, approved Conditional Use Permits must be established within two years of issuance; and

WHEREAS, the legislative bodies or advisory agency may extend the expiration date of approved Conditional Use Permits in accordance with the local ordinance; and

WHEREAS, the Planning Commission held a public hearing and considered this matter at the regular meeting held on September 10, 2020.

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

1. Finds the requested extension of time to be exempt from the requirements of the California Environmental Quality Act under the General Rule exemption 15061(b)(3) on the basis that there are no substantial changes to the project or to circumstances under which the project is proposed to be undertaken, and no new information has become available or been made known showing unanalyzed environmental effects; and
2. Makes the following map findings:
 - A. That an extension of time to June 7, 2021, may be granted in accordance with the Title 17, Trinity County Zoning Code Section 17.32.050(D)
 - B. That no evidence has been presented which would substantiate denial of the extension of time.
 - C. That the Conditional Use Permit P-17-51 is substantially the same as the original approved project.
3. Approves the one-year extension of time set to expire June 7, 2021, for Conditional Use Permit P-20-21, subject to the conditions of approval adopted on May 24, 2018.

DULY PASSED AND ADOPTED this 10th day of September, 2020 by the Planning Commission of the County of Trinity by the following vote:

AYES: Commissioners – McIntosh, Stewart, Matthews

NAYS: Commissioners – McHugh

ABSENT: - Commissioner - Frasier

ABSTAIN:

RECUSE:



GRAHAM MATTHEWS, Commissioner
Planning Commission
County of Trinity
State of California

ATTEST:

By:



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

**TRINITY COUNTY PLANNING COMMISSION
STAFF REPORT**

PROJECT TITLE: Trinity Equipment and Materials (T.E.A.M.) Conditional Use Permit

APPLICANT: Thomas Ballanco

PROPERTY OWNER: Gina and Casey Massel

REPORT BY: Planning Director Kim Hunter and SHN

LOCATION: 311 Industrial Park Way, Weaverville, California (APN 024-220-056)

GENERAL PLAN DESIGNATION: Industrial (I)

ZONING DISTRICT: Specific Unit Development (SUD)

SITE CHARACTERISTICS:

The approximately 6.90-acre project is located in the Lower Bench of the Trinity Alps Business Park in Weaverville at 311 Industrial Park Way, Weaverville (APN 024-220-056) (see Att. 3 – Location Map). Primary site access is provided via the paved Industrial Park Way road off of State Highway 299 (SR-299). The parcels immediately surrounding the project are designated by the County's General Plan as Industrial (I).

The land encompassing the project area is located on a currently undeveloped and highly disturbed industrial site, which in the past was the site of a concrete aggregate operation. The proposed project is located adjacent to Weaver Creek which merges with West Weaver Creek and is a tributary of the Trinity River watershed. The proposed project parcel is within the unincorporated community of Weaverville, California. Historical onsite activities included resource extraction (e.g., timber harvest and gravel mining). The subject parcel is bounded on the southeast by similar industrial uses, to the northwest by public facilities (wastewater treatment plant), to the west by the Weaver Creek riverine zone, and to the east by the Weaver Basin Wetlands conservation easement area (see Att. 4 – Project Aerial).

The site currently has two existing buildings left over from the former concrete plant and a sewer system connection to the Weaverville Sewer District. Water is provided by the Weaverville Community Services District (Weaverville CSD) and is connected to a water meter. Power is provided by the Trinity Public Utilities District (TPUD).

The subject property's main access is provided via the paved Industrial Park Way Road off of SR-299 (see Att. 3 – Location Map and Att. 4 – Project Aerial). The project falls under the Industrial (I) General Plan designation, with a zoning designation of Specific Unit Development (SUD). The site is adjoined by a 1.80 acre Industrial (I) designated parcel to the east (APN 024-220-055). Both the proposed project and APN 024-220-055 are surrounded entirely by APN 024-220-046 which has a General Plan designation of Industrial (I) with an underlying zoning of Specific Unit Development (SUD). Surrounding land uses include a former sand and gravel operation, and a former soil business. The parcel hosting the proposed project site is located on a former concrete aggregate operation. The previous parcel was subdivided and a 1.8-acre parcel that was split off from the original parcel was subsequently approved for a Conditional Use Permit on May 24, 2017 by the Trinity County Planning Commission for a Commercial Cannabis Nursery.

The existing General Plan Designation and Zoning District for the properties immediately adjacent to the project site are shown below (see Att. 5 – Zoning Map and Att. 6 – General Plan Designation Map).

Table 1: General Information about Adjacent Parcels

APN / Direction from Site	Size (acres)	General Plan Designation	Zoning District
024-220-46 North	Portion of the 70.25 total parcel acreage	Industrial (I)	Specific Unit Development (SUD)
024-220-55 East	1.80	Industrial (I)	Specific Unit Development (SUD)
024-220-46 South	Portion of the 70.25 total parcel acreage	Industrial (I)	Specific Unit Development (SUD)
024-220-46 West	Portion of the 70.25 total parcel acreage	Industrial (I) Open Space (OS)	Specific Unit Development (SUD)

PROJECT DESCRIPTION:

The purpose of this project is to operate a commercial cannabis business onsite as a permitted and licensed use under the County's cannabis ordinances. The project, as proposed, meets the requirements for uses compatible within the Industrial (I) General Plan designation and is consistent with the Specific Unit Development (SUD) zoning.

Related Zoning and Uses

The subject property has been zoned by the County as Specific Unit Development (SUD), which at this location (Area 1, Trinity Alps Business Park, Lower Level) allows for industrial uses, including Wholesale Sales and Distribution conducted within a building (without the need for securing a Use Permit) and any use with more than 20,000 square feet of floor and/or which "would exceed 60 decibels at the property line of the use" and/or "generates air emissions, ... noise, offensive odors ... which may be detrimental to the

public health, safety or welfare” after first securing a Use Permit. The proposed uses are consistent with the uses allowed for Specific Unit Development (SUD) zoned lands.

Proposed Operations

The proposed project includes the five following proposed licensed operations and uses:

1. Nursery: Operations will be conducted inside propagation chambers in buildings up to 2,000 square feet and in up to 20,000 square feet of enclosed greenhouses, with impermeable floors. The nursery will employ 2 people for 4 months of the year and 8 people for 8 months of the year (see Att. 7 – Project Site Plan).
2. Processing: Operations will be conducted inside an enclosed steel building up to 5,000 square feet. Pursuant to state license conditions, the interior environment will be strictly controlled including temperature, humidity, and airflow. Any exhaust will be subjected to carbon filtration prior to venting to the atmosphere. The processing operation will employ up to 20 persons, with the largest numbers expected between June and December (see Att. 7 – Project Site Plan).
3. Non-Volatile Manufacturing: Operations will be conducted inside an enclosed steel building up to 5,000 square feet. Pursuant to state license conditions, the interior environment will be strictly controlled including temperature, humidity, and airflow. Any exhaust will be subjected to carbon filtration prior to venting to the atmosphere. All entrances, exits, loading docks, cannabis storage facilities, and related operations will be covered by video monitoring and 24-hour onsite security. The manufacturing operation will employ 4-8 persons throughout the year (see Att. 7 – Project Site Plan).
4. Distribution: Operations will be conducted inside 1 to 2 enclosed steel buildings, each up to 5,000 square feet. Pursuant to state license conditions the interior environment will be strictly controlled including temperature, humidity, and airflow. Any exhaust will be subjected to carbon filtration prior to venting to the atmosphere. All entrances, exits, cannabis storage facilities, administrative hold areas, packaging operations, and loading docks will be covered by video monitoring and 24-hour onsite security. The distribution operation will employ 6-12 persons throughout the year (see Att. 7 – Project Site Plan).
5. Testing: Operations will be conducted inside an enclosed steel building up to 2,000 square feet. Pursuant to state licensing conditions the interior environment will be strictly controlled for temperature, humidity, and airflow. Entrance will be strictly controlled by a key card system and as required by state regulation, any cannabis remaining after testing must be destroyed. The testing operation will employ 2-4 persons throughout the year (see Att. 7 – Project Site Plan).

While the nursery will only involve low-intensity lighting, any of the greenhouses using artificial light will be covered at dusk so that no glare escapes. Security lighting will be directional and generally downcast to avoid any glare impacts on surrounding businesses,

scenic vistas, and residences on the Davis Road – Ponderosa Lane bluff that look down on the Business Park's lower bench.

Each separate building that handles cannabis or cannabis products open to the internal environment will maintain a sufficient number of exhaust fans (Model: Vortex V-16XL, capacity 3800 CFM) with inline carbon filters to create negative air pressure throughout the building at all times during operating hours. For the 5,000 square foot buildings, assuming 20-foot ceilings throughout, this will entail 3 fans in each building so that the internal air is exchanged through the filters six times per hour. Fans will exhaust out the back of each building so as to minimize any noise they may create.

Site Access

The subject property's main access is provided through an existing paved road (Industrial Park Way), from which an unimproved onsite access road is entered through a controlled locking gate. No new roadway encroachments are required for the implementation of the proposed project.

Water Availability

Water is provided to the project site by the Weaverville CSD. The proposed project will not require the use of any groundwater or other/additional water resources for any of its operations. The parcel is served by a 2-inch water line and meter from the Weaverville CSD. Pursuant to Weaverville CSD's Standard Water Service Rates, a 2-inch meter is allowed 3,500 cubic feet of water per month as part of the minimum charge. Water use above the minimum allocation is billed at the rate of \$1.68 per 100 cubic feet.

The nursery is the only proposed use that will consume a significant amount of water beyond that required for employee bathrooms and break areas. Immature cannabis plants and clones use significantly less water than plants grown to maturity for flower production, and require up to 1-inch of water per week during the hottest parts of the year.

Domestic Wastewater Discharge

The site maintains an existing municipal sewer system that would continue to serve the subject property treating typical residential-grade wastewater from daily employee use. Subject to seasonal fluctuations (i.e., depending upon the time of year), it is anticipated there would be at a maximum forty-four (44) full-time onsite employees. Any wastewater runoff from the nursery operation will be captured by floor drains and directed to a cistern that will be pumped and trucked offsite. All proposed uses will take place within enclosed buildings over impermeable floors. No wastewater, other than that generated by sinks and toilets, will be discharged to the Weaverville Sanitary District or the surrounding environment.

STAFF/AGENCY COMMENTS:

Project referrals were sent out to the various County departments and applicable government agencies on August 4, 2020. A summary of the comments received are contained in Table 2 below.

Table 2: Summary of Staff/Agency Comments

Department/Agency	Comment	Comments Addressed?
County Assessor's Office	No response received.	NA
County Transportation Department	No response received.	NA
County Building Department	No response received.	NA
County Environmental Health Department	No response received.	NA
CDFW	No response received.	NA
Fire District: Weaverville	No response received.	NA
NCRWQCB	No response received.	NA
NCUAQMD	No response 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
Round Valley Reservation/Covelo Indian	A request for consultation pursuant to AB 52 was initiated on August 18, 2020. No response was received.	NA
Trinity Public Utilities District	No response received.	NA
Weaverville Community Services District	No response received.	NA
Weaverville Sanitary District (WSD)	The WSD responded to the referral with comments related to the following: 1) submittal of a Wastewater Discharge Permit Application; 2) payment of all applicable fees associated with additional wastewater connections; and 3) development of a plan for offsite waste management.	The comments from the WSD have been included as a condition of approval for the project (see condition 4).
Wintu Educational & Cultural Council	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.

PUBLIC COMMENTS RECEIVED:

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

California Department of Fish & Wildlife: Habitat Conservation Program Manager Curt Babcock of the Department of Fish and Wildlife (CDFW) submitted a 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 responses from County staff are provided below:

1. Setbacks: Figure 2.0-2, Site Plan shows a single riparian setback from Weaver Creek. It is unclear how the setback was measured and whether minimum setbacks are being met all along the segment of channel that flows parallel to the western boundary of the Project parcel. All construction activities should take place at least 150 feet from Weaver Creek, measured from the 2-year high water mark of the creek or from the top edge of the creek bank if the channel is incised, whichever is more conservative (adapted from State Water Resources Control Board's Cannabis Cultivation Policy, 2019).

Response to Comment 1: Despite any potential inaccuracies contained in the Site Plan included in the IS/MND, the project applicant is required to comply with the setback requirements of the State Water Resources Control Board Cannabis General Order, which CDFW used as the basis for their comments on this issue. As part of implementation of the proposed project, compliance inspections will be conducted by various government agencies, which will ensure the site design complies with applicable regulatory requirements.

2. Species of Special Concern: The following species of special concern (SSC) have a high likelihood of occurring in the riparian habitat of the Project parcel and are sensitive to anthropogenic disturbance. Setbacks should be flagged or fenced to prevent encroachment to minimize significant impacts to:
 - Foothill yellow-legged frog (*Rana boylei*)
Foothill yellow-legged frog is an SSC that dwells in streams and requires flowing water. Foothill yellow-legged frogs have been observed to occur in Weaver Creek. During exceptionally dry periods, foothill yellow-legged frogs may seek refuge in any surface water. If surface water is present during the work period, the Department recommends a biologist inspect the work area daily before work begins and during construction. If foothill yellow-legged frogs are observed at any time during Project construction, work shall halt, and the Department should be contacted.
 - Coastal tailed frog (*Ascaphus truei*)
Coastal tailed frog is an SSC that dwells primarily in streams and requires cold, swiftly flowing water. Coastal tailed frogs are sensitive to temperature increases caused by sedimentation, vegetation removal, and shifts in algal communities. Appropriate setbacks must be met, and special care should be employed to ensure that no runoff from the cannabis waste area enters Weaver Creek. The Department recommends a biologist inspect the work area daily before work begins and during construction. If coastal tailed frogs are observed at any time during Project construction, work shall halt, and the Department should be contacted.

- Western pond turtle (*Emys marmorata*)

Western pond turtle is an SSC that occurs in a broad range of aquatic water bodies, including flowing streams and wetlands, and exhibits high site fidelity. It is not unlikely that the pond turtle would use the Project site to move between habitats. 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 2: The applicant is required to comply with Sections 17.43G.030.D and 17.43G.030.E of the County Cannabis Ordinance (No. 315-849), which address special-status amphibians and pond turtles, respectively. These sections require pre-construction surveys to be conducted by a qualified biologist 24 hours before new development activities. If special-status amphibians or pond turtles are located, injury or mortality to these individuals will be avoided by modifying project design, installation of exclusionary fencing, or relocating animals in consultation with CDFW. If special-status amphibians or pond turtles are not detected during the pre-construction survey, further mitigation is not required. The Environmental Impact Report (EIR) prepared for the County's Cannabis Ordinance (DEIR, pgs. 3.4-44 to 3.4-47) determined that the implementation of these measures would reduce impacts to special-status amphibians and pond turtles to a less than significant level. The requirement to conduct pre-construction surveys for special-amphibians and pond turtles per the requirements of the County Cannabis Ordinance, has been included as a condition of approval for the project.

3. 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. 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. Native Vegetation in Landscaping: The Department recommends utilizing vegetation native to the local area in landscaping whenever possible. Benefits of utilizing native vegetation in landscaping include providing resources for native wildlife such as hummingbirds and beneficial pollinators, conserving water, reducing pesticide use, and reducing landscaping maintenance. The California Native Plant Society (CNPS) website (<https://www.cnps.org>) includes a variety of useful information and tools to help determine which native species occur in a particular area, information on care and maintenance of native species, and contacts for purchasing native plants or seeds. The CNPS tool Calscape generates a list of native plants that grow in an area based on a specific address. A search of Calscape returned a wide variety of plants native to the Project site and surrounding landscapes (<https://calscape.org/>).

For more information regarding the importance of using native species in landscaping, please see the CNPS Guidelines for Landscaping to Protect Native Vegetation from Genetic Degradation at: <https://www.cnps.org/wp-content/uploads/2018/04/landscaping.pdf>.

Response to Comment 4: The Trinity County Code and County Cannabis Ordinance do not contain requirements for native landscaping, except in the case when cultivation sites are visible from a County-designated scenic roadway, or scenic byway, or Trinity heritage scenic byway (Section 17.43.060.U of Ord. No. 315-849). As described in the Aesthetics section of the IS/MND (pg. 3.0-6), the section of SR-299 that passes by the Trinity Alps Business Park is part of the Trinity Scenic Byway. However, there are no views of the site from SR-299 as the site is approximately 100 feet lower in elevation than the highway and obscured from view by topography, vegetation, and buildings. According to the applicant's consultant, some of the plant species proposed for the site landscaping are native to Trinity County and some are non-native. CDFW is recommending that native plants be used whenever possible. Since Trinity County and CDFW do not have any regulations applicable to the project that require the use of all native landscaping, County staff has determined that there is no basis for requiring the

applicant to comply with this recommendation.

5. Survey Results: If any special status species are found during surveys, the Department requests that California Natural Diversity Data Base (CNDDDB) 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 CNDDDB can be found at: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>.

Response to Comment 5: 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 CNDDDB 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.

GENERAL PLAN CONSISTENCY:

The project site has been designated Industrial (I) in the County General Plan. As discussed in the General Plan Land Use Element, industrial designated areas are intended to indicate the most likely and desirable areas for industrial development including federal, state, or local facilities of an industrial nature. Industrial areas should be located near existing communities to promote energy conservation and to utilize community services as required. The County General Plan did not specifically anticipate commercial cannabis operations when it was developed. However, when the County adopted its Cannabis Ordinance, it determined that several General Plan designations and zoning districts were appropriate for the cannabis activities proposed by this application (i.e., nursery, processing, non-volatile manufacturing, distribution, and testing operations). The Industrial (I) designation was determined to be appropriate for the proposed uses. Therefore, the above noted operations on property designated for Industrial (I) land uses, 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 when they were developed 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. Ordinance 315-824 (Cannabis Testing Facilities Regulations), 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), and Ordinance 315-849 (Implementation of the Mitigation Measures for the County's Commercial Cannabis Program) apply to the proposed project and are referred to, collectively, in this section as the "Cannabis Ordinance."

The project site has been zoned by the County as Specific Unit Development (SUD), which at this location (Area 1, Trinity Alps Business Park, Lower Level) allows for industrial uses, including Wholesale Sales and Distribution conducted within a building (without the need for securing a Use Permit) and any use with more than 20,000 square feet of floor and/or which “would exceed 60 decibels at the property line of the use” and/or “generates air emissions, ... noise, offensive odors ... which may be detrimental to the public health, safety or welfare” after first securing a Use Permit. As discussed below, the proposed cannabis uses are consistent with the uses allowed by the County Cannabis Ordinance in the Specific Unit Development (SUD) 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 Specific Unit Development (SUD), 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 Specific Unit Development (SUD), making the property eligible for a Type 11 distribution license.

Per Section 17.43C.020 of the County Cannabis Ordinance, to be eligible for a Type 8 (Testing) 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. The subject property has been zoned by the County as Specific Unit Development (SUD), which at this location (Area 1, Trinity Alps Business Park, Lower Level) allows for industrial uses. The subject parcel (APN 024-220-056) is also located on a former concrete aggregate operation. Per Section 17.24.030 (Specific Unit Development or “SUD” Zone District), any use or combination of uses which are arranged and designed in such a manner as to result in development which is internally compatible and compatible with surrounding uses is permitted as long as a planning commission use permit is obtained. As previously described above, the proposed project is adjoined by a 1.80 acre Industrial (I) designated parcel to the east (APN 024-220-055). Both the proposed project site (APN 024-220-056) and APN 024-220-055 are surrounded entirely by APN 024-220-046 which has a General Plan designation of Industrial (I) with an underlying zoning of Specific Unit Development (SUD). Surrounding land uses include a former sand and gravel operation and a former soil business. The 1.80-acre parcel (APN 024-220-055) was subsequently approved for a Conditional Use Permit on May 24, 2017 by the Trinity County Planning Commission for a Commercial Cannabis Nursery. Per the Trinity Alps Business Park Development Standards, Section C, “Uses Permitted Subject to First Securing a Use Permit – Lower Level,” the following uses are conditionally permitted:

- Any use with more than 20,000 square feet of floor;

- Any use requiring an “Authority to Construct Permit” from the North Coast Unified Air Quality Control Board;
Any use requiring a “Discharge Permit” from the Regional Water Quality Control Board;
- Any use which would exceed 60 decibels at the property line of the use;
- Any use which generates air emissions, liquid, solid or hazardous wastes, noise, offensive odors, smoke, dust or glare in a manner which may be detrimental to the public health, safety or welfare;
- Batch plants; and
- Rock crushing.

Staff believes that the Conditional Use Permit application, as described, evaluated, and mitigated in the Draft IS/MND (SCH #2021040656), is consistent with the industrial uses allowed and intended for Specific Unit Development (SUD) zoned lands identified within Area 1, Trinity Alps Business Park, Lower Level, making the property eligible for a Type 8 testing 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. In accordance with Section 17.43.F.040, the applicant has proposed a security and emergency response plan pursuant to Bureau of Cannabis Control (BCC) regulations. This Conditional Use Permit application under consideration is for a property that is appropriately zoned Specific Unit Development (SUD) in Area 1, Trinity Alps Business Park, Lower Level which allows industrial type uses with a Use Permit, making the property eligible for a Type 11 non-volatile manufacturing license.

Table 3 compares the design of the proposed project to the applicable development standards contained in the Trinity Alps Business Park Development Standards. These development guidelines supplement the Trinity County Zoning Code.

Table 3: Summary of County Code Compliance

County Code Development Standard	County Code Requirement	Proposed by Project	Compliant with County Code?
Minimum Lot Size	½ acre	>5 acres	Yes
Minimum Lot Width	100 feet	>100 feet	Yes
Maximum Lot Coverage	60%	<15%	Yes
Minimum Front Yard	20 feet	>20 feet	Yes
Minimum Side Yard	20 feet	>10 feet	Yes
Minimum Rear Yard	10 feet	>20 feet	Yes
Maximum building height	45 feet	<45 feet	Yes

As illustrated on the Project Site Plan (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 aesthetics, 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#: 2021040656) and was circulated for review from 4/28/2021 to 5/27/2021. 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 CDFW on the IS/MND. See a summary of the comments received and responses from County staff in the section on Public Comments above. Minor revisions were made to the IS/MND to clarify the project analysis. The revisions made to the IS/MND clarify the information in the IS/MND and/or provide minor corrections or edits to the text. The revisions to the IS/MND do not identify new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Where revisions consist of added or modified text, that text is underlined (example text), while deleted text is struck out (~~example text~~).

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

The cannabis permit application for this property was submitted to the County in November 2019. During the processing of this application, the County adopted an Amended Cannabis Program Ordinance and a corresponding Environmental Impact Report (EIR) (SCH#: 2018122049) on 12/28/20. The EIR contains a number of 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 to allow nursery, processing, non-volatile manufacturing, distribution, and testing operations on APN 024-220-056 located within Area 1, Trinity Alps Business Park, Lower Level. 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 intensity of uses in 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. The project site is surrounded entirely by APN 024-220-046, which has a General Plan designation of Industrial (I) with an underlying zoning of Specific Unit Development (SUD). Surrounding land uses include a former sand and gravel operation, a former soil business, and a Commercial Cannabis Nursery approved by Trinity County Planning in 2017 bordering the proposed project parcel. The closest sensitive receptors to the project site are more than 650 feet from the project site and will not be significantly impacted by potential impacts from the project.

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

Finding: The project, as proposed and conditioned, is consistent with the goals and objectives of the County General Plan and Specific Unit Development (SUD) zoning district (Area 1, Trinity Alps Business Park, Lower Level), as the proposed project consists of land uses that are of a commercial and/or light industrial nature

(i.e., nursery, processing, non-volatile manufacturing, distribution, and testing operations) on a site designated as Industrial (I).

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-19-38) based on the recommended findings in Resolution 2021-08 and subject to the conditions of approval set forth in Exhibit A to Resolution 2021-08.

ATTACHMENTS:

- 1) Draft Resolution 2021-08 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

RESOLUTION NO. 2021-08

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY
APPROVING CONDITIONAL USE PERMIT
(Trinity Equipment and Materials (T.E.A.M.), P-19-38)**

WHEREAS, Thomas Ballanco filed an application dated November 1, 2019 for a Commercial Cannabis Conditional Use Permit (P-19-18). The CUP is for operation of an onsite nursery, processing, non-volatile manufacturing, distribution, and testing facilities on a site designated as Industrial (I). The project is located at 311 Industrial Park Way, Weaverville, California on Trinity County assessor parcel number 024-220-56; 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 (4/24/21 to 5/27/21) by posting it on the County of Trinity website and filing with the State Clearinghouse (SCH#: 2021040656); 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 to allow nursery, processing, non-volatile manufacturing, distribution, and testing operations on APN 024-220-56 located within Area 1, Trinity Alps Business Park, Lower Level. 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. The project site is surrounded entirely by APN 024-220-46 which has a General Plan designation of Industrial (I) with an underlying zoning of Specific Unit Development (SUD). Surrounding land uses include a former sand and gravel operation, a former soil business, and a Commercial Cannabis Nursery approved by Trinity County Planning in 2017 bordering the proposed project parcel. The closest sensitive receptors to the project site are more 650 feet from the project site and will not be significantly impacted by potential impacts from the project.
 - C. The project, as proposed and conditioned, is consistent with the goals and objectives of the County General Plan and Specific Unit Development (SUD) zoning district (Area 1, Trinity Alps Business Park, Lower Level), as the proposed project consists of nursery, processing, non-volatile manufacturing, distribution, and testing operations on a site designated as Industrial (I).
3. The Planning Commission of the County of Trinity hereby approves the Conditional Use Permit (P-19-38), 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

Resolution No. 2021-08
June 10, 2021

ATTEST:

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

EXHIBIT “A” to Resolution PC-2021-08
CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

(Trinity Equipment and Materials (T.E.A.M.), P-19-38)

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 project referral response received from the Weaverville Sanitary District.
5. The Permittees site uses must be in compliance with State and County Fire Safe Regulations. Should the County or State 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.

The following conditions of approval include the mitigation measures from the Initial Study/Mitigated Negative Declaration (SCH#: 2021040656) 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.

11. **A-1:** The Nursery would utilize only low-intensity lighting, and the greenhouses will be covered at dusk so that no light/glare escapes. Security lighting will be directional and generally downcast to avoid any light and/or glare impacts on surrounding industrial properties or residences up on the bluff to the northeast.
12. **AQ-1:** Any and all exhaust produced by the Project will be treated by forced-air venting through carbon filters to eliminate any potential impact from objectionable odors produced by the proposed operations at the Project site.
13. **BIO-1:** The following measures shall be implemented to minimize potential impacts to resident and migratory wildlife utilizing habitat around the Project site:
 - All buildings and Project activity on the parcel should remain within a 150-foot disturbance buffer of the Class I stream, Weaver Creek, as per regulatory statutes.
 - The County Cannabis Cultivation ordinance (Ordinance No. 315-823 and amendments) as well as CDFA licensing regulations [3 California Code of Regulations (CCR) § 8304(c) and (g)] require light generated by the proposed project would be required to be both (1) downcast, shielded and/or screened to keep light from emanating offsite or into the sky, and (2) light uses for operations require that lighting in greenhouses is shielded so that little to no light escapes, and light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
 - The Nursery should utilize only low-intensity lighting, and the greenhouses should be covered at dusk so that no light/glare escapes, per county requirements.
 - Security lighting should be directional and motion activated, and generally downcast to avoid any light and/or glare impacts. This implementation of the standard requirements of the County's General Plan and Weaverville Town Plan provides a uniform standard for reduction and minimization of light trespass.
 - All hazardous and non-hazardous waste should be collected and disposed of or recycled offsite. All trash should be disposed of regularly, so as not to attract wildlife.
 - Placement of temporary staging areas and other facilities shall avoid or minimize disturbance to habitat and remain outside of the 150-foot riparian buffer.
 - Vehicle speed shall be kept to a maximum of 10 mph while onsite to minimize dust generation.
 - All fuel sources and chemicals shall be stored and handled properly to prevent leakage into the environment and refueling and storage shall occur greater than 100 feet away from any creeks, or natural areas.
 - All refueling and pesticide and chemical storage and transfer should occur on top of an impermeable surface capable of completely containing any spillage.
 - Containers including buckets should be turned over on their sides to allow animals to escape when not in use.
 - Excavation and grading activities should be scheduled for dry weather periods to prevent additional sedimentation and erosion.
 - Loud activity exceeding 50 db 100 ft from the Project site, including construction activity with heavy machinery, should be completed outside of the northern spotted owl (NSO) breeding period (February 1- September 1), and within normal operating business hours (8 AM- 5 PM).

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- Site activity post-construction should not regularly exceed 50 db 100 ft from the Project area to prevent disturbance to NSO, bats, and other wildlife.
 - Special care should be given to activity and disturbance during peak migration periods (Spring and Fall) to reduce disturbance to other migratory bird species utilizing adjacent habitat.
 - If shrubs and non-woody riparian vegetation are disturbed, they shall be replaced with similar native species appropriate to the site.
 - All vegetation shall be surveyed on foot once a year by staff and new outbreaks of any invasive weeds identified by the California Invasive Plant Council as noxious or invasive to be removed by the owner or qualified landscaping professionals.
 - The spread or introduction of exotic plant species shall be avoided to the maximum extent possible by avoiding areas with established native vegetation during cleanup/restoration activities, restoring disturbed areas with appropriate native species, and post-Project monitoring and control of exotic species.
 - Removal of invasive exotic species after construction activities is strongly recommended. Mechanical removal (hand tools, weed whacking, hand pulling) of exotics should be done in preparation for establishment of native plantings, if appropriate.
14. **CR-1:** If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 50 feet of the discovery, as required by the California Environmental Quality Act (CEQA; January 1999 Revised Guidelines, Title 14 California Code of Regulations [CCR] 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the material and offered recommendations for further action.
15. **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:

16. 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.

17. 3.3-1a: Prohibit Burning Vegetation

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

18. 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.

19. 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.

20. 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.

21. 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.

22. 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.

23. 3.4-2a: Conduct Preconstruction Surveys for Special-Status Amphibians

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 special-status amphibian species from new development related to cannabis activities.

- If special-status amphibians 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, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, will be necessary and appropriate.
- Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for special-status amphibians is present within the proposed development area, a qualified biologist approved by the County and familiar with the life cycle of Cascades frog, foothill yellow-legged frog, Pacific tailed-frog, southern long-toed salamander, and southern torrent salamander shall conduct preconstruction surveys of proposed new development activities 24 hours before new development activities. Preconstruction surveys for special-status amphibians shall follow widely used and accepted standardized protocols that control for habitat type, seasonality, and environmental conditions, including the methods described in Considerations for Conserving Foothill Yellow-

Legged Frog (CDFW 2018b), and Visual Encounter Survey Protocol for *Rana Boylei* in Lotic Environments (UC Davis 2017). Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and at least a 400-foot buffer around the proposed development area. Surveys shall consist of “visual encounter” as well as “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted within the appropriate season to maximize potential for observation for each species, and appropriate surveys will be conducted for the applicable life stages (i.e., eggs, larvae, adults).

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

In their comments on the project, the California Department of Fish and Wildlife (CDFW) has indicated that it is likely that special-status amphibians occur within the riparian habitat adjacent to the site. Therefore, pre-construction surveys will be required for the project consistent with the requirements of Mitigation Measure 3.4-2a.

24. 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 pond turtles occur within the riparian habitat adjacent to the site. Therefore, pre-construction surveys will be required for the project consistent with the requirements of Mitigation Measure 3.4-2b.

25. 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 adjacent to the project site, pre-construction nesting bird surveys shall be conducted consistent with the requirements of Mitigation Measure 3.4-2c.

26. 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

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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 nesting birds adjacent to the project site, pre-construction nesting bird surveys shall be conducted consistent with the requirements of Mitigation Measure 3.4-2e.

27. 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.

28. 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:

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- 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).

29. 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.

30. 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.

31. 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

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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.

32. 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.

33. 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.

34. 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 firefighting 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 June 10, 2023. 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)
T.E.A.M. Conditional Use Permit (P-19-38)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
Aesthetics							
A-1: The Nursery would utilize only low-intensity lighting, and the greenhouses will be covered at dusk so that no light/glare escapes. Security lighting will be directional and generally downcast to avoid any light and/or glare impacts on surrounding industrial properties or residences up on the bluff to the northeast.	Permittee responsibility throughout operation of the project.	Permittee responsibility throughout operation of the project.	Trinity County Planning	Less Than Significant			
Agriculture and Forestry Resources							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Air Quality							
AQ-1: Any and all exhaust produced by the Project will be treated by forced-air venting through carbon filters to eliminate any potential impact from objectionable odors produced by the proposed operations at the Project site.	Permittee responsibility throughout operation of the project.	Permittee responsibility throughout operation of the project.	Trinity County Planning	Less Than Significant			
Biological Resources							
BIO-1: Biological Assessment Mitigation The following measures shall be implemented to minimize potential impacts to resident and migratory wildlife utilizing habitat around the Project site: <ul style="list-style-type: none">All buildings and Project activity on the parcel should remain within a 150-foot disturbance buffer of the Class I stream, Weaver Creek, as per regulatory statutes.The County Cannabis Cultivation ordinance (Ordinance No. 315-823 and amendments) as well as CDFA licensing regulations [3 California Code of Regulations (CCR) § 8304(c) and (g)] require light generated by the proposed project would be required to be both (1) downcast, shielded and/or screened to keep light from emanating offsite or into the sky, and (2) light uses for operations require that lighting in greenhouses is shielded so that little to no light escapes, and light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.The Nursery should utilize only low-intensity lighting, and the greenhouses should be covered at dusk so that no light/glare escapes, per county requirements.Security lighting should be directional and motion activated, and generally downcast to avoid any light and/or glare impacts. This implementation of the standard requirements of the County’s General Plan and Weaverville Town Plan provides a uniform standard for reduction and minimization of light trespass.All hazardous and non-hazardous waste should be collected and disposed of or recycled offsite. All trash should be disposed of regularly, so as not to attract wildlife.Placement of temporary staging areas and other facilities shall avoid or minimize disturbance to habitat and remain outside of the 150-foot riparian buffer.	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)
T.E.A.M. Conditional Use Permit (P-19-38)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
<ul style="list-style-type: none">Vehicle speed shall be kept to a maximum of 10 mph while onsite to minimize dust generation.All fuel sources and chemicals shall be stored and handled properly to prevent leakage into the environment and refueling and storage shall occur greater than 100 feet away from any creeks, or natural areas.All refueling and pesticide and chemical storage and transfer should occur on top of an impermeable surface capable of completely containing any spillage.Containers including buckets should be turned over on their sides to allow animals to escape when not in use.Excavation and grading activities should be scheduled for dry weather periods to prevent additional sedimentation and erosion.Loud activity exceeding 50 db 100 ft from the Project site, including construction activity with heavy machinery, should be completed outside of the northern spotted owl (NSO) breeding period (February 1- September 1), and within normal operating business hours (8 AM- 5 PM).Site activity post-construction should not regularly exceed 50 db 100 ft from the Project area to prevent disturbance to NSO, bats, and other wildlife.Special care should be given to activity and disturbance during peak migration periods (Spring and Fall) to reduce disturbance to other migratory bird species utilizing adjacent habitat.If shrubs and non-woody riparian vegetation are disturbed, they shall be replaced with similar native species appropriate to the site.All vegetation shall be surveyed on foot once a year by staff and new outbreaks of any invasive weeds identified by the California Invasive Plant Council as noxious or invasive to be removed by the owner or qualified landscaping professionals.The spread or introduction of exotic plant species shall be avoided to the maximum extent possible by avoiding areas with established native vegetation during cleanup/restoration activities, restoring disturbed areas with appropriate native species, and post-Project monitoring and control of exotic species.Removal of invasive exotic species after construction activities is strongly recommended. Mechanical removal (hand tools, weed whacking, hand pulling) of exotics should be done in preparation for establishment of native plantings, if appropriate.							
Cultural Resources							
CR-1: Cultural and Archeological Resources If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 50 feet of the discovery, as required by the California Environmental Quality Act (CEQA; January 1999 Revised Guidelines, Title 14 California Code of Regulations [CCR] 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist,	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			

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
T.E.A.M. Conditional Use Permit (P-19-38)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
who meets the Secretary of the Interior’s Standards and Guidelines, has evaluated the material and offered recommendations for further action.							
CR-2: Unidentified Human Remains 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.	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			
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							

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
T.E.A.M. Conditional Use Permit (P-19-38)

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.							
Land Use and Planning							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Mineral Resources							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Noise							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Population and Housing							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Public Services							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Recreation							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Transportation							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Tribal Cultural Resources							
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							

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)
T.E.A.M. Conditional Use Permit (P-19-38)

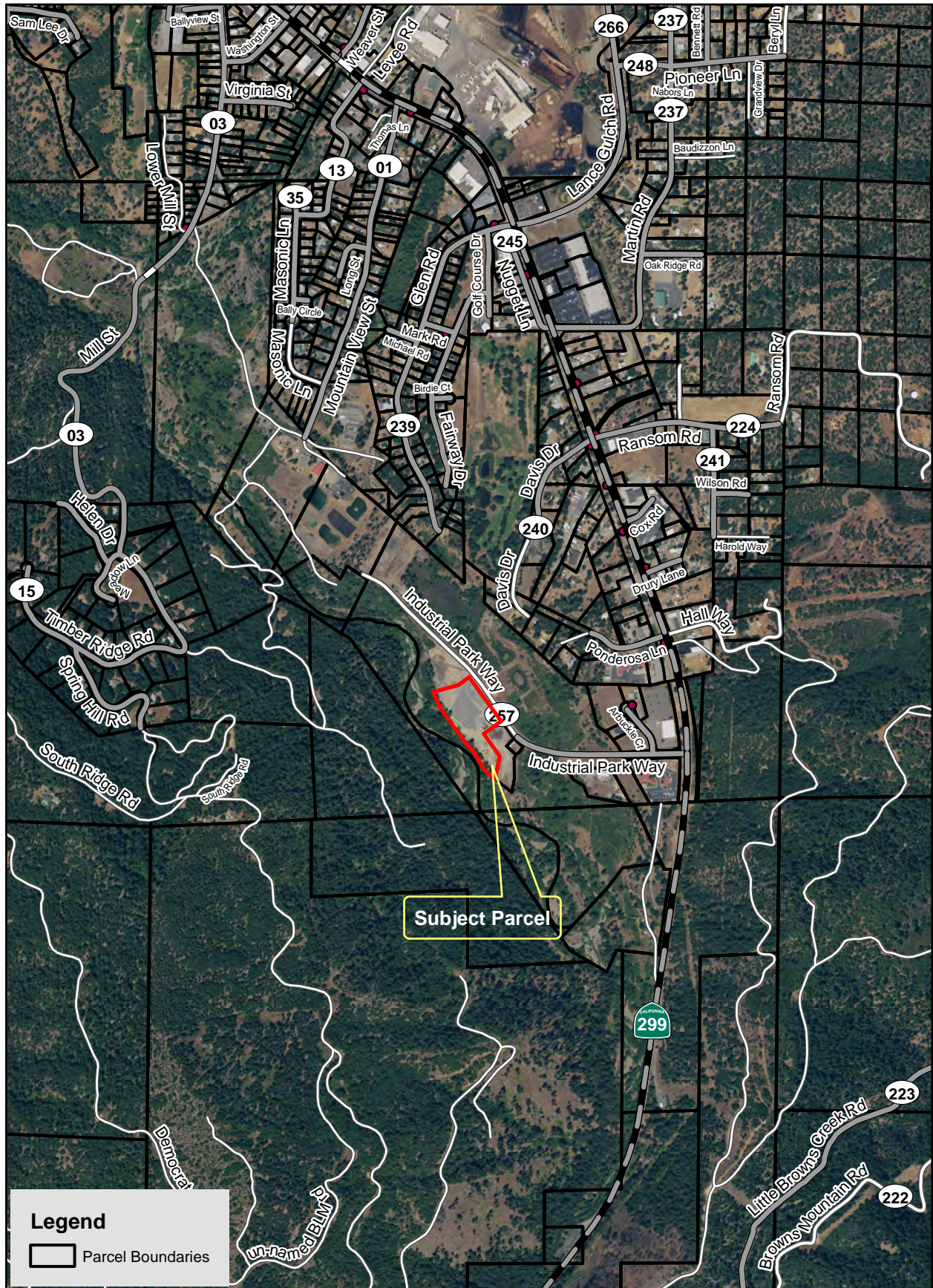
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
Implementation of Mitigation Measures A-1, AQ-1, BIO-1, CR-1, and CR-2.	Per A-1, AQ-1, BIO-1, CR-1, and CR-2	Per A-1, AQ-1, BIO-1, CR-1, and CR-2	Per A-1, AQ-1, BIO-1, CR-1, and CR-2	Less Than Significant			



Figure 3 - Location Map

APN 024-220-56-00

P-19-38 | Trinity Equipment & Materials, LLC ("T.E.A.M.")



0 0.1 0.2 0.4 0.6 0.8 Miles



Figure 4 - Project Aerial
APN 024-220-56-00

P-19-38 | Trinity Equipment & Materials, LLC ("T.E.A.M.")

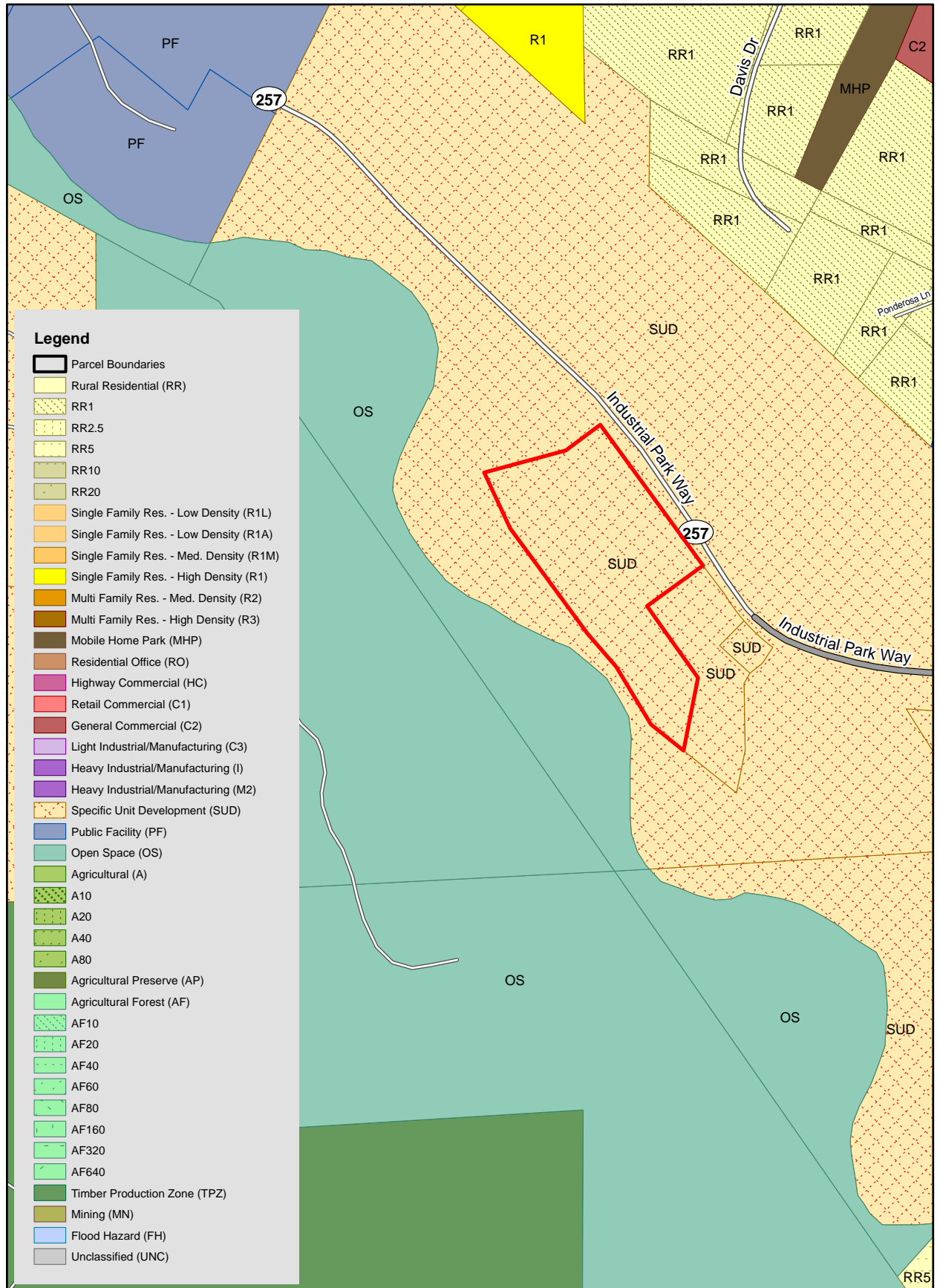




Figure 5 - Zoning Map

APN 024-220-56-00

P-19-38 | Trinity Equipment & Materials, LLC ("T.E.A.M.")



0 200 400 800 1,200 1,600 Feet



Figure 6 - General Plan Designation Map

APN 024-220-56-00

P-19-38 | Trinity Equipment & Materials, LLC ("T.E.A.M.")

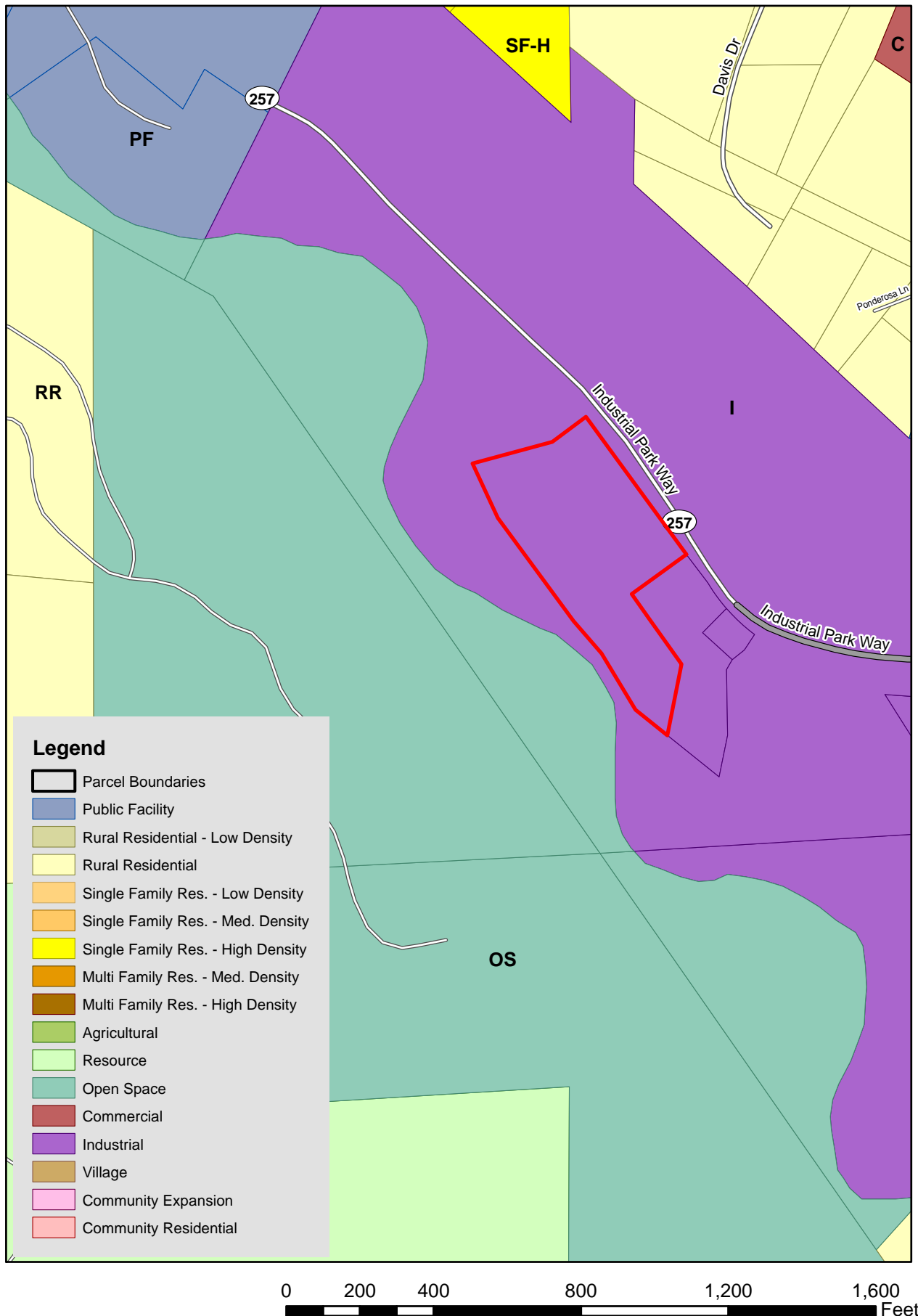




Figure 2.0-2, Site Plan

Distribution

17.43B.040 - Required findings.

A conditional use permit for cannabis distribution shall not be granted by the trinity county planning department unless all of the following findings are made based on substantial evidence:

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

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

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

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

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

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

Cannabis Manufacturing

17.43F.050 - Required findings.

The appropriate use permit for cannabis manufacturing shall not be granted by the appropriate authority unless all of the following findings are made based on substantial evidence:

A. The manufacturing facility will comply with all of the requirements of the state and county for the cannabis manufacturing. This includes, but is not limited to, product safety, THC levels, edible standards, timelines, packaging and labeling requirements.

Finding: The applicant will be required to demonstrate compliance with state and county regulations enforced by the Manufactured Cannabis Safety Branch and County of Trinity in order to obtain and maintain their state and county licenses for non-volatile manufacturing.

Additional Findings Read Into the Record for P-19-38 and P-20-02

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

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

C. The manufacturing includes adequate quality control measures to ensure cannabis manufactured at the site meets industry state standards.

Finding: The applicant will be required to demonstrate compliance with state quality control measures enforced by the Manufactured Cannabis Safety Branch in order to obtain and maintain their state license for non-volatile manufacturing.

D. The manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids or substances.

Finding: The applicant proposes non-volatile manufacturing activities, which do not have the potential for explosions or the release of harmful gases, liquids, or substances. The non-volatile manufacturing activities would occur within enclosed structures that must be designed in compliance with state regulations to minimize potential impacts. As designed and in compliance with existing regulatory requirements, the proposed non-volatile manufacturing activities do not have the potential to pose a significant threat to the public or neighboring uses.

TRINITY ALPS BUSINESS PARK DEVELOPMENT STANDARDS

A. GENERAL DESCRIPTION:

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

All projects will be reviewed by the Director of Planning (303 Trinity Lakes Blvd., Weaverville, (916) 623-1351) or his designee prior to issuance of a building permit or as stipulated in the use permit. If neither a building permit nor a Commission issued use permit are required for a project, then a Planning Director's use permit shall be obtained prior to site disturbance.

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

B. USES PERMITTED WITHOUT A USE PERMIT (UPPER LEVEL)

(Note: Any use with more than 20,000 sq. ft. of floor area requires a use permit.)

UPPER LEVEL

Auto Service Station

Building Materials Supply, conducted within a building

Cabinet Manufacturing, conducted within a building

Catalog Sales, Billing, or Distribution Center

Financial Institution, with/without drive-thru service

Hotel/Motel (40 units or less)

Low Intensity Manufacturing, conducted within a building

Office(s)

Office Equipment Service or Distribution Center

Plumbing Supply, conducted within a building

Printing Shop

Restaurant, with/without drive-thru service

Retail Sales and Services, conducted within a building

Telecommunication Services

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

Wholesale Sales and Distribution, conducted within a building

Wood Products Manufacturing, conducted within a building

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

LOWER LEVEL

Auto Repair
Cabinet Shop
Fire House
Lumber Yard/Building Materials Supply
Plumbing Supply
Truck/Heavy Equipment Repair
Welding/Machine Shop/Metal Fabrication
Wholesale Sales and Distribution
Wood Products Manufacturing
Other uses found to be similar in nature by the Planning
Commission

C. USES PERMITTED SUBJECT TO FIRST SECURING A USE PERMIT:

UPPER LEVEL

Any use listed in Subsection B (Upper Level) with more than
20,000 sq. ft. of floor area
Building Materials Supply, indoor/outdoor
Cabinet Manufacturing, indoor/outdoor
Hotel/Motel (41 units or more)
Low Intensity Manufacturing, indoor/outdoor
Plumbing Supply, indoor/outdoor
Welding Sales and Distribution, indoor/outdoor
Wood Products Manufacturing, indoor/outdoor
Other uses found to be similar in nature by the Planning
Commission

LOWER LEVEL

Any use with more than 20,000 sq. ft. of floor area
Any use requiring an "Authority to Construct Permit" from the
North Coast Unified Air Quality Control Board
Any use requiring a "Discharge Permit" from the Regional Water
Quality Control Board
Any use which would exceed 60 decibels at the property line of
the use
Any use which generates air emissions, liquid, solid or hazardous
wastes, noise, offensive odors, smoke, dust or glare in a
manner which may be detrimental to the public health, safety
or welfare.
Batch Plant
Rock Crushing

D. ACCESSORY BUILDINGS AND USES:

Accessory buildings and uses are permitted which are normally
incidental to the uses permitted, including watchman's quarters.
(Accessory uses may not be established prior to the main use.)

- E. MINIMUM LOT SIZE: 1/2 acre
- F. MINIMUM LOT WIDTH: 100 feet
- G. MAXIMUM ALLOWABLE LOT COVERAGE BY ALL STRUCTURES: 60 percent
- H. MAXIMUM ALLOWABLE HEIGHT: Upper level: 25 feet, not to exceed two stories
Lower level: 45 feet
- I. MINIMUM FRONT YARD REQUIRED: 20 feet
- J. EXTERIOR SIDE YARD SETBACK: 20 feet
- K. MINIMUM REAR YARD REQUIRED: Upper level: 20 feet
Lower level: 10 feet
- L. GRADING/DRAINAGE:

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

- M. ENCROACHMENT PERMIT/CIRCULATION PLAN:

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

- N. LANDSCAPING:

A landscape plan identifying size, location and plant name (common name to be included), plans for irrigation and a maintenance program to ensure success of the landscaped area shall be provided for the review and approval of the Director of Transportation and Planning, or his designee. It shall be the responsibility for the property owner to maintain the landscaping in a healthy condition. All required yard areas abutting public roads shall be landscaped with trees, shrubs or ground cover. Shade trees shall be provided in parking lots with more than twenty (20) spaces.

5. Garbage containers, loading docks, mechanical equipment, utility meters, storage tanks or other accessory facilities shall be concealed or screened from public view with materials which are similar to and compatible with those of the main building. No exposed conduit, tubing or raceway shall be permitted.

LOWER LEVEL

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

S. COUNTY RETAINED LANDS:

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

T. DEVIATIONS:

1. Major deviations from these development standards require the approval of the Planning Commission. Minor deviations may be approved by the Planning Director if they do not substantially deviate from these development standards. A "substantial deviation" is one that will result in a material change in the nature of the development when all the circumstances surrounding the deviation are considered.
2. Determination of Substantiality by Planning Commission. The Planning Director may, at his or her discretion, request a determination by the Planning Commission as to whether a proposed change is a substantial deviation. If the Planning Commission determines that the change is substantial, a public hearing shall be set for the purpose of considering the deviation.

3. **Mandatory Finding of Substantial Deviation.** The Planning Director shall find the following changes to be substantial deviations. This list is not intended to be inclusive and the fact that a particular deviation is not included on this list shall in no way limit the authority of the Planning Director to, in his or her discretion, determine that a change is a substantial deviation.
- a. Any major change in the pattern or volume of traffic flow either on or off any property covered by the use permit.
 - b. Any increase in height, setbacks or lot coverage of a structure.

Chapter 17.43A - WHOLESALE CANNABIS NURSERIES AND RESALE OF AUXILIARY NURSERY PRODUCTS

Sections:

17.43A.010 - Definitions.

"Authorized school bus stop" means any location established by a school district for pick-up and/or delivery of school children.

"Auxiliary nursery sales" means ancillary goods sold within a cannabis nursery that are directly related, supplementary and subordinate to the cannabis products sold within the nursery and that are specifically for planting and promulgation of cannabis.

"Cannabis" and "marijuana" are used interchangeably and mean any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code.

"Cannabis nursery" means a wholesale sales facility operated by a licensee that produces only clones, immature plants, seeds and other agricultural products used specifically for planting and promulgation of cannabis and sold only to licensed commercial cannabis cultivation growers. Retail sales are not permitted.

"Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.

"Residential treatment facility" means a facility providing for treatment of drug and alcohol dependency.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.

"Youth-oriented facility" means public park, school authorized bus stop and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(Ord. No. 315-826, § 1, 12-4-17; Ord. No. 315-827, § 1, 1-3-18)

17.43A.020 - Allowable zoning districts.

All cannabis nursery facilities require a Type 4 state license.

- A. Cannabis nursery facilities may be permitted only in the following zoning districts subject to first securing a planning commission-issued conditional use permit:
1. Agriculture (A).
 2. Heavy commercial (C-3).
 3. Heavy industrial/manufacturing (M-2).
 4. Light industrial/manufacturing (M-1).
 5. Industrial (I).
 6. Specific unit development (SUD), whose guidelines specifically identify parcels for industrial

development.

7. Agricultural preserve ("AP"). Cannabis nursery facilities in AP zones may not have auxiliary nursery sales.

B. Regardless of zoning district, cannabis nurseries shall not be permitted within the following areas:

1. Recreation district #1(RD-1) [this is primarily the area included within the Shasta-Whiskeytown-Trinity National Recreation Area].

2. Ruth Lake Specific Unit Development [this is primarily the area within the Ruth Lake Recreation Area].

(Ord. No. 315-826, § 1, 12-4-17; Ord. No. 315-827, § 1, 1-3-18; Ord. No. 315-833, § 1, 6-19-18)

17.43A.030 - Regulation of nurseries.

A. The following requirements shall apply to all cannabis nurseries:

1. A cannabis nursery shall possess and be in full compliance with a Type 4 state license.
2. Cannabis nurseries shall not be located within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within five hundred (500) feet of an authorize[d] school bus stop. Variances are allowed upon review of the planning commission.
3. Cannabis nursery operators shall ensure that all clones, immature plants, seeds and other agricultural products are obtained from appropriately licensed cultivation sources and shall implement best practices to ensure that all cannabis products are properly stored, labeled, transported, and inspected prior to distribution to an appropriately licensed individual.
4. Cannabis nurseries shall have security measures, including fencing, sufficient to restrict access and deter trespass and theft of cannabis or cannabis products. Fencing must include a lockable gate that is locked at all times when the property owner and/or employees are not on the premises. Fencing shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth, although shade cloth may be used on the inside of the fence.
5. Cannabis nurseries may grow clones and immature plants indoors, but only when allowed by the required conditional use permit.
6. Cannabis nurseries shall comply with all other provisions of the Trinity County Code and the zoning ordinance.
7. Development Standards. The development standards (such as setbacks, minimum lot coverage, etc.) shall be as shown for the applicable zoning district, provided, however, that the planning commission may establish more restrictive standards on a case-by-case basis during the use permit approval process.
8. Auxiliary nursery sales are permitted within the established nursery facility; however, the location of sales shall not exceed ten percent of the cannabis nursery facility.

(Ord. No. 315-826, § 1, 12-4-17; Ord. No. 315-827, § 1, 1-3-18)

17.43A.035 - Mitigation measures applicable.

The requirements in this chapter are in addition to those requirements stated in Chapter 17.43G of this code.

(Ord. No. 315-849, § 2, 12-28-2020)

17.43A.040 - Required conditions of use permit approval.

- A. In addition to any other conditions and mitigation measures required, all of the following conditions shall apply to all cannabis nurseries:
1. All cannabis nursery license holders shall maintain accurate records on sales, including proof that sales occur only to licensed individuals.
 2. Sales shall only be to licensed cannabis cultivators in the State of California.
 3. License holders shall comply with all applicable state and county laws.
 4. The Trinity County Agricultural Commissioner may create standards for plant quality which shall comply with State of California regulations.
 5. All sales locations shall have adequate parking to accommodate customers.
 6. Glare from nursery facilities and resale locations shall not emanate onto neighboring properties. This condition will also be reviewed on a case-by-case basis as part of the use permit process.
 7. Cannabis nurseries shall comply with the cultivation plan required in state Type 4 licenses.
- B. Operators of cannabis nurseries shall allow access to the facility and access to records if requested by the county, its officers, or agents; shall pay for an annual inspection; and shall submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations, and conditions.
- C. The applicant, owner, and operator shall agree to submit to, and pay for, routine and focused inspections of operations and relevant records or documents necessary to determine compliance with this chapter from any enforcement officer of the county or their designee.
- D. Operators of cannabis nurseries and, if different, the property owner(s) shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agencies, board, planning commission or board of supervisors arising from the county's registration of the site. The indemnification shall apply to any damages, cost of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.
- E. Any person operating a cannabis nursery shall obtain a valid and fully executed commercial cannabis cultivation Type 4 state license prior to commencing operations and must maintain such license in good standing to continue operations.
- F. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the county or state shall be grounds for the suspension or revocation of the cannabis nursery license.
- G. Cannabis nurseries and related activities shall be maintained in accordance with operating plans approved by the county.
- H. A license for cannabis nursery cultivation or for the resale of wholesale cannabis products does not guarantee that the applicant will be considered compliant with any future land use ordinance.
- I. Application for cannabis nursery cultivation does not give the applicant any property rights, and it does not guarantee that a cannabis nursery cultivation license will be issued. The application shall not be transferrable.

- J. Cannabis is not recognized under federal law and an application does not grant any right to violate federal law.
- K. When the state begins issuing Type 4 licenses under Medicinal and Adult Use Cannabis Regulations and Safety Act (MAUCRSA), the applicant or license holder shall file a complete application for the appropriate state license with the appropriate state licensing authority within sixty days of obtaining a county license.
- L. The effective date of a county issued entitlement for a cannabis nursery shall not begin until all state and county licensing, permitting and approvals have been obtained.
- M. Notwithstanding any other provision of this ordinance or the Trinity County Code, a person cultivating cannabis for the purposes of nursery sales, or resale of wholesale cannabis nursery products pursuant to this ordinance, but who applies for and is denied a state license, shall immediately cease all cannabis nursery cultivation within the county until he/she successfully obtains the proper state nursery cultivation license(s) under MAUCRSA.

(Ord. No. 315-826, § 1, 12-4-17; Ord. No. 315-827, § 1, 1-3-18)

17.43A.050 - Enforcement.

In addition to enforcement measures in this chapter, violation of this chapter also constitutes a nuisance and is subject to fines and abatement pursuant to Chapters 8.64 and 8.90 of the Trinity County Code.

(Ord. No. 315-826, § 1, 12-4-17; Ord. No. 315-827, § 1, 1-3-18)

17.43A.060 - Fees.

- A. The county shall collect from the applicant a regulatory program fee ("fee") when the application is submitted to the planning department pursuant to this chapter.
- B. Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing, and enforcing this chapter.
- C. The cannabis nursery program fee is set at:
 - 1. Nursery License: Two thousand five hundred dollars, plus one thousand dollars toward general plan update.
 - 2. Inspection Fee: \$200.
- D. Fees shall be paid annually one year from date of issuance.

(Ord. No. 315-826, § 1, 12-4-17; Ord. No. 315-827, § 1, 1-3-18; Ord. No. 315-833, § 1, 6-19-18)

17.43A.070 - Denial/rescission of license.

- A. Applicant's application shall be denied or the issuance of a license rescinded if the county becomes aware that:
 - 1. The applicant has provided materially false documents or testimony.
 - 2. The operation as proposed, if permitted, would not comply with all applicable laws, including, but not limited to, the building, planning, housing, fire, and health codes of the county, including the provisions of the chapter and with all applicable laws, including zoning and county ordinances.
- B. The applicant shall be given a minimum of seven business days to correct any deficiencies prior to the

issuance of a denial or rescission.

- C. The applicant may appeal a denial or revocation as provided in the appeals process of the zoning ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

(Ord. No. 315-826, § 1, 12-4-17; Ord. No. 315-827, § 1, 1-3-18)

Chapter 17.43B - DISTRIBUTION REGULATIONS FOR COMMERCIAL CANNABIS

Sections:

17.43B.010 - Definitions.

"Cannabis" and "marijuana" are used interchangeably and mean any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code.

"Cannabis distribution facility" means a building or premises used exclusively for storage, packaging, labeling, and/or as a transportation terminus for cannabis products between entities that are properly licensed.

"Distribution" means the procurement, sale and transport of cannabis and Cannabis products between entities that are properly licensed.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, excluding homeschools.

"Youth-oriented facility" means public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(Ord. No. 315-828, § 2, 1-17-18)

17.43B.020 - Allowable zoning districts.

- A. Cannabis distribution (requiring Type 11 State licenses) may be allowed in the following zoning districts subject to first obtaining a conditional use permit:
 1. General commercial ("C2").
 2. Heavy commercial ("C3").
 3. Industrial ("I").
 4. Agricultural ("A").
 5. Specific unit development ("SUD"), whose guidelines specifically identify parcels for industrial development.
 6. Agriculture-forest ("AF")
- B. The restrictions under subsection A do not apply to transportation only licenses.
- C. Type 13 transportation only licenses will be allowed within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services

District, although no cannabis distribution facilities will be allowed in these areas.

(Ord. No. 315-828, § 2, 1-17-18; Ord. No. 315-834, § 1, 6-19-18)

17.43B.030 - Regulations.

Cannabis distribution shall comply with all of the following regulations:

- A. Cannabis distribution facilities shall be located only in zoning districts identified in Section 17.43B.020(A) in this chapter as allowable zoning districts for cannabis distribution facilities.
- B. Cannabis distribution facilities shall not be allowed within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within five hundred feet of an authorized school bus stop, unless a variance is obtained.
- C. All cannabis distributors shall ensure that cannabis is obtained from licensed cultivation sources and shall implement best practices to ensure that all cannabis products are properly stored, labeled, transported and tested prior to distribution at a legally permitted and licensed retail facility.
 1. A transportation only license is also available from Trinity County, which will allow the transportation of cannabis products within the State of California for distribution to licensed distributors and manufacturers.
- D. Security plan shall be developed which is compliant with state requirements and submitted with an application and must be sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products shall be provided and maintained. The security plan shall be approved by the board of supervisors, or its designee.
- E. A site operations plan shall be submitted with the application for a conditional use permit.
- F. Any license holder of a distribution license shall not have been convicted of serious felony or Schedule I, II or III felony, excluding a non-serious felony conviction for sale, transportation or cultivation of cannabis except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.
- G. Cannabis and cannabis products shall only be transported between licensed commercial operations in good standing with the county and the state.
- H. Distributors shall ensure that appropriate samples of cannabis or cannabis products are tested by a state- and/or county-licensed testing facility prior to distribution.
- I. Prior to distribution to retailers, the distributor shall receive a certificate of analysis stating that test samples meet specifications required by law.
- J. Cannabis and cannabis products shall be packaged and labeled in accordance with the requirements of state law.
- K. Overnight storage of cannabis and cannabis product is not allowed in any vehicles within the county unless secured in a licensed distribution facility.

(Ord. No. 315-828, § 2, 1-17-18)

17.43B.035 - Mitigation measures applicable.

The requirements in this chapter are in addition to those requirements stated in Chapter 17.43G of this code.

(Ord. No. 315-849, § 3, 12-28-2020)

17.43B.040 - Required findings.

A conditional use permit for cannabis distribution shall not be granted by the trinity county planning department unless all of the following findings are made based on substantial evidence:

- A. The distribution, as approved and conditioned will not result in significant unavoidable impacts on the environment.
- B. The distribution includes adequate quality control measures to ensure cannabis distributed at the site meets state standards for a regulatory market.
- C. The distribution operations plan includes adequate measures that address the federal enforcement priorities for cannabis activities.

(Ord. No. 315-828, § 2, 1-17-18)

17.43B.050 - Required conditions.

In addition to conditions and mitigation measures that may be included in the conditional use permit for a distribution facility, the following conditions shall be met:

- A. The distributor shall allow access to the facility and any vehicles utilized in transportation, and access to records if requested by the county, its officers, or agents, and shall allow inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.
- B. The applicant for the distribution facility and the property owner shall indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the license or relating to any damage to property or persons stemming from the commercial cannabis activity.
- C. Any person operating a cannabis distribution facility shall obtain a valid and fully executed commercial cannabis distribution license or provisional license from the state prior to commencing operations, and must maintain such license in good standing in order to continue operations.
- D. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove licensees who do not maintain permits or licenses in good standing with the county or state shall be grounds for the suspension or revocation of a conditional use permit pursuant to this chapter.
- E. The distribution facility and activities shall be maintained in accordance with the operating plan associated with the conditional use permit and approved by the county.
- F. Any person who is not the legal owner of a parcel for which they are obtaining a conditional use permit to operate a cannabis distribution facility shall provide written and notarized authorization from the legal owner of the parcel prior to commencing activities included in the conditional use permit on such parcel.
- G. The cannabis distribution program fee is due annually on March 1st and is set at:
 - 1. Type 11: Six thousand dollars plus one thousand dollars towards the general plan update.
 - 2. Type 13 (transportation only): Two thousand dollars.
 - 3. Fees shall be paid thereafter annually prior to March 1st of each year.

- H. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within 12 months of this chapter, the County may conduct a fee study to determine the total cost of administering this chapter.
- I. If, based on the results of the fee study, the fee needs to be increased, the county may increase the fee by way of resolution for any new or renewal registrations.
- J. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

(Ord. No. 315-828, § 2, 1-17-18; Ord. No. 315-834, § 1, 6-19-18)

17.43B.060 - Denial/rescission of license.

- A. Applicant's application shall be denied or the issuance of a license rescinded if Trinity County becomes aware that:
 - 1. The applicant has provided materially false documents or testimony; or
 - 2. The operation as proposed if allowed, would not comply with all applicable laws including but not limited to the building, planning, housing, fire and health and safety codes of the county including the provisions of this chapter and with all applicable laws including zoning and Trinity County ordinances.
 - 3. Applicant shall be given up to seven business days to correct any deficiencies prior to the issuance of a denial or rescission unless there is an immediate threat to public health or safety that requires an immediate correction of the deficiency.
 - 4. Applicant or licensee shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Code.

(Ord. No. 315-828, § 2, 1-17-18)

Chapter 17.43C - CANNABIS TESTING FACILITIES REGULATIONS

Sections:

17.43C.010 - Definitions.

"Cannabis" and "marijuana" are used interchangeably and mean any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code.

"School" means an institution of learning, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.

"Youth-oriented facility" means public park, school authorized bus stop and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(Ord. No. 315-824, § 1, 10-17-17)

17.43C.020 - Applicability.

Cannabis testing facilities (requiring a Type 8 state license) may be allowed with a use permit in the following zoning districts;

- A. C2 (general commercial).
- B. C3 (heavy Commercial).
- C. I (industrial).
- D. All other zones are ineligible.

Testing facilities shall be subject to the requirements of this chapter. A use permit and/or license applications are independent and separate actions. Approval of one does not guarantee approval of the other.

(Ord. No. 315-824, § 1, 10-17-17)

17.43C.030 - Regulations.

- A. Within sixty days of adoption of the ordinance codified in this chapter any person or entity desiring a cannabis testing facilities license within Trinity County may apply with the Trinity County Planning Department. An application shall be on a form provided by the Trinity County Planning Department and will require, at minimum, confirmation that the applicant meets the requirements of this chapter. Application shall include a plan of operation pursuant to Section 17.43C.040(F) and 17.43C.040(G).
- B. Cannabis testing facilities shall comply with all of the following regulations:
 - 1. Shall not be within one thousand feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein or within five hundred feet of an authorized school bus stop and will be measured from footprint of building to edge of parcel boundary if sensitive receptors are present.
 - 2. The owners, operators, and employees of the cannabis testing facilities shall be independent from all other persons, associations and/or entities involved in the cannabis industry, and shall not hold any other state or county license related to cannabis.
 - 3. Cannabis testing facilities shall apply for appropriate licensing and/or register with any state agencies upon establishment of a state regulatory framework as required by the state and provide copies of the license application and the issued license to the county.
 - 4. Cannabis testing facilities shall show proof of ISO 17025 accreditation, or proof that the applicant is in the process of applying for or is preparing to apply for ISO 17025 accreditation as required by the state.
 - 5. Cannabis testing facilities shall adopt written standard operating procedures for laboratory processes, and analytical methods as required by state regulations.
 - 6. Cannabis testing facilities shall adopt a written standard operating procedure to obtain samples for testing according to state regulations.
 - 7. Cannabis testing facilities shall develop and implement scientifically valid testing methodologies for the chemical, physical and microbial analysis of cannabis products according to state regulations.
 - 8. Cannabis testing facilities shall develop and implement test methods and corresponding standard operating procedures for the analyses of organic and inorganic materials identified by the state. Additional analyses may be conducted as requested by the cultivator of the sample(s) to be tested.
 - 9. Cannabis testing facilities shall dispose of test samples according to state regulations and document

waste disposal procedures followed for each sample.

10. Cannabis testing facilities shall comply with all safety standards and requirements for cannabis testing facilities identified by the state, and shall ensure the safety of its employees and the proper disposal of all chemicals and byproducts pursuant to California Department of Public Health guidelines, California Division of Occupational Safety and Health requirements, California Department of Transportation, California Department of Toxic Substances Control (Trinity County CUPA), and Trinity County Department of Environmental Health.
11. Cannabis testing facilities shall develop and implement standard operating procedures or programs required by the state including quality assurance and quality control.
12. Cannabis testing facilities shall employ personnel who meet the experience and education requirements specified by the state and shall train qualified personnel as required by the state.
13. Cannabis testing facilities shall adopt a written security protocol and implement the protocol to prevent diversion, theft and loss of cannabis samples.
14. Cannabis shall not be sold or consumed on or within the premises on which this license is issued.

(Ord. No. 315-824, § 1, 10-17-17)

17.43C.035 - Mitigation measures applicable.

The requirements in this chapter are in addition to those requirements stated in Chapter 17.43G of this code.

(Ord. No. 315-849, § 4, 12-28-2020)

17.43C.040 - Required findings.

A license for a cannabis testing facility shall not be granted by the county unless all of the following findings are made based on substantial evidence:

- A. The testing facility, as proposed, will comply with all of the requirements of the State of California Bureau of Medical Cannabis Regulation and Trinity County Code for Cannabis testing facilities.
- B. The cannabis testing, as approved and conditioned, will not result in significant adverse impacts on the environment.
- C. The testing facility is accredited by an approved accrediting agency recognized by the state and the County of Trinity.
- D. Plans for the testing facility demonstrate proper protocols and procedures for statistically valid sampling methods and accurate certification of cannabis and cannabis products for potency, purity, pesticide residual levels, mold, and other contaminants according to adopted industry standards.
- E. The testing facility shall agree to provide as requested and/or required to state and county agencies procedures, processes and/or data collected resulting from testing performed.
- F. Plans for the testing facility demonstrate proper protocols and procedures for transport, handling, and disposal of all chemicals used in the testing process.
- G. The testing facility is located in a building permitted by the Trinity County Building Department and meets Trinity County Code.

(Ord. No. 315-824, § 1, 10-17-17)

17.43C.050 - Required conditions.

In addition to any other conditions and mitigation measures required, all of the following conditions shall apply to all licenses for a cannabis testing facility:

- A. Operators of the testing facility shall allow access to the facility and access to records if requested by the county or state, its officers, or agents, and shall pay for routine and focused inspections and submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations, and conditions.
- B. The applicant, owner, and operator shall agree to submit to, allow access for, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this chapter from any enforcement officer of the county or their designee.
- C. Operators of the testing facility and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agents, boards, planning commission or board of supervisors arising from the county's registration of the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.
- D. The facility operator shall be responsible for ensuring that all cannabis testing activities at the site operate in good standing with licenses required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain licenses or licenses in good standing with the county or state shall be grounds for the suspension or revocation of the license.
- E. The testing facility and related activities shall be maintained in accordance with the operating plans accepted by the county.
- F. A safety and security plan shall be submitted and accepted by the county. This plan shall be updated annually. All security protocols shall be implemented prior to commencing operations.
- G. Hours of operation shall be determined on a site-specific basis established in the use permit associated with the testing facility.
- H. This license does not guarantee that the applicant will be considered compliant with any future land use ordinance.
 - I. Licenses are transferrable with payment of fees and review of an updated application including information regarding new ownership.
- J. Cannabis is not recognized under federal law and applicant does not grant any right to violate federal law.
- K. When the State Bureau of Medical Cannabis Regulation (BMCR) begins issuing Type 8 licenses under MCRSA, the applicant or license holder shall file a complete application with the BMCR within sixty days.
- L. Notwithstanding any other provision of this chapter, a person participating in the testing of cannabis who is registered pursuant to this chapter, but who applies for and is denied a state license shall immediately cease all cannabis testing within the county until he/she successfully obtains the proper state testing license(s) by BMCR.

(Ord. No. 315-824, § 1, 10-17-17)

17.43C.060 - Fees.

- A. The county shall collect from the applicant a regulatory program fee (hereinafter referred to as fee) when an applicant submits an application to establish a cannabis testing facility with the planning department pursuant to this chapter.
- B. Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing, and enforcing this chapter.
- C. A use permit required by this license is an independent action that shall require a use permit fee.
- D. The cannabis testing facilities program fee is shall be:
 - 1. Type 8 License: Year one—Two dollars per square foot plus one thousand dollars general plan update. Successive years—One thousand dollars general plan fee, plus one thousand dollars processing fee.
 - 2. Inspection/Reinspection Fee: Two hundred dollars.
 - 3. Transfer Fee: Three thousand dollars.
- E. Fees shall be paid thereafter annually prior to March 1 of each year.

(Ord. No. 315-824, § 1, 10-17-17)

17.43C.070 - Denial/revocation of license.

- A. Applicant's application shall be denied or the issuance of a license rescinded if Trinity County becomes aware that:
 - 1. The applicant has provided materially false documents or testimony; or
 - 2. The operation as proposed, if licensed, would not comply with all applicable laws, including, but not limited to, the building, planning, housing, fire, and health codes of the county, including the provisions of this chapter and with all applicable laws including zoning and county ordinances.
- B. Applicant shall be given a minimum of seven business days to correct any deficiencies prior to the issuance of a denial or rescission.
- C. Applicants shall have the right to appeal any denials to the planning director. Any person dissatisfied with the decisions of the planning director may appeal therefrom to the planning commission at any time within ten working days after notice of the decision is given. Such appeal is taken by filing a notice of appeal with the planning director and paying the required appeal fee. Upon filing of a notice of appeal, the planning director shall within ten days to transmit to the secretary of the planning commission all papers and documents on file with the planning director relating to the appeal and schedule the appeal for the commission hearing.
- D. Applicant shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Code.

(Ord. No. 315-824, § 1, 10-17-17)

17.43C.080 - Enforcement.

- A. Violation of this chapter constitutes a nuisance and is subject to fines and abatement pursuant to Chapters 8.64 and 8.90 of the Trinity County Code.
- B. The code enforcement officer shall make reasonable efforts to notify the owner and/or violator.
- C. Additional fees may be required for code enforcement reinspection.

(Ord. No. 315-824, § 1, 10-17-17)

Chapter 17.43F - CANNABIS MANUFACTURING

Sections:

17.43F.010 - Definitions.

"Cannabis" and "marijuana" are used interchangeably and mean any plant of the genus cannabis, as defined by Section 11018 of the Health and Safety Code.

"Manufacture" means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product. In addition, "manufacturer" means a licensee that conducts the production, preparation or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination or extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.

"Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent, including carbon dioxide and ethanol. This requires a Type 6 license which allows for extraction using mechanical methods or nonvolatile solvents.

"School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, excluding homeschools.

"Shared-use facility" means a manufacturing premises operated by a Type 6, Type N, or Type 7 licensee in which Type S licensees are authorized to conduct manufacturing operations. Shared use facilities shall be operated in accordance with California Code of Regulations, Title 17 Division 1 Chapter 13, Manufactured Cannabis Safety Subchapter 1, General Provisions and Definitions, Article 6, Shared-Use Facilities, or as those provisions are amended.

"Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. The state's examples of volatile solvents include, butane, hexane, and propane. Type 7 licensee can use both nonvolatile and volatile solvents in its extractions, infusions or mechanical methods.

"Youth-oriented facility" means public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(Ord. No. 315-838, § 2, 8-7-18; Ord. No. 315-842, § 2, 12-4-18)

17.43F.020 - Allowable zoning districts.

- A. Nonvolatile or mechanical methods cannabis manufacturing facilities (requiring a Type 6, Type N and Type P State License) may be permitted in the following zoning districts subject to first obtaining the appropriate Use permit, see section 17.43F.040(J)—(M):

1. General commercial ("C2").
 2. Heavy commercial ("C3").
 3. Industrial ("I").
 4. Agricultural ("A").
 5. Specific unit development ("SUD"), whose guidelines specifically identify parcels for industrial development.
 6. Agricultural preserve ("AP").
 7. Agricultural forest ("AF").
- B. Cannabis manufacturing facilities licensed as microbusinesses and involving Type 6 mechanical or low-impact extraction, such as rosin pressing, bubble/water hash or kief/dry sifting, may be permitted in the following zoning districts, subject to first obtaining the appropriate use permit:
- Rural residential.
- Unclassified.
- C. Cannabis manufacturing facilities involving volatile, nonvolatile, or mechanical methods, processes or substances (requiring a Type 7 State license) may be permitted in the following zoning districts subject to first obtaining a conditional use permit:
1. Heavy commercial ("C3").
 2. Industrial ("I").
 3. Specific unit development ("SUD"), whose guidelines specifically identify parcels for industrial development.
- D. Shared use facilities must be licensed with Trinity County and may be permitted in the zoning districts allowed by the license type subject to first obtaining a conditional use permit pursuant to Section 17.43F.040(K):
- E. Cannabis manufacturing facilities shall not be allowed within the following areas:
1. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
 2. Within the legal boundaries of the following areas which are in proximity to higher density populations, and therefore, create a substantial risk of a public nuisance:
 - a. Historic District of Weaverville;
 - b. Coffee Creek Volunteer Fire District;
 - c. Trinity Center Community Services District;
 - d. Within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24
 - e. Bucktail Subdivision: Unit 1, 2 and 3 as found in Trinity County Book of Maps 3, Page 273, Book of Maps 4, Page 53, and Book of Maps 4, Page 150 accordingly on record with the Trinity County Recorder.

(Ord. No. 315-838, § 2, 8-7-18; Ord. No. 315-842, § 2, 12-4-18)

- A. State Type 6 non-volatile licenses, defined per 17 CA CCR § 40118, are available for extractions using nonvolatile solvents or mechanical methods.
- B. State Type 7 volatile licenses are available for extractions using volatile substances.
- C. State Type N licenses are available for infusions, including using pre-extracted oils to create edibles, beverages, capsules, water cartridges, tinctures or topical.
- D. State Type P licenses are available for packaging and labeling only.
- E. State Type S licensees are eligible to conduct manufacturing operations at a registered "shared-use facility."
- F. Shared use facility licenses are available for operating a shared use facility.

(Ord. No. 315-838, § 2, 8-7-18; Ord. No. 315-842, § 2, 12-4-18)

17.43F.040 - Regulations.

Cannabis manufacturing shall comply with all of the following regulations:

- A. Cannabis manufacturing facilities shall be located only in zones that specifically provide for this use. The facility shall not be on prime agricultural soil, as determined by the planning director or his/her designee.
- B. Cannabis manufacturing facilities shall not be allowed within one thousand feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein. Cannabis manufacturing facilities shall not be within five hundred feet from an authorized school bus stop, unless a variance is obtained.
- C. All cannabis manufacturing operations shall ensure that cannabis is obtained from licensed cultivation sources and shall implement best practices and comply with state law to ensure that all manufactured cannabis products are properly stored, labeled, transported and inspected prior to distribution at a legally permitted and licensed retail outlet. Cannabis manufacturing operations shall purchase at least seventy-five percent of its cannabis from Trinity County sources.
- D. Security plan shall be developed which is compliant with state requirements and must be sufficient to restrict access to only those intended and to deter trespass and theft of cannabis or cannabis products. A copy of the security plan submitted to the state shall be provided to the Trinity County Planning Department within thirty days of submission to the state.
- E. A detailed operating site plan must be submitted with an application for the appropriate use permit, see subsections J—M.
- F. Fire plans must be prepared by the applicant and approved by the Weaverville Fire District Chief or a designee of the Trinity County Board of Supervisors. An approved fire plan must be submitted with an application for the appropriate use permit, see subsections J—M.
- G. Applicants must apply for certified unified program agencies ("CUPA") which, for Trinity County, is administered through the department of toxic substances control.
- H. Any employees of a cannabis manufacturing facility operating potentially hazardous equipment shall be trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure. In addition, employees handling edible cannabis products or ingredients shall be trained on proper food safety practices.
- I. Any license holder of a manufacturing license shall not have been convicted of serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of

cannabis except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.

- J. Type 7 applicants are required to obtain a conditional use permit before starting operations, including infrastructure and building improvements specific to the use, and the following additional requirements must be met:
 - 1. Extractions must be in closed loop system as defined and prescribed by State of California.
 - 2. Wastewater shall be disposed of in to an adequate sewage system, as prescribed by Trinity County Environmental Health Division and pursuant to California State regulations.
 - 3. The facility must be setback a minimum of one hundred feet from all adjacent property lines. Application for a variance from this provision will be considered concurrently with application for a conditional use permit from the Trinity County Planning Commission.
 - 4. All building structures must have operational automatic fire sprinklers.
- K. Type 6, Type 7 or Type N licensees who wish to register as a shared use facility shall obtain a conditional use permit before starting operations, including infrastructure and building improvements.
- L. For Type 6 licenses the following requirements must be met to qualify for a director's use permit. Applicants who meet these requirements must obtain an approved director's use permit before starting operations, including infrastructure and building improvements specific to the use.
 - 1. The manufacturing business:
 - a. Operates under a Type N or Type P license.
 - b. Utilizes extractions with butter or food-grade oils, provided that the resulting extract or concentrate shall be used solely in the manufacture of the licensee's infused product, and shall not be sold to any other licensee.
 - c. Utilizes extractions methods such as rosin pressing, bubble/water hash or kief/dry sifting.
 - d. Any post-extraction methods that involve substances included in Title 8. Industrial Relations Division 1. Department of Industrial Relations Chapter 3.2. California Occupational Safety and Health Regulations (Cal/OSHA) Subchapter 1. Regulations of the Director of Industrial Relations Article 5. Hazardous Substances Information and Training (Refs and Annos) CCR § 339 The hazardous substances list may require a conditional use permit, as determined by the director.
 - 2. The manufacturing business does not employ more than three permanent, full-time employees, and/or does not compensate more than six thousand two hundred forty employee work hours per year.
 - 3. The manufacturing business does not generate more than two non-employee vehicles per week.
 - 4. The manufacturing facilities are operated within the footprint of an existing building.
 - 5. Vehicle access to the manufacturing premises utilizing a shared and privately owned or maintained road or driveway shall prompt the Trinity County Planning Department to notify adjacent impacted property owners. Objections from adjacent impacted property owners may require mitigation measures or require a conditional use permit, as determined by the director.
- M. All Type 6, Type P or Type N applicants that do not meet the requirements outlined in subsection L shall obtain a conditional use permit before starting operations, including infrastructure or building improvements specific to the use.

(Ord. No. 315-838, § 2, 8-7-18; Ord. No. 315-842, § 2, 12-4-18)

17.43F.045 - Mitigation measures applicable.

The requirements in this chapter are in addition to those requirements stated in Chapter 17.43G of this code.

(Ord. No. 315-849, § 7, 12-28-2020)

17.43F.050 - Required findings.

The appropriate use permit for cannabis manufacturing shall not be granted by the appropriate authority unless all of the following findings are made based on substantial evidence:

- A. The manufacturing facility will comply with all of the requirements of the state and county for the cannabis manufacturing. This includes, but is not limited to, product safety, THC levels, edible standards, timelines, packaging and labeling requirements.
- B. The manufacturing, as approved and conditioned will not result in significant unavoidable impacts on the environment.
- C. The manufacturing includes adequate quality control measures to ensure cannabis manufactured at the site meets industry state standards.
- D. The manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids or substances.

(Ord. No. 315-838, § 2, 8-7-18; Ord. No. 315-842, § 2, 12-4-18)

17.43F.060 - Required conditions.

In addition to any other conditions and mitigation that apply to all permits for cannabis manufacturing:

- A. The manufacturer shall allow access to the facility and access to records if requested by the county, its officers, or agents, for an annual inspection and submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.
- B. The applicant for the manufacturing facility and the property owner shall indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.
- C. Any person operating a cannabis manufacturing facility shall obtain a valid and fully executed commercial cannabis manufacturing license from the state prior to commencing operations, and must maintain such license in good standing in order to continue operations.
- D. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by the Trinity County Code and California State law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the county or state shall be grounds for the suspension or revocation of a use permit pursuant to this chapter.
- E. The manufacturing facilities and activities shall be maintained in accordance with the operating plans approved by the county.

1. At any time during the license period, a licensee may request to change the manufacturing activities

conducted at the licensed premises. All proposed changes require pre-approval, including infrastructure or building improvements specific to the new use. To request approval for proposed changes, the licensee shall submit a revised operating plan and drawings per Trinity County's application process.

2. Any change requests shall be evaluated on a case-by-case basis by Trinity County Planning Department, and upon approval, the licensee may begin conducting the additional manufacturing operation or make the requested change to the premises. The existing license shall be amended to reflect the change in operations, if applicable, but the date of expiration shall not change.
- F. The cannabis manufacturing program fee is due annually from date of issuance and is set at:
1. Type 6: Five thousand dollars plus one thousand dollars towards the general plan update.
 2. Type 7: Six thousand dollars plus one thousand dollars towards the general plan update.
 3. Type N: Two thousand dollars plus five hundred dollars towards the General Plan update.
 4. Type P: Two thousand dollars plus five hundred dollars towards the general plan update.
 5. Type S: No fee for Trinity County Commercial Cannabis licensees; two thousand dollars for all other users.
 6. Shared Use Facility: One thousand five hundred dollars.
 7. Transfer fee to New Applicant: One thousand dollars.
 8. Transfer fee to New Site: Sixty percent of original license fee, prorated monthly.
 9. Renewal fee: Sixty percent of original license fee.
- G. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of this chapter, the county shall conduct a fee study to determine the total cost of administering this chapter.
1. If, based on the results of the fee study, the fee needs to be increased; the county may increase the fee by way of resolution for any new or renewal registrations.
 2. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

(Ord. No. 315-838, § 2, 8-7-18; Ord. No. 315-842, § 2, 12-4-18)

17.43F.070 - Denial/rescission of license.

- A. Applicant's application shall be denied or the issuance of a license rescinded if the Trinity County becomes aware of any of the following:
 1. The applicant has provided materially false documents or testimony;
 2. The operation as proposed if permitted, would not comply with all applicable state and local laws, including, but not limited to the building, planning, housing, fire and health codes of the county including the provisions of this Chapter and with all applicable laws including zoning and county ordinances;
 3. The applicant engages in site or building improvements specific to the use before the appropriate use permit has been issued or before the licensee's requested changes have been approved.
- B. Applicant shall be given a minimum of seven business days to correct any deficiencies prior to the

issuance of a denial or rescission.

- C. Applicant or licensee shall have the right to appeal any denials or rescissions as prescribed in Section 8.90.130 of the Trinity County Code.

(Ord. No. 315-838, § 2, 8-7-18; Ord. No. 315-842, § 2, 12-4-18)

RESOLUTION NO. 2021-08

**A RESOLUTION OF THE PLANNING COMMISSION
OF THE COUNTY OF TRINITY
APPROVING CONDITIONAL USE PERMIT
(Trinity Equipment and Materials (T.E.A.M.), P-19-38)**

WHEREAS, Thomas Ballanco filed an application dated November 1, 2019 for a Commercial Cannabis Conditional Use Permit (P-19-18). The CUP is for operation of an onsite nursery, processing, non-volatile manufacturing, distribution, and testing facilities on a site designated as Industrial (I). The project is located at 311 Industrial Park Way, Weaverville, California on Trinity County assessor parcel number 024-220-56; 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 (4/24/21 to 5/27/21) by posting it on the County of Trinity website and filing with the State Clearinghouse (SCH#: 2021040656); 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 to allow nursery, processing, non-volatile manufacturing, distribution, and testing operations on APN 024-220-56 located within Area 1, Trinity Alps Business Park, Lower Level. 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. The project site is surrounded entirely by APN 024-220-46 which has a General Plan designation of Industrial (I) with an underlying zoning of Specific Unit Development (SUD). Surrounding land uses include a former sand and gravel operation, a former soil business, and a Commercial Cannabis Nursery approved by Trinity County Planning in 2017 bordering the proposed project parcel. The closest sensitive receptors to the project site are more 650 feet from the project site and will not be significantly impacted by potential impacts from the project.
 - C. The project, as proposed and conditioned, is consistent with the goals and objectives of the County General Plan and Specific Unit Development (SUD) zoning district (Area 1, Trinity Alps Business Park, Lower Level), as the proposed project consists of nursery, processing, non-volatile manufacturing, distribution, and testing operations on a site designated as Industrial (I).
3. The Planning Commission of the County of Trinity hereby approves the Conditional Use Permit (P-19-38), 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 Stewart, seconded by Commissioner McIntosh, and the following vote:

AYES: McIntosh, Stewart, Heaton
NOES: McHugh
ABSENT: Sharp
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-2021-08

CONDITIONAL USE PERMIT CONDITIONS OF APPROVAL

(Trinity Equipment and Materials (T.E.A.M.), P-19-38)

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 project referral response received from the Weaverville Sanitary District.
5. The Permittees site uses must be in compliance with State and County Fire Safe Regulations. Should the County or State 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.

Section 17.43A Wholesale Cannabis Nurseries and Resale of Auxiliary Nursery Products:

Section 17.43A.040 - Required Conditions of Use Permit Approval:

A. In addition to any other conditions and mitigation measures required, all of the following conditions shall apply to all cannabis nurseries:

1. All cannabis nursery license holders shall maintain accurate records on sales, including proof that sales occur only to licensed individuals.
2. Sales shall only be to licensed cannabis cultivators in the State of California.
3. License holders shall comply with all applicable state and county laws.
4. The Trinity County Agricultural Commissioner may create standards for plant quality which shall comply with State of California regulations.
5. All sales locations shall have adequate parking to accommodate customers.
6. Glare from nursery facilities and resale locations shall not emanate onto neighboring properties. This condition will also be reviewed on a case-by-case basis as part of the use permit process.
7. Cannabis nurseries shall comply with the cultivation plan required in state Type 4 licenses.

B. Operators of cannabis nurseries shall allow access to the facility and access to records if requested by the county, its officers, or agents; shall pay for an annual inspection; and shall submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations, and conditions.

C. The applicant, owner, and operator shall agree to submit to, and pay for, routine and focused inspections of operations and relevant records or documents necessary to determine compliance with this chapter from any enforcement officer of the county or their designee.

D. Operators of cannabis nurseries and, if different, the property owner(s) shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agencies, board, planning commission or board of supervisors arising from the county's registration of the site. The indemnification shall apply to any damages, cost of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.

E. Any person operating a cannabis nursery shall obtain a valid and fully executed commercial cannabis cultivation Type 4 state license prior to commencing operations and must maintain such license in good standing to continue operations.

F. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the county or state shall be grounds for the suspension or revocation of the cannabis nursery license.

G. Cannabis nurseries and related activities shall be maintained in accordance with operating plans approved by the county.

H. A license for cannabis nursery cultivation or for the resale of wholesale cannabis products does not guarantee that the applicant will be considered compliant with any future land use ordinance.

I. Application for cannabis nursery cultivation does not give the applicant any property rights, and it does not guarantee that a cannabis nursery cultivation license will be issued. The application shall not be transferrable.

J. Cannabis is not recognized under federal law and an application does not grant any right to violate federal law.

K. When the state begins issuing Type 4 licenses under Medicinal and Adult Use Cannabis Regulations and Safety Act (MAUCRSA), the applicant or license holder shall file a complete application for the appropriate state license with the appropriate state licensing authority within sixty days of obtaining a county license.

L. The effective date of a county issued entitlement for a cannabis nursery shall not begin until all state and county licensing, permitting and approvals have been obtained.

M. Notwithstanding any other provision of this ordinance or the Trinity County Code, a person cultivating cannabis for the purposes of nursery sales, or resale of wholesale cannabis nursery products pursuant to this ordinance, but who applies for and is denied a state license, shall immediately cease all cannabis nursery cultivation within the county until he/she successfully obtains the proper state nursery cultivation license(s) under MAUCRSA.

Section 17.43B Distribution Regulations for Commercial Cannabis

Section 17.43B.040 - Required Findings:

A conditional use permit for cannabis distribution shall not be granted by the trinity county planning department unless all of the following findings are made based on substantial evidence:

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

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

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

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

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

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

Section 17.43B.050 – Required Conditions:

In addition to conditions and mitigation measures that may be included in the conditional use permit for a distribution facility, the following conditions shall be met:

- A. The distributor shall allow access to the facility and any vehicles utilized in transportation, and access to records if requested by the county, its officers, or agents, and shall allow inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.
- B. The applicant for the distribution facility and the property owner shall indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the license or relating to any damage to property or persons stemming from the commercial cannabis activity.
- C. Any person operating a cannabis distribution facility shall obtain a valid and fully executed commercial cannabis distribution license or provisional license from the state prior to commencing operations, and must maintain such license in good standing in order to continue operations.
- D. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by Trinity County Code and state law. Failure to take appropriate action to evict or otherwise remove licensees who do not maintain permits or licenses in good standing with the county or state shall be grounds for the suspension or revocation of a conditional use permit pursuant to this chapter.
- E. The distribution facility and activities shall be maintained in accordance with the operating plan associated with the conditional use permit and approved by the county.
- F. Any person who is not the legal owner of a parcel for which they are obtaining a conditional use permit to operate a cannabis distribution facility shall provide written and notarized authorization from the legal owner of the parcel prior to commencing activities included in the conditional use permit on such parcel.
- G. The cannabis distribution program fee is due annually on March 1st and is set at:
 - 1. Type 11: Six thousand dollars plus one thousand dollars towards the general plan update.
 - 2. Type 13 (transportation only): Two thousand dollars.
 - 3. Fees shall be paid thereafter annually prior to March 1st of each year.

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- H. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of this chapter, the County may conduct a fee study to determine the total cost of administering this chapter.
- I. If, based on the results of the fee study, the fee needs to be increased, the county may increase the fee by way of resolution for any new or renewal registrations.
- J. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

Section 17.43F Distribution Regulations for Commercial Cannabis

Section 17.43B.040 - Required Findings:

The appropriate use permit for cannabis manufacturing shall not be granted by the appropriate authority unless all of the following findings are made based on substantial evidence:

- A. The manufacturing facility will comply with all of the requirements of the state and county for the cannabis manufacturing. This includes, but is not limited to, product safety, THC levels, edible standards, timelines, packaging and labeling requirements.

Finding: The applicant will be required to demonstrate compliance with state and county regulations enforced by the Manufactured Cannabis Safety Branch and County of Trinity in order to obtain and maintain their state and county licenses for non-volatile manufacturing.

- B. The manufacturing, as approved and conditioned will not result in significant unavoidable impacts on the environment.

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

- C. The manufacturing includes adequate quality control measures to ensure cannabis manufactured at the site meets industry state standards.

Finding: The applicant will be required to demonstrate compliance with state quality control measures enforced by the Manufactured Cannabis Safety Branch in order to obtain and maintain their state license for non-volatile manufacturing.

- D. The manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids or substances.

Finding: The applicant proposes non-volatile manufacturing activities, which do not have the potential for explosions or the release of harmful gases, liquids, or substances. The non-volatile manufacturing activities would occur within enclosed structures that must be designed in compliance with state regulations to minimize potential impacts. As designed and in compliance

with existing regulatory requirements, the proposed non-volatile manufacturing activities do not have the potential to pose a significant threat to the public or neighboring uses.

Section 17.43B.050 – Required Conditions:

In addition to any other conditions and mitigation that apply to all permits for cannabis manufacturing:

- A. The manufacturer shall allow access to the facility and access to records if requested by the county, its officers, or agents, for an annual inspection and submit to inspections from the county or its officers to verify compliance with all relevant rules, regulations and conditions.
- B. The applicant for the manufacturing facility and the property owner shall indemnify, defend, and hold the county harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial cannabis activity.
- C. Any person operating a cannabis manufacturing facility shall obtain a valid and fully executed commercial cannabis manufacturing license from the state prior to commencing operations, and must maintain such license in good standing in order to continue operations.
- D. The property owner shall be responsible for ensuring that all commercial cannabis activities at the site operate in good standing with permits and licenses required by the Trinity County Code and California State law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the county or state shall be grounds for the suspension or revocation of a use permit pursuant to this chapter.
- E. The manufacturing facilities and activities shall be maintained in accordance with the operating plans approved by the county.
 1. At any time during the license period, a licensee may request to change the manufacturing activities conducted at the licensed premises. All proposed changes require pre-approval, including infrastructure or building improvements specific to the new use. To request approval for proposed changes, the licensee shall submit a revised operating plan and drawings per Trinity County's application process.
 2. Any change requests shall be evaluated on a case-by-case basis by Trinity County Planning Department, and upon approval, the licensee may begin conducting the additional manufacturing operation or make the requested change to the premises. The existing license shall be amended to reflect the change in operations, if applicable, but the date of expiration shall not change.
- F. The cannabis manufacturing program fee is due annually from date of issuance and is set at:
 1. Type 6: Five thousand dollars plus one thousand dollars towards the general plan update.
 2. Type 7: Six thousand dollars plus one thousand dollars towards the general plan update.
 3. Type N: Two thousand dollars plus five hundred dollars towards the General Plan update.
 4. Type P: Two thousand dollars plus five hundred dollars towards the general plan update.

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5. Type S: No fee for Trinity County Commercial Cannabis licensees; two thousand dollars for all other users.
 6. Shared Use Facility: One thousand five hundred dollars.
 7. Transfer fee to New Applicant: One thousand dollars.
 8. Transfer fee to New Site: Sixty percent of original license fee, prorated monthly.
 9. Renewal fee: Sixty percent of original license fee.
- G. The above fee amounts are not anticipated to fully cover the cost of administering this chapter; however, within twelve months of this chapter, the county shall conduct a fee study to determine the total cost of administering this chapter.
1. If, based on the results of the fee study, the fee needs to be increased; the county may increase the fee by way of resolution for any new or renewal registrations.
 2. If, based on the results of the fee study, the fee exceeds the cost of administering this chapter the county shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

The following conditions of approval include the mitigation measures from the Initial Study/Mitigated Negative Declaration (SCH#: 2021040656) 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.

11. **A-1:** The Nursery would utilize only low-intensity lighting, and the greenhouses will be covered at dusk so that no light/glare escapes. Security lighting will be directional and generally downcast to avoid any light and/or glare impacts on surrounding industrial properties or residences up on the bluff to the northeast.
12. **AQ-1:** Any and all exhaust produced by the Project will be treated by forced-air venting through carbon filters to eliminate any potential impact from objectionable odors produced by the proposed operations at the Project site.
13. **BIO-1:** The following measures shall be implemented to minimize potential impacts to resident and migratory wildlife utilizing habitat around the Project site:
 - All buildings and Project activity on the parcel should remain within a 150-foot disturbance buffer of the Class I stream, Weaver Creek, as per regulatory statutes.
 - The County Cannabis Cultivation ordinance (Ordinance No. 315-823 and amendments) as well as CDFA licensing regulations [3 California Code of Regulations (CCR) § 8304(c) and (g)] require light generated by the proposed project would be required to be both (1) downcast, shielded and/or screened to keep light from emanating offsite or into the sky, and (2) light uses for operations require that lighting in greenhouses is shielded so that little to no light escapes, and light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
 - The Nursery should utilize only low-intensity lighting, and the greenhouses should be covered at dusk so that no light/glare escapes, per county requirements.
 - Security lighting should be directional and motion activated, and generally downcast to avoid any light and/or glare impacts. This implementation of the standard requirements of

the County's General Plan and Weaverville Town Plan provides a uniform standard for reduction and minimization of light trespass.

- All hazardous and non-hazardous waste should be collected and disposed of or recycled offsite. All trash should be disposed of regularly, so as not to attract wildlife.
- Placement of temporary staging areas and other facilities shall avoid or minimize disturbance to habitat and remain outside of the 150-foot riparian buffer.
- Vehicle speed shall be kept to a maximum of 10 mph while onsite to minimize dust generation.
- All fuel sources and chemicals shall be stored and handled properly to prevent leakage into the environment and refueling and storage shall occur greater than 100 feet away from any creeks, or natural areas.
- All refueling and pesticide and chemical storage and transfer should occur on top of an impermeable surface capable of completely containing any spillage.
- Containers including buckets should be turned over on their sides to allow animals to escape when not in use.
- Excavation and grading activities should be scheduled for dry weather periods to prevent additional sedimentation and erosion.
- Loud activity exceeding 50 db 100 ft from the Project site, including construction activity with heavy machinery, should be completed outside of the northern spotted owl (NSO) breeding period (February 1- September 1), and within normal operating business hours (8 AM- 5 PM).
- Site activity post-construction should not regularly exceed 50 db 100 ft from the Project area to prevent disturbance to NSO, bats, and other wildlife.
- Special care should be given to activity and disturbance during peak migration periods (Spring and Fall) to reduce disturbance to other migratory bird species utilizing adjacent habitat.
- If shrubs and non-woody riparian vegetation are disturbed, they shall be replaced with similar native species appropriate to the site.
- All vegetation shall be surveyed on foot once a year by staff and new outbreaks of any invasive weeds identified by the California Invasive Plant Council as noxious or invasive to be removed by the owner or qualified landscaping professionals.
- The spread or introduction of exotic plant species shall be avoided to the maximum extent possible by avoiding areas with established native vegetation during cleanup/restoration activities, restoring disturbed areas with appropriate native species, and post-Project monitoring and control of exotic species.
- Removal of invasive exotic species after construction activities is strongly recommended. Mechanical removal (hand tools, weed whacking, hand pulling) of exotics should be done in preparation for establishment of native plantings, if appropriate.

14. **CR-1:** If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 50 feet of the discovery, as required by the California Environmental Quality Act (CEQA; January 1999 Revised Guidelines, Title 14 California Code of Regulations [CCR] 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the material and offered recommendations for further action.
15. **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

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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:

16. 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.

17. 3.3-1a: Prohibit Burning Vegetation

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

18. 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.

19. 3.3-1c: Use Alternative Fuels

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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.

20. 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.

21. 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.

22. 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 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 reroor, 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.

23. 3.4-2a: Conduct Preconstruction Surveys for Special-Status Amphibians

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 special-status amphibian species from new development related to cannabis activities.

- If special-status amphibians 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, consultation with CDFW shall be initiated to determine whether mitigation measures, such as project design modifications, relocation of the site, relocation of individual animals, or installation of exclusionary fencing, will be necessary and appropriate.
- Regardless of detection during the initial biological reconnaissance survey, if suitable habitat for special-status amphibians is present within the proposed development area, a qualified biologist approved by the County and familiar with the life cycle of Cascades frog, foothill yellow-legged frog, Pacific tailed-frog, southern long-toed salamander, and southern torrent salamander shall conduct preconstruction surveys of proposed new development activities 24 hours before new development activities. Preconstruction surveys for special-status amphibians shall follow widely used and accepted standardized protocols that control for habitat type, seasonality, and environmental conditions, including the methods described in Considerations for Conserving Foothill Yellow-Legged Frog (CDFW 2018b), and Visual Encounter Survey Protocol for *Rana Boylii* in Lotic Environments (UC Davis 2017). Preconstruction surveys for special-status amphibian species shall be conducted throughout the proposed construction area and at least a 400-foot buffer around the proposed development area. Surveys shall consist of “visual encounter” as well as “walk and turn” surveys of areas beneath surface objects (e.g., rocks, leaf litter, moss mats, coarse woody debris) for salamanders, and visual searches for frogs. Preconstruction surveys shall be conducted within the appropriate season to maximize potential for observation for each species, and appropriate surveys will be conducted for the applicable life stages (i.e., eggs, larvae, adults).
- If special-status amphibians are not detected during the preconstruction survey, then further mitigation is not required.
- If special-status amphibians are detected during the preconstruction survey, work on the site shall not commence until the applicant has consulted with CDFW as described above. Injury to or mortality of special-status amphibians will be avoided by modifying project design, relocating the cultivation site, or relocating individual animals. If impacts to Cascades frog or foothill yellow-legged frog (both listed under CESA) are unavoidable, then the applicant will submit an incidental take permit (ITP) application to CDFW and receive take authorization before commencing development of the cultivation site. Conditions of incidental take authorization may include minimization measures to reduce impacts to individual Cascades frogs or foothill yellow-legged frogs, or compensation for loss of the species including but not limited to purchasing credits from a CDFW-approved mitigation bank.

In their comments on the project, the California Department of Fish and Wildlife (CDFW) has indicated that it is likely that special-status amphibians occur within the riparian habitat adjacent to the site. Therefore, pre-construction surveys will be required for the project consistent with the requirements of Mitigation Measure 3.4-2a.

24. 3.4-2b: Conduct Surveys for Western Pond Turtle and Relocate Individuals

June 10, 2021

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 pond turtles occur within the riparian habitat adjacent to the site. Therefore, pre-construction surveys will be required for the project consistent with the requirements of Mitigation Measure 3.4-2b.

25. 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 adjacent to the project site, pre-construction nesting bird surveys shall be conducted consistent with the requirements of Mitigation Measure 3.4-2c.

26. 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 nesting birds adjacent to the project site, pre-construction nesting bird surveys shall be conducted consistent with the requirements of Mitigation Measure 3.4-2e.

27. 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.

28. 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).

29. 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.

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- 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.

30. 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.

31. 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.

32. 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.

33. 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.

34. 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.

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- Equipment shall not be refueled while in operation and not until after a cooldown period.
- Water and tools dedicated to firefighting 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 June 10, 2023. 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.

July 14, 2021

Re: Appeal on P-19-38

Dear Supervisors,

The appeal raises three allegations that the Project is not consistent with the General Plan, that there was inadequate CEQA review and the CUP lacked sufficient findings. All three allegations must fail.

First, regarding consistency with the General Plan, the parcel where the Project is located is designated Industrial in the General Plan, which matches current and historic uses of the area. The county road accessing the parcel is Industrial Park Way. When enacting the county ordinances regarding commercial cannabis Distribution, Nursery and Manufacturing, the Planning Commission and this Board, determined that those uses were appropriate in Industrial zones, specifically in Special Unit Development zones with underlying Industrial designations such as the case here. Those ordinances were not challenged based on General Plan consistency.

Second, the Mitigated Negative Declaration for the Project, prepared by SHN, was posted to the state clearinghouse, noticed in the Trinity Journal and made available in hard copy at the Trinity County Planning Department and online at the Planning Department website. The only comments received were from the California Department of Fish & Wildlife, which were incorporated into the final document. CEQA law is clear that only those persons or organizations that file comments can challenge a final CEQA document.

Finally, both the Trinity County Commercial Cannabis Distribution & Manufacturing Ordinances require specific findings to be made prior to the approval of any CUP authorizing those activities. At its June 10, 2021 meeting, the Planning Commission made specific findings consistent with the requirements in both those ordinances.

The Applicant respectfully requests that the Board deny this appeal and allow the Conditional Use Permit approved by the Planning Commission to issue.

Thank you,

A handwritten signature in blue ink, consisting of a series of loops and a horizontal line extending to the right.

Tom Ballanco, Applicant
Trinity Equipment & Materials

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VIA HAND-DELIVERY AND E-MAIL

(rkuhns@trinitycounty.org)

Thursday, July 15, 2021

Trinity County Board of Supervisors
C/o CAO/Clerk of the Board
P.O. Box 1613
Weaverville, CA 96093

Re: CUP P-19-38 (271 Industrial Parkway, Weaverville) – Citizens for Proper Planning Appeal

Dear Trinity County Board of Supervisors:

Following the Notice of Appeal submitted by my office on behalf of Citizens for Proper Planning (“CPP”), an unassociated group of concerned Trinity County citizens. After having requested and received documents from the County concerning the above proposed project, by Public Records Act Request, I am now providing this letter in order to amplify the stated grounds for this appeal.

SUMMARY

There are various legal and factual grounds for entirely over-turning the Planning Commission’s approval of the above referenced CUP. These primarily include the absence of a proper, updated, internally consistent County General Plan, which is an absolute legal prerequisite to making any findings of proposed project consistency with the General Plan. If the County proceeds by upholding the Planning Commission’s decision it will be doing so in a way that would be in violation of the California Planning & Zoning Law, and the County’s adopted ordinances, and subject the County to litigation in order to compel the County to abide by related requirements.

Additionally, because the Board of Supervisors previously adopted a so-called “carve-out” for the Weaverville area in which the proposed project would be located, which at least in spirit prohibited all commercial cannabis activities within the defined area, this would be a separate and independent local ordinance basis for sustaining this appeal even if the General Plan were to be legally adequate and the Board could make a project consistency finding. At the very least, there is no doubt but that the proposed nursery component of the project appealed from, because it would allow at least the limited cultivation of commercial cannabis, is prohibited by explicit terms of the just referenced opt out ordinance, and this project component must therefore be disallowed if the project is otherwise permitted to proceed.

Additionally, given the County’s need to make factual findings that the proposed project is in conformity with principles of good planning, but with the County having acknowledged that its General Plan is woefully inadequate and in need of comprehensive updating (and with that process

having been commenced and expected to be completed in up to three years), the proposed project term should be limited to the earlier of when the General Plan update is completed or three (3) years. While this would not satisfy the need for a proper General Plan consistency finding, this would better enable proper long-term planning, including the explicit allowance of commercial cannabis land-uses where determined to be appropriate following the comprehensive planning process just beginning, and prevent this community-changing project to commence for an unlimited term without proper, albeit delayed, advance community planning.

BACKGROUND

The Trinity County Planning Commission, on a split decision, approved this use permit in the Lower Level of the Trinity Alps Business Park area in Weaverville, in June the proposed CUP would allow commercial cannabis nursery, processing, manufacturing, distribution and testing operations in that location. The proposed project, by any definition, would result in substantial community change, given the scope of the proposed commercial cannabis business and without any prior such businesses in the community of Weaverville.

The County's Business Park, which was created and developed before commercial cannabis was permitted in Trinity County, is part of a Special Use District (SUD) that generally allows manufacturing, but does not specifically allow commercial cannabis manufacturing or cannabis cultivation. This SUD area is also within the Weaverville CSD boundary, which has been previously designated by the Board of Supervisors as a cannabis cultivation "carve-out" area, where no such cultivation is permitted. The SUD project area boundary is also shared with R-1 (high density) residential land-uses, and adjoins other sensitive and youth oriented public uses (e.g., the new Health Care Clinic, Shasta Community College, and TPAC) on its immediate border.

Adoption SUD and Trinity Alps Business Park development, including County consideration of this CUP, have also proceeded during a time of undisputed lack of proper General Plan updating, to enable a coherent, forward thinking plan for the growth and development of our communities. A history of the intermittent actions comprising the County General Plan, including Weaverville Community Plan adoption over thirty (30) years ago, is appended as Attachment "A."

The most recent apparent amendment to the County General Plan, excepting isolated Housing elements updates needed to obtain related grant funding, occurred in 2001. (See Board of Supervisors Resolution No. 2001-028, appended as Attachment "B," which deleted all "discussions, goals, objectives and policies from the Trinity County Land Use Element" for identified communities, including Weaverville.) The apparent affect of this 2001 "update" was to gut the prior stated, and even then outdated, General Plan Land Use Element objectives and policies, and all other similar substance, leaving the Weaverville Community Plan adopted in 1990 to guide community changing projects of the kind before the Board on appeal.

Additionally, while the County certified a Final EIR for the Commercial Cannabis Program last December, which included generalized environmental impact analysis and mitigation for projects such as that being, appealed, it is not expressly stated that the FEIR mitigation adopted by the County and incorporated into its updated Commercial Cannabis Ordinance (Ord. No. 315-849), were

included as conditions of Planning Commission approval. Nor did the supplemental CEQA review sufficiently identify, analyze, and mitigate all significant environmental impacts, including those associated with the potential noise, odor, lighting and growth-inducing impacts associated with this proposed project.

CITIZENS FOR PROPER PLANNING APPEAL

CPP has appealed the proposed use permit because it is located adjoining pre-established land uses which will create unavoidable and undesirable conflicts, and would introduce community changing commercial cannabis to Weaverville on a scale and in a way that has not been fully and properly planning for. This is the result of the County's failure to update its General Plan Land-Use Element since the 1980s, and the creation of a Trinity Alps Business Park ordinance and related development guidelines there, long before commercial cannabis activities were made lawful in Trinity County, and therefore long before such a project was ever even contemplated.

As stated in the CPP Notice of Appeal, this appeal is based on three separate grounds: (1) The Planning Commission's improper determination of General Plan consistency in the absence of a current, updated, internally consistent County General Plan, that contemplates and permits such community changing commercial cannabis projects in the Weaverville community; (2) inadequate CEQA review, including insufficient impacts identification, analysis and mitigation, for the proposed project; and (3) Insufficient CUP findings of fact with regard to land uses, injurious project impacts, and General Plan consistency. Each of these grounds for appeal, which are independently sufficient to require that the appeal be granted, are addressed in greater detail below.

1. A Mandatory Finding of General Plan Consistency Is Not Possible Due to the County's Legally Inadequate Plan Which is Now Being Updated.

It is a fundamental requirement in local land-use decision making, such as here, that discretionary proposed projects must be determined by the approving agency to be consistent with its general plan (e.g., Government Code §§65359, 65454). A project is consistent with the general plan if, considering all its aspects, it will *further the objectives and policies of the general plan* and not obstruct their attainment. So, there must be a review and analysis of all such objectives and policies to make this determination.

The lead agency's consistency finding must be supported by substantial factual evidence. *See Save Our Heritage Org. v City of San Diego* (2015) 237 CA4th 163, 186. When no reasonable person examining a general plan could interpret it to include the determination made by the approving agency the agency's finding of consistency will not be upheld. *Orange Citizens*, 2 Cal 5th at page 155. Further, a finding of consistency with a general plan is not, and cannot be, valid when a general plan is incomplete or inadequate, or when the elements are internally inconsistent. *See, e.g., Resource Defense Fund v County of Santa Cruz* (1982) 133 CA3d 800, 806; *Sierra Club v Board of Supervisors* (1981) 126 CA3d 698, 704; *Camp v Board of Supervisors* (1981) 123 CA3d 334, 348.

Here, the Planning Commission, in approving CUP P-19-38 in a conclusory fashion and without factual support or analysis, for lack of identification and proper consideration of applicable County

General Plan objectives and policies, summarily determined that “[t]he project...is consistent with the goals and objectives of the County General Plan...as the proposed project [as defined is located] on a site designated as Industrial (I).” It is undisputed that the County General Plan Land-Use Element, as adopted in the 1980s described uses permitted on Industrial (I) designated lands, and the later adopted Specific Unit Development (SUD) zoning district for the affected area allow “industrial” uses. But, a proper determination of general plan consistency does not begin or end there, particularly where there are no current planning objectives and policies to guide the decision-making process, if they exist at all.

As a result, in making a determination of consistency the County must review, analyze, and make factual determinations in support of a conclusion that the project will further the objectives and policies of its General Plan, and not obstruct their attainment. The Planning Department did not undertake such an analysis, including but not limited to Land-Use Element objectives and policies directed at finding a proper balance between industrial and adjoining non-industrial uses, because it could not do so with General Plan Land Use Element policies and objectives having been “deleted” by Board resolution No. 2001-028, in 2001, with no subsequent amendment establishing new, updated policies and objectives. Therefore, Planning Commission Resolution 2021-08 did not make, and could not have made, specific requisite resulting findings, and the conclusionary resulting Commission finding of general plan consistency is therefore both factually and legally insufficient.

Moreover, the Board of Supervisors cannot properly rectify this Planning Commission action deficiency. This is because the County has a general plan that is incomplete and inadequate, with mandatory elements not having been adopted or updated, sometimes for up to a period exceeding forty (40) years, with resulting unavoidable internally inconsistencies. In effect, a more thorough analysis of non-existing County General Plan objectives and policies could not rectify this prerequisite to CUP approval. Only a proper General Plan update can now rectify this fundamental barrier to proper project approval.

In short, a zoning ordinance such as the Commercial Cannabis Program codified in Title 17 of the County Code, having not foundation in the aged County General Plan, is ineffectual, and invalid. *Leshar Communications, Inc. v. City of Walnut Creek* (1990) 52 Cal 3d 531, 544 (zoning ordinance that conflicts with general plan is invalid at time it is passed and there is no way of rescuing or validating it).

2. CEQA Review for the Proposed CUP Does Not Adequately Identify, Analyze & Mitigate Significant Adverse Environmental Impacts on Adjoining Land-Uses.

A Mitigate Negative Declaration prepared by the applicant, without apparent independent review and analysis by the Planning Department, has served as the environmental review for this project. The County, as the lead agency under CEQA, must have independently conducted CEQA review, and made associated determinations, before project approval, but the administrative record obtained by the appellant by recent Public Records Act request appears not to support a conclusion that this occurred. (See Cal. Code Regs., Title 14 (CEQA Guidelines), § 15090, subd. (a).)

Additionally, while the County recently certified a Final EIR for the County's Commercial Cannabis Program, including at least generalized environmental review associated with the ordinance allowing for wholesale cannabis nurseries (Ord. No. 315-826), the impacts analysis and mitigation required in that EIR do not appear to be explicitly required as conditions of CUP P-19-38, as they must be. And even to the extent that it might be said that all such mitigation measures/conditions are necessarily to be applied to this project, following County adoption of its updated Commercial Cannabis Ordinance following FEIR completion last December (Ord. 315-849), tiered, site-specific CEQA analysis to address all unique environmental impacts more fully has not occurred, and is required before this project can be approved on appeal.

One such environmental impact that was not adequately addressed from a CEQA standpoint, for the reasons stated above, is land-use consistency. Another significant adverse impact that has received little more than conclusory attention is the growth-inducing impacts associated with the proposed project. A third site-specific and community impact not adequately addressed in the proposed MND is the manufacturing related and cumulative impacts on fire and other first responder services, with those services working with limited resources that complicated new commercial projects can only exacerbate.

Given the unique impacts associated with the broad array of commercial cannabis operations proposed in the County's Business Park, and that such uses have been said by the Planning Department to be permitted without limitation in the entire SUD Lower Level, this project will also encourage similar commercial cannabis land-uses. Accordingly, the growth-inducing impact of this proposed project has not occurred, and is critically important, in light of the immediately bordering now-existing R-1 residential uses, the soon to be completed Medical Clinic, and the Shasta Community College and Performing Arts Center on the Upper Level of this SUD zone, with resulting potential land-use conflicts, that resulting impacts be further analyzed and mitigated to comply with CEQA fully and properly.

3. The Proposed CUP Is Not and Cannot be Supported by Adequate Findings Regarding Land Uses, Injurious Impacts and Plan Consistency.

As stated in the Planning Department staff report to the Planning Commission, Section 17.32.010 of the Trinity County Code requires certain findings, each to be supported by substantial facts. Planning Commission Resolution No. 2021-08, approving the proposed CUP, in Resolution No. 2021-08, made only conclusory findings in support of the mandatory findings for this project.

(a) The CUP Not Based on "Sound Principles of Planning." The County Zoning Code requires that the County approve a use permit, such as that being appealed, only upon determining that the project review and approval will have been based on "sound principles of land use planning" (County Code Section 17.32.010). This is required, as explained in the governing County Zoning Code section, because "[a] use permit is a zoning instrument utilized to review uses which are of such a nature as to warrant *special consideration*. These uses generally have a *distinct impact on the area in which they are located, or are capable of creating special problems for bordering properties* unless given special attention."

Accordingly, mere reliance on the County's inadequate General Plan and the SUD ordinance permitted land-uses, without more specifically addressing special problems for bordering areas with different uses, does not satisfy the kind of "special" and "distinct" planning required by the County's ordinance for the purpose of making this finding. In other words, this cannot simply be an academic exercise, but rather one that genuinely examines and makes specific factual determinations in support of its conclusions. The Planning Department staff report and Planning Commission findings in this regard are therefore too conclusory, and entirely unsupported by analysis and substantial pertinent facts.

(b) Insufficient Finding that Project is Not Injurious. The County Zoning Code, in the same code section referenced above, also provides that a use permit, such as that being appealed, "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." The Planning Department staff report addressing this issue, again simply refers to the outdated and otherwise inadequate General Plan and SUD designations, and then simply concludes that the proposed project would not have detrimental impacts. While the staff report stated that the closest "sensitive receptors" are "more than 650 feet from the project site" this is the entirety of the purported facts in support of this staff recommended, and the resulting Planning Commission finding.

In fact, however, there are R-1 residential land uses as close as 570 feet of the North-East area of the proposed project, and which are immediately contiguous with the SUD Lower Level boundary that may well be developed with similar uses due to the growth inducing impact of the proposed CUP. Additionally, the proposed new Health Clinic is approximately 798 feet away, the Shasta Community College campus is a bit more than 1,000 feet away, the Trinity Performing Arts Theatre is approximately 1,275 feet away, and Trinity County Health & Human Services is within about 1,080 feet. (See attached arial photos showing all sensitive adjoining land uses, as appended as Attachment "C.")

While some of these adjoining land-uses are technically far enough away to make the general prohibition against commercial cannabis operations "within 1,000 feet of a "youth-oriented facility, school, church, or residential treatment facility," arguably inapplicable, there has been no analysis and findings of fact as to whether or not the proximity of the proposed CUP project might still create a "public nuisance." Even the County's Commercial Cannabis Ordinance recitals and its approved Final EIR make clear that commercial cannabis activities can create such conditions. For this reason, with the Planning Commission findings in Resolution 2021-08 being particularly conclusory and without supporting findings of fact, the prerequisite findings of Section 17.32.010 have not been and cannot now be properly met.

(c) The Project Does Not Meet "Plan Consistency" Requirements. Section 17.32.010 also requires "Plan Consistency." Specifically, this section states that "[a] use permit must comply with the objectives of the general or specific plan for the area in which it is located." But for the reasons above stated, there cannot be a proper finding of General Plan consistency due to the absence of any existing, current General Plan objectives and policies; and therefore until the County completes its just started General Plan update. That, according to recent County estimates, will not likely occur for at least another three (3) years.

Additionally, the Planning Department staff report to the Planning Commission and the Commission's Resolution No. 2021-08, simply refer to the General Plan designation of the proposed CUP uses as consistent with the Industrial (I) designation, but without addressing Weaverville Community Plan ("WCP") consistency and related County ordinance consistency, including County Cannabis Program ordinance consistency. Importantly, staff does acknowledge in its report to the Commission that neither the General Plan nor the SUD specifically allow the proposed commercial cannabis uses, but there is no mention at all of nor consideration of the Weaverville Community Plan, as adopted in 1990.

Accordingly, before approving this CUP the County must have found it to be consistent with WCP provisions such as Goal #4 – To emphasize and retain existing neighborhood characteristics, and related Objective 4.1: Prevent encroachment of undesirable uses into residential neighbors." And while the proposed broad range of commercial cannabis uses, excepting the proposed nursery cultivation uses, might at least arguably be permitted when looking to the land-use designations in those plans alone, the County's Weaverville area commercial cannabis "carve-out" ordinance does not.

The County's Commercial Cannabis Program Ordinance (Ord. No. 315-849) applies to any "commercial cannabis" activity, and defines "cultivation" as the "planting, growing, harvesting, drying, *or* processing of cannabis plants..." (County Code Section 17.43.010.) The County's Wholesale Cannabis Nursery Ordinance (Ord. 315-826) does not deviate from that definition of commercial cannabis activities, including that the "growing" of any cannabis plants constitutes "cultivation." Therefore, and despite that the proposed CUP project would cultivate cannabis only for limited, nursery purposes, and not to maturity per the project description, the proposed nursery activities are subject to the County's prior adopted prohibition against cannabis cultivation within the areas served by the Weaverville CSD, including the proposed SUD area project site.

The proposed nursery operation in the SUD would therefore not be consistent with the County's "carve-out" from the land use plan specifically adopted for where commercial cannabis operations can and cannot be located. The Planning Commission's finding of plan consistency is therefore not properly supported, and unless and until the Board modifies its existing Weaverville carve-out ordinance, this inconsistency cannot be cured. Arguably, that same Weaverville carve-out applies to all commercial cannabis activities within the Weaverville CSD area, including the proposed nursery, processing, manufacturing, distribution, and testing operations; but because there are other fatal legal deficiencies associated with this project, as above stated, the Board can and should uphold this appeal without even considering this important additional issue.

C. CPP's Broader Related Concerns: CPP has broader related concerns, beyond the more localized negative implications of County approval of this specific CUP project, which address larger picture County planning issues. These concerns include:

1. *Proper Advance Planning is Needed* - All proposed new land uses, including but not limited to commercial cannabis operations such as that proposed, should be based on a thoughtful, updated County General Plan that identifies and reasonably separates inherently conflicting land uses

such as manufacturing and cultivation, relative to adjoining residential and other sensitive land uses, including but not limited to youth oriented public facilities.

2. *Commercial Cannabis Should be Prohibited in the Weaverville Carve-Out Area* – The spirit, if not the letter, of the Weaverville Carve-Out Ordinance was intended to keep all commercial cannabis activities out of Weaverville. If not in this appeal, this issue should be clarified before any more commercial cannabis licenses of any type are approved within this existing carve-out area.

3. *Threatened Disregard of Other Carve-Out & Opt-Out Prohibitions* - If the Weaverville carve-out prohibition is disregarded for this proposed project, at least as it pertains to the proposed nursery cultivation operation, there can be no reliable public assurances that similar County deviations from now existing or future carve-out or opt-out areas in other County locations will not occur as well, as so-called “precedent” will arguably have been set.

CONCLUSION

For the above state reasons, the Board of Supervisors should, and legally must, uphold this appeal. To do otherwise would be inconsistent with the County’s adopted Commercial Cannabis Ordinances, and would be in violation of CEQA and California Planning & Zoning statutes. Mostly, though, allowing the proposed project to proceed would be based on inadequate advance planning, and result in a growth-inducing new commercial cannabis operation within the Weaverville opt-out area that does not fully and properly consider adverse impacts on adjoining residential and public uses.

At the Planning Commission hearing on this CUP one speaker said words to the effect of “where, if not here?” That question should have been, “If not here, when, where and with what conditions to protect all adjoining and community interests?” And the proper answer to that question should be, possibly here, but only after there has been a thoughtful, updated General Plan to properly separate conflicting land-uses, and then only if proper CEQA review has occurred with sufficient impact mitigating conditions then required for the project. In the meantime, perhaps there is a more suitable location, such as in an industrial area not surrounded by public facility and residential uses, that the project proponent could consider.

Respectfully Submitted,



JAMES M. UNDERWOOD

Attachments

cc: Citizens for Proper Planning
Richard Kuhn, County Administrative Officer
Kim Hunter, Director, Department of Planning
Margaret Long, County Counsel

ATTACHMENT "A"

Trinity County General Plan and Community Plans*

ELEMENTS

Circulation Element (2002)

Housing Element (2020)

Land Use Element (1988)

Planning Areas:

- Denny Planning Area
- Junction City Planning Area
- North Lake Planning Area
- Salyer/Burnt Ranch Planning Area
- Big Bar Planning Area
- Weaverville Planning Area
- Lewiston/Douglas City Planning Area
- Hyampom Planning Area
- Hayfork Planning Area
- Wildwood Planning Area
- South Fork Planning Area
- South Trinity Planning Area
- Land Use Resolutions

Noise Element (2003)

Open Space and Conservation Element (1973)

Safety (2014)

COMMUNITY PLANS

Douglas City (1987)

Hayfork (1996)

- Community Zoning Map
- General Plan Land Use Designations Map

Junction City (1987)

Lewiston (1986)

Weaverville (1990)

* Note: This is a summary of the history of Trinity County General Plan adoption and updates.

ATTACHMENT “B”

Board of Supervisors Resolution No. 2001-028
(Amendment to Trinity County General Plan Land Use Element)

BOARD OF SUPERVISORS

COUNTY OF TRINITY, STATE OF CALIFORNIA

6th DAY OF March, 2001

RESOLUTION NO. 2001-028

**RESOLUTION APPROVING AMENDMENT TO
LAND USE ELEMENT
A PART OF THE TRINITY COUNTY GENERAL PLAN
(Trinity County Planning Department PW-2000-16)**

WHEREAS, on June 7, 1989 the Board of Supervisors of the County of Trinity adopted the Trinity County Land Use Element, a part of the Trinity County General Plan; and

WHEREAS, discussions, goals and objectives related to the following communities of Weaverville, Hayfork, Junction City, Douglas City and Lewiston have been adopted and approved in the individual Community Plans and therefor their reference in the Land Use Element is no longer necessary; and

WHEREAS, following careful study and the holding of public hearings, the Trinity County Planning Commission recommended to the Board of Supervisors the adoption of an amendment to the Trinity County Land Use Element, and approved a Negative Declaration; and

WHEREAS, this Board of Supervisors, after having carefully considered the Trinity County Land Use Element, noticed and held required hearings, finds that said amendment to the Trinity County Land Use Element provides a suitable and logical plan for future development that is compatible with said Community Plan and the County General Plan.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Trinity, State of California, that said Board hereby adopts the following amendments to the Trinity County Land Use Element:

Delete discussions, goals, objectives and policies from the Trinity County Land Use Element for the following communities: Weaverville, Hayfork, Lewiston, Douglas City, and Junction City.

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

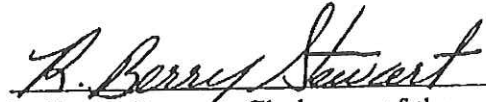
AYES: Supervisors Miller, Erikson, Reiss, Modine and Stewart

NOES: None

ABSENT: None

ABSTAINING: None

The foregoing resolution is hereby adopted:

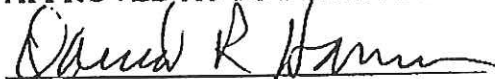

R. Berry Stewart, Chairman of the
Board of Supervisors, County of Trinity,
State of California

ATTEST:

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

By: 
Deputy Clerk

APPROVED AS TO FORM AND LEGAL EFFECT:


David Hammer, County Counsel,
County of Trinity, State of California

Dated: 3/6/01
Planning: JAJ

ATTACHMENT “C”

Sensitive Land-Uses Immediately Adjoining Proposed Project

2 Results

Property Data
024-220-056-000

Property Data
024-220-046-000



Map data ©2021 Imagery ©2021, Maxar Technologies,

ENPLAN

TRINITY COUNTY CANNABIS PARK SUD ZONE AREA

UNDERWOOD LAW OFFICES, P.C.

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HAND-DELIVERED

Tuesday, July 20, 2021

Trinity County Board of Supervisors
C/o CAO/Clerk of the Board
P.O. Box 1613
Weaverville, CA 96093

**Re: CUP P-19-38 (271 Industrial Parkway, Weaverville) – Citizens for Proper Planning
Appeal Concern About Potential EDA Grant Liability**

Dear Trinity County Board of Supervisors:

Included in your agenda packet was a letter submitted by me on behalf of the Citizens for Proper Planning (CPP) in the above referenced matter. In the meantime, in the past few days, some significant additional information has come to my attention that is extremely pertinent to how the Board of Supervisors chooses to proceed with this appeal, because it relates to the underlying purposes for which the Trinity Alps business Park was developed, using Economic Development Administration (EDA) grant funds, and the potentially substantial County financial liability if unauthorized uses in the park are allowed, such as that now community changing commercial cannabis project now proposed.

THE EDA GRANT USED FOR BUSINESS PARK DEVELOPMENT

It has come to my attention that in approximately 1991 the County, in concert with local folks interested in economic development in Trinity County, spearheaded an effort to obtain funding for the purpose of developing a new “shovel ready” business park. The proposed park, following the successful securing of an EDA grant in an amount of approximately \$1.7 Million, together with other secured local funding and soft matching resources, was improved with public works infrastructure that resulted in the Trinity Alps Business Park.

As for general back ground, this was permitted in accordance with federal law governing EDA grants, and with consistent adopted federal regulations. (See 42 U.S.C 3211 et seq.; and 13 CFR Ch. III, Part 314.) That authority allowed the Secretary of Commerce, acting through the EDA, to conditionally approve grant funding to local governments for the purpose of public works improvement projects consistent with the grant recipient’s then existing plan for economic development. Importantly, the authorized uses of such EDA grant funds, which could be used for the benefit of both public and private development following completion of funded improvements, were conditioned to ensure that all subsequent uses would be consistent with federal law.

The governing EDA regulations, particularly those governing the EDA's continuing property interest, are attached. (See Attachment "A.")

SUMMARY OF EDA GRANT TERMS & USE LIMITATIONS

The most important terms stated in the attached EDA grant regulations, that govern administration of the grant funded Trinity Alps Business Park property, can be summarized as follows:

1. Continuing EDA Property Interest - The EDA has a continuing "Federal Interest" in EDA grant improved property for the "Useful Life" of the improved property. (Section 314.2) With the EDA grant having funded the existing infrastructure for the Business Park, there can be little doubt but that the useful life of those improvements continues. In practice, I understand that the EDA considers such infrastructure improvements to have a useful life of up to fifty (50) years, or for at least another ten (20) years.

2. Authorized Uses Could Not Have Included Illegal Cannabis Activities - The County, as the original grant Recipient must have used grant funds only for improvements serving only "Authorized Uses" of the property. This was the case both initially, and at the time of successor owner conveyances, with the property not to have been disposed of without the EDA's prior written authorization to ensure grant terms compliance. (Section 314.3) Additionally, with cannabis not legal in the early 1990s the County would not have contemplated commercial cannabis uses of the Business Park at the time of EDA grant approval.

3. Unauthorized Uses Will Create County & Successor Owner Grant Repayment Liability - If the property on which EDA grant funds have been used for improvements is used for "Unauthorized Uses," either by the County or a successor property owner, prior to release of EDA's interest in the property, the EDA may recover the Federal Share, based on original grant amount plus costs and interest. (Sections 314.4 & 314.5)

4. Continuing EDA Interest in the Business Park Property - The EDA grant funding regulations allow for but do not require that the EDA must have actually effected the recording of a "lien, statement or other recordable instrument setting forth EDA's Property interest" in a grant funded project. (Section 314.2) It is unclear at this time if such a document was recorded by the EDA for this specific parcel (as confirmed to have been done for others), but even if that did not occur the EDA now has and will continue to have an "undivided equitable reversionary interest in the Property" until that Federal Share is properly released. (Sections 314.2 & 314.10 et seq.)

5. Substantial County Liability Unless EDA Has Relinquished Its Property Interest.

Accordingly, unless the County has verified, or can verify, either that the proposed commercial cannabis use of the Lower Level Trinity Alps Business Park parcel on which the proposed CUP Project would permit has been formally approved by the EDA as an Authorized Use of that property; or that EDA has formally relinquished its Federal Interest in the Property at a prior date, the County (and the successor property owner) will be subject to grant funds recovery by

the EDA, together with interest and costs incurred. The precise 1991 grant terms have not been confirmed, but based on an assumed grant amount of \$1.7 Million, and estimated interest accrual for the purpose of determining potential grant repayment liability, the County and the successor property owner undertaking an "Unauthorized Use" would have a liability of approximately \$3.1 Million following County approval of this proposed CUP. (See Attachment "B.")

CONCLUSION

The prior submitted CPP letter in support of this appeal makes clear that this is being treated by the County Planning Department in a way akin to "The Emperor has no Clothes" parable, at least as it relates to the County's inability to make a proper general plan consistency finding for this proposed CUP due to the absence of a legally adequate County General Plan. Nor can other required CUP findings be made based on the actual facts presented.

Board approval of the CUP notwithstanding the problems previously identified by CPP would subject the County to more senseless litigation expenses, based on the Board's prioritizing of commercial cannabis over sound planning. But if the County similarly determines to disregard the EDA grant regulations requiring compliance with federal law, and permit commercial cannabis activities on the subject grant funded property despite the clear federal law prohibiting such uses, the County may have a lot more explaining to do to more than just the Trinity County taxpayers, as the EDA may soon be knocking on your door.

For all of these reasons, please refrain from further promoting commercial cannabis at the expense of sound planning and the law, by upholding the appeal and denying the proposed CUP.

Respectfully Submitted,



JAMES M. UNDERWOOD

Attachments

ATTACHMENT "A"

CHAPTER III—ECONOMIC DEVELOPMENT ADMINISTRATION, DEPARTMENT OF COMMERCE

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PART 314—PROPERTY**Subpart A—General**

- Sec.
 314.1 Definitions.
 314.2 Federal Interest.
 314.3 Authorized use of Property.
 314.4 Unauthorized Use of Property.
 314.5 Federal Share.
 314.6 Encumbrances.

Subpart B—Real Property

- 314.7 Title.
 314.8 Recorded statement.

Subpart C—Personal Property

- 314.9 Recorded statement—title.

Subpart D—Release of EDA's Property Interest

- 314.10 Procedures for release of EDA's Property interest.

AUTHORITY: 42 U.S.C. 3211; Department of Commerce Organization Order 10-4.

SOURCE: 71 FR 56675, Sept. 27, 2006, unless otherwise noted.

Subpart A—General**§314.1 Definitions.**

In addition to the defined terms set forth in §300.3 of this chapter, the following terms shall have the following meanings:

Adequate Consideration means the fair market value at the time of sale or lease of any Property, as adjusted, in EDA's sole discretion, by any services, property exchanges, contractual commitments, acts of forbearance or other considerations that are in furtherance of the authorized purposes of the Investment Assistance, which are received by the Recipient or Owner in exchange for such Property.

Disposition or *Dispose* means the sale, lease, abandonment or other disposition of any Property and also includes the Unauthorized Use of such Property.

Estimated Useful Life, as used in this part, means the period of years that constitutes the expected useful lifespan of a Project, as determined by EDA, during which EDA anticipates obtaining the economic development benefits of its Investment.

Federal Interest has the definition ascribed to it in §314.2(a).

Federal Share has the definition ascribed to it in §314.5.

Owner means a fee owner, transferee, lessee or optionee of any Property. The term Owner also includes the holder of other interests in a Property where the interests are such that the holder effectively controls the use of such Property.

Personal Property means all tangible and intangible property other than Real Property.

Property means Real Property, Personal Property and mixed property.

Real Property means any land, whether raw or improved, and includes structures, fixtures, appurtenances and other permanent improvements, excluding moveable machinery and equipment. Real Property includes land that is improved by the construction of Project infrastructure such as, but not limited to, roads, sewers and water lines that are not situated on or under the land, where the infrastructure contributes to the value of such land as a specific purpose of the Project.

Successor Recipient means an EDA-approved transferee of Property pursuant to §314.3(d). A Successor Recipient must be an Eligible Recipient of Investment Assistance.

Unauthorized Use means any use of Property acquired or improved in whole or in part for purposes not authorized by EDA Investment Assistance, PWEDA or this chapter, as set forth in §314.4.

*** §314.2 Federal Interest.**

(a) Property that is acquired or improved, in whole or in part, with Investment Assistance shall be held in trust by the Recipient for the benefit of the Project for the Estimated Useful Life of the Project, during which period EDA retains an undivided equitable reversionary interest in the Property (the "Federal Interest"). The Federal Interest secures compliance with matters such as the purpose, scope and use of a Project and is often reflected by a recorded lien, statement or other recordable instrument setting forth EDA's Property interest in a Project (e.g., a mortgage, covenant, or other statement of EDA's Real Property interest in the case of a Project involving

the acquisition, construction or improvement of a building. See § 314.8.)

(b) When the Federal government is fully compensated for the Federal Share of Property acquired or improved, in whole or in part, with Investment Assistance, the Federal Interest is extinguished and the Federal government has no further interest in the Property.

*

§ 314.3 Authorized Use of Property.

(a) The Recipient or Owner must use any Property acquired or improved in whole or in part with Investment Assistance only for the authorized purpose of the Project and such Property must not be Disposed of or encumbered without EDA's prior written authorization.

(b) Where EDA and the Recipient determine that Property acquired or improved in whole or in part with Investment Assistance is no longer needed for the original purpose of the Investment Assistance, EDA, in its sole discretion, may approve the use of such Property in other Federal grant programs or in programs that have purposes consistent with those authorized by PWEDA and by this chapter.

(c) Where EDA determines that the authorized purpose of the Investment Assistance is to develop Real Property to be leased or sold, such sale or lease is permitted provided it is for Adequate Consideration and the sale is consistent with the authorized purpose of the Investment Assistance and with all applicable Investment Assistance requirements including but not limited to nondiscrimination and environmental compliance.

(d) EDA, in its sole discretion, may approve the transfer of any Property from a Recipient to a Successor Recipient (or from one Successor Recipient to another Successor Recipient). The Recipient will remain responsible for complying with the rules of this part and the terms and conditions of the Investment Assistance for the period in which it is the Recipient. Thereafter, the Successor Recipient must comply with the rules of this part and with the same terms and conditions as were applicable to the Recipient (unless such terms and conditions are otherwise amended by EDA). The same rules

apply to EDA-approved transfers of Property between Successor Recipients.

(e) When acquiring replacement Personal Property of equal or greater value than Personal Property originally acquired with Investment Assistance, the Recipient may, with EDA's approval, trade in such Personal Property originally acquired or sell the original Personal Property and use the proceeds for the acquisition of the replacement Personal Property; provided that the replacement Personal Property is for use in the Project. The replacement Personal Property is subject to the same requirements as the original Personal Property. In extraordinary and compelling circumstances, the Assistant Secretary may approve the replacement of Real Property used in a Project.

(f) With EDA's prior written approval, a Recipient may undertake an incidental use of Property that does not interfere with the scope of the Project or the economic purpose for which the Investment was made; provided that the Recipient is in compliance with applicable law and the terms and conditions of the Investment Assistance, and the incidental use of the Property will not violate the terms and conditions of the Investment Assistance or otherwise adversely affect the economic useful life of the Property. Eligible Applicants and Recipients should contact the appropriate regional office (whose contact information is available via the Internet at <http://www.eda.gov>) for guidelines on obtaining approval for incidental use of Property under this section.

§ 314.4 Unauthorized Use of Property.

(a) Except as provided in §§ 314.3 (regarding the authorized use of Property) or 314.10 (regarding the release of EDA's interest in certain Property), or as otherwise authorized by EDA, the Federal government must be compensated by the Recipient for the Federal Share whenever, during the Estimated Useful Life of the Project, any Property acquired or improved in whole or in part with Investment Assistance is Disposed of, encumbered, or no longer used for the purpose of the Project; provided that for equipment

and supplies, the requirements at 15 CFR parts 14 or 24, as applicable, including any supplements or amendments thereto, shall apply.

(b) Additionally, prior to the release of EDA's interest, Real Property or tangible Personal Property acquired or improved with EDA Investment Assistance may not be used:

(1) In violation of the nondiscrimination requirements of § 302.20 of this chapter or in violation of the terms and conditions of the Investment Assistance; or

(2) For any purpose prohibited by applicable law.

(c) Where the Disposition, encumbrance or use of any Property violates paragraphs (a) or (b) of this section, EDA may assert its interest in the Property to recover the Federal Share for the Federal government and may take such actions as authorized by PWEDA and this chapter, including but not limited to the actions provided in §§ 302.3 and 307.21 of this chapter. EDA may pursue its rights under paragraph (a) of this section and this paragraph (c) to recover the Federal Share, plus costs and interest. When the Federal government is fully compensated for the Federal Share, the Federal Interest is extinguished as provided in § 314.2(b), and EDA will have no further interest in the ownership, use or Disposition of the Property.

§ 314.5 Federal Share.

(a) For purposes of this part, "*Federal Share*" means that portion of the current fair market value of any Property attributable to EDA's participation in the Project. The Federal Share shall be the current fair market value of the Property after deducting:

(1) Reasonable repair expenses, if any, incurred to put the Property into marketable condition; and

(2) Sales, commission and marketing costs.

(b) The Federal Share excludes that portion of the current fair market value of the Property attributable to acquisition or improvements before or after EDA's participation in the Project, which are not included in the total Project costs. For example, if the total Project costs are \$100, consisting of \$50 of Investment Assistance and \$50

of Matching Share, the Federal Share is fifty (50) percent. If the Property is disposed of when its current fair market is \$250, the Federal Share is \$125 (i.e., fifty (50) percent of \$250). If \$10 is spent to put the Property into salable condition, the Federal Share is \$120 (i.e., fifty (50) percent of (\$250 - \$10)).

[73 FR 62870, Oct. 22, 2008]

§ 314.6 Encumbrances.

(a) *General.* Except as provided in paragraph (b) of this section or as otherwise authorized by EDA, Recipient-owned Property acquired or improved in whole or in part with Investment Assistance must not be used to secure a mortgage or deed of trust or in any way otherwise encumbered, except to secure a grant or loan made by a Federal Agency or State agency or other public body participating in the same Project.

(b) *Exceptions.* Subject to EDA's approval, which will not be unreasonably withheld or unduly delayed, paragraph (a) of this section does not apply to:

(1) Recipient-owned Property that is subject to an encumbrance at the time EDA approves the Project, where EDA determines that the requirements of § 314.7(b) are met;

(2) Encumbrances arising solely from the requirements of a pre-existing water or sewer facility or other utility encumbrances, which by their terms extend to additional Property connected to such facilities; and

(3) Encumbrances in cases where all of the following are met:

(i) EDA, in its sole discretion, determines that there is good cause for a waiver of paragraph (a) of this section;

(ii) All proceeds secured by the encumbrance on the Property shall be available only to the Recipient and shall be used only for the Project for which the Investment Assistance applies or for related activities of which the Project is an essential part;

(iii) A grantor/lender will not provide funds without the security of a lien on the Property; and

(iv) There is a reasonable expectation, as determined by EDA, that the Recipient will not default on its obligations. In determining whether an expectation is reasonable for purposes of

this paragraph, EDA shall take into account whether a Recipient that is a non-profit organization is joined in the Project with a co-Recipient that is a public body, whether the non-profit organization has demonstrated stability over time, and such other factors as EDA deems appropriate.

(c) Encumbering Recipient-owned Property, other than as permitted in this section, is an Unauthorized Use of the Property under §314.4.

[71 FR 56675, Sept. 27, 2006, as amended at 73 FR 62870, Oct. 22, 2008]

Subpart B—Real Property

§314.7 Title.

(a) *General.* The Recipient must hold title to the Real Property required for a Project at the time the Investment Assistance is awarded or as provided by paragraph (c) of this section and must maintain title at all times during the Estimated Useful Life of the Project, except in those limited circumstances as provided in paragraph (c) of this section. The Recipient must also furnish evidence, satisfactory in form and substance to EDA, that title to Real Property required for a Project (other than property of the United States) is vested in the Recipient and that any easements, rights-of-way, State or local government permits, long-term leases or other items required for the Project have been or will be obtained by the Recipient within an acceptable time, as determined by EDA.

(b)(1) The Recipient must disclose to EDA all encumbrances, including but not limited to the following:

- (i) Liens;
- (ii) Mortgages;
- (iii) Reservations;
- (iv) Reversionary interests; and

(v) Other restrictions on title or on the Recipient's interest in the Property.

(2) No encumbrance will be acceptable if, as determined by EDA, the encumbrance interferes with the construction, use, operation or maintenance of the Project during its Estimated Useful Life.

(c) *Exceptions.* The following are exceptions to the requirements of paragraph (a) of this section that the Re-

cipient hold title to the Real Property required for a Project.

(1) Where the acquisition of Real Property required for a Project is contemplated as part of an Investment Assistance award, EDA may determine that an agreement for the Recipient to purchase the Real Property will be acceptable for purposes of paragraph (a) of this section if:

(i) The Recipient provides EDA with reasonable assurances that it will obtain fee title to the Real Property prior to or concurrent with the initial disbursement of the Investment Assistance; and

(ii) EDA, in its sole discretion, determines that the terms and conditions of the purchase agreement adequately safeguard the Federal government's interest in the Real Property.

(2) EDA may determine that a long-term leasehold interest for a period not less than the Estimated Useful Life of the Real Property required for a Project will be acceptable for purposes of paragraph (a) of this section if:

(i) Fee title to the Real Property is not otherwise obtainable; and

(ii) EDA, in its sole discretion, determines that the terms and conditions of the lease adequately safeguard the Federal government's interest in the Real Property and demonstrate the economic development and public benefits of the leasehold transaction.

(3) When a Project includes construction within a railroad's right-of-way or over a railroad crossing, EDA may find it acceptable for the work to be completed by the railroad and for the railroad to continue to own, operate and maintain that portion of the Project, if required by the railroad; and provided that, the construction is a minor but essential component of the Project.

(4) When the Project includes construction on a public highway the owner of which is not the Recipient, EDA may allow the Project to be constructed in whole or in part in the right-of-way of such public highway, provided that:

(i) All EDA-funded construction is completed in accordance with EDA requirements;

(ii) The Recipient confirms in writing to EDA, satisfactory to EDA, that:

(A) The Recipient is committed during the Estimated Useful Life of the Project to operate, maintain and repair all improvements for the Project consistent with the Investment Assistance; and

(B) If at any time during the Estimated Useful Life of the Project any or all of the improvements in the Project within the public highway are relocated for any reason pursuant to requirements of the owner of the public highway, the Recipient shall be responsible for accomplishing such relocation, including as necessary expending the Recipient's own funds, so that the Project continues as authorized by the Investment Assistance; and

(iii) The Recipient obtains all written authorizations (i.e., State or county permit(s)) necessary for the Project to be constructed within the public highway, copies of which shall be submitted to EDA. Such authorizations shall contain no time limits that EDA determines substantially restrict the use of the public highway for the Project during the Estimated Useful Life of the Project.

(5)(i) When an authorized purpose of the Project is to construct facilities to serve Real Property owned by the Recipient, including but not limited to industrial or commercial parks, for sale or lease to private parties, such sale or lease is permitted so long as:

(A) In cases where an authorized purpose of the Project is to sell Real Property, the Recipient provides evidence sufficient to EDA that it holds title to the Real Property required for such Project prior to the disbursement of any portion of the Investment Assistance and will retain title until the sale of the Property;

(B) In cases where an authorized purpose of the Project is to lease Real Property, the Recipient provides evidence sufficient to EDA that it holds title to the Real Property required for such Project prior to the EDA disbursement of any portion of the Investment Assistance and will retain title for the entire Estimated Useful Life of the Project;

(C) The Recipient completes the Project according to the terms of the Investment Assistance;

(D) The sale or lease of any portion of the Project during its Estimated Useful Life must be for Adequate Consideration and the terms and conditions of the Investment Assistance and the purpose(s) of the Project must continue to be fulfilled after such sale or lease; provided, however, that EDA may waive this provision for any sale or lease occurring after the ten (10) year anniversary of the award date of the Investment Assistance;

(E) The Recipient agrees that the termination, cessation, abandonment or other failure on behalf of the Recipient, purchaser or lessee to complete the Project by the five (5) year anniversary of the award date of the Investment Assistance constitutes a failure on behalf of the Recipient to use the Real Property for the economic purposes justifying the Project; and

(F) The Recipient agrees that a violation of this paragraph by the Recipient, purchaser or lessee constitutes an Unauthorized Use of the Real Property and the Recipient must further agree to compensate EDA for the Federal government's Federal Share of the Project in the case of such Unauthorized Use.

(ii) EDA may also condition the sale or lease on the satisfaction by the Recipient, purchaser or lessee (as the case may be) of any additional requirements that EDA may impose, including but not limited to EDA's pre-approval of the sale or lease.

(6)(i) When an authorized purpose of the Project is to construct facilities to serve privately-owned Real Property, including but not limited to industrial or commercial parks, the ownership, sale or lease of such Real Property is permitted so long as:

(A) The Owner provides evidence sufficient to EDA that it holds title to the Real Property improved or benefited by the EDA Investment Assistance prior to the disbursement of any portion of the Investment Assistance and will retain title to the Real Property for the entire Estimated Useful Life of the Property or until the sale of such Real Property;

(B) The Recipient and the Owner agree to use Real Property improved or

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benefited by the EDA Investment Assistance only for the authorized purposes of the Project and in manner consistent with the terms and conditions of the EDA Investment Assistance for the Estimated Useful Life of the Project;

(C) The Recipient must provide adequate assurances that the Owner will complete the Project according to the terms of the Investment Assistance;

(D) The sale or lease of any portion of the Project during its Estimated Useful Life must be for Adequate Consideration and the terms and conditions of the Investment Assistance and the purpose(s) of the Project must continue to be fulfilled after such sale or lease; provided, however, that EDA may waive this provision for any sale or lease occurring after the ten (10) year anniversary of the award date of the Investment Assistance;

(E) The Recipient agrees that the termination, cessation, abandonment or other failure on behalf of the Recipient, Owner, purchaser or lessee to complete the Project by the five (5) year anniversary of the award date of the Investment Assistance constitutes a failure on behalf of the Recipient to use the Real Property for the economic purposes justifying the Project; and

(F) The Recipient further agrees that a violation of this paragraph by the Owner, purchaser or lessee constitutes an Unauthorized Use of the Real Property and the Recipient must further agree to compensate EDA for the Federal government's Federal Share of the Project in the case of such Unauthorized Use.

(ii) EDA may also condition its Investment Assistance on the satisfaction by the Recipient, Owner or by the purchaser or lessee (as the case may be) of any additional requirements that EDA may impose, including but not limited to EDA's pre-approval of a sale or lease.

[71 FR 56675, Sept. 27, 2006, as amended at 73 FR 62870, Oct. 22, 2008]

§314.8 Recorded statement.

(a) For all Projects involving the acquisition, construction or improvement of a building, as determined by EDA, the Recipient shall execute a lien, covenant or other statement of EDA's in-

terest in the Property acquired or improved in whole or in part with the EDA Investment Assistance. The statement shall specify the Estimated Useful Life of the Project and shall include, but not be limited to, the Disposition, encumbrance and Federal Share requirements. The statement shall be satisfactory in form and substance to EDA.

(b) The statement of EDA's interest must be perfected and placed of record in the Real Property records of the jurisdiction in which the Real Property is located, all in accordance with applicable law.

(c) Facilities in which the EDA Investment is only a small part of a large project, as determined by EDA, may be exempted from the requirements of this section.

Subpart C—Personal Property

§314.9 Recorded statement—title.

For all Projects which EDA determines involve the acquisition or improvement of significant items of Personal Property, including but not limited to ships, machinery, equipment, removable fixtures or structural components of buildings, the Recipient shall execute a security interest or other statement of EDA's interest in the Personal Property, acceptable in form and substance to EDA, which statement must be perfected and placed of record in accordance with applicable law, with continuances re-filed as appropriate. Whether or not a statement is required by EDA to be recorded, the Recipient must hold title to the Personal Property acquired or improved as part of the Project, except as otherwise provided in this part.

Subpart D—Release of EDA's Property Interest

§314.10 Procedures for release of EDA's Property interest.

(a) *General.* Upon the request of a Recipient and before the expiration of the Estimated Useful Life of a Project, EDA may release any Real Property or tangible Personal Property interest held by EDA, in connection with Investment Assistance after the date that is twenty (20) years after the date

on which the Investment Assistance was awarded.

(b) *Exception.* EDA releases all of its Real Property and tangible Personal Property interests in Projects awarded under the Public Works Employment Act of 1976 (Pub. L. 94-369), as amended by the Public Works Employment Act of 1977 (Pub. L. 95-28).

(c)(1) *Unauthorized Use.* Notwithstanding the release of EDA's interest pursuant to paragraphs (a) or (b) of this section, Real Property or tangible Personal Property acquired or improved with Investment Assistance may not be used:

(i) In violation of the nondiscrimination requirements set forth in §302.20 of this chapter; or

(ii) For inherently religious activities prohibited by applicable Federal law.

(2) Violation of this paragraph (c) constitutes an Unauthorized Use of the Real Property or of the tangible Personal Property.

(d) *Release.* (1) Except as provided in paragraph (b) of this section, the release of EDA's interest pursuant to this section is not automatic; it requires EDA's approval, which will not be withheld except for good cause, as determined in EDA's sole discretion. In addition to the restrictions set forth in paragraph (c) of this section, the release may be conditioned upon some activity of the Recipient intended to be pursued as a consequence of the release.

(2) When requesting a release of EDA's interest pursuant to paragraph (a) of this section, the Recipient will be required to disclose to EDA the intended future use of the Real Property or the tangible Personal Property for which the release is requested.

(i) A Recipient not intending to use the Real Property or tangible Personal Property for inherently religious activities following EDA's release will be required to execute a covenant of use. A covenant of use with respect to Real Property shall be recorded in the jurisdiction where the Real Property is located in accordance with §314.8. A covenant of use with respect to items of tangible Personal Property shall be perfected and recorded in accordance with applicable law, with continuances

re-filed as appropriate. See §314.9. A covenant of use shall (at a minimum) prohibit the use of the Real Property or the tangible Personal Property:

(A) For inherently religious activities in violation of applicable Federal law; and

(B) For any purpose that would violate the nondiscrimination requirements set forth in §302.20 of this chapter.

(ii) EDA may require a Recipient (or its successors in interest) who intends or foresees the use of Real Property or tangible Personal Property for inherently religious activities following the release of EDA's interest to compensate EDA for the Federal Share of such Property. EDA recommends that a Recipient who intends or foresees the use of Real Property or tangible Personal Property (including by successors of the Recipient) for inherently religious activities to contact EDA well in advance of requesting a release pursuant to this section.

PART 315—TRADE ADJUSTMENT ASSISTANCE FOR FIRMS

Subpart A—General Provisions

Sec.

- 315.1 Purpose and scope.
- 315.2 Definitions.
- 315.3 Confidential Business Information.
- 315.4 Eligible applicants.
- 315.5 TAAC scope, selection, evaluation and awards.
- 315.6 Firm eligibility for Adjustment Assistance.

Subpart B—Certification of Firms

- 315.7 Certification requirements.
- 315.8 Processing petitions for certification.
- 315.9 Hearings.
- 315.10 Loss of certification benefits.
- 315.11 Appeals, final determinations and termination of certification.

Subpart C—Protective Provisions

- 315.12 Recordkeeping.
- 315.13 Audit and examination.
- 315.14 Certifications.
- 315.15 Conflicts of interest.

Subpart D—Adjustment Proposals

- 315.16 Adjustment proposal requirements.

ATTACHMENT "B"

POTENTIAL TRINITY ALPS BUSINESS PARK EDA GRANT LIABILITY FOR UNAUTHORIZED USES

A. Original Grant Amount

\$1,700,000

B. Interest Accrual Since 1991	2%	Annual Amount	Combined P&I
1		34,000	1,734,000
2		34680	1,768,680
3		35374	1,804,054
4		36081	1,840,135
5		36803	1,876,937
6		37539	1,914,476
7		38290	1,952,766
8		39055	1,991,821
9		39836	2,031,657
10		40633	2,072,291
11		41446	2,113,736
12		42275	2,156,011
13		43120	2,199,131
14		43983	2,243,114
15		44862	2,287,976
16		45760	2,333,736
17		46675	2,380,410
18		47608	2,428,019
19		48560	2,476,579
20		49532	2,526,111
21		50522	2,576,633
22		51533	2,628,165
23		52563	2,680,729
24		53615	2,734,343
25		54687	2,789,030
26		55781	2,844,811
27		56896	2,901,707
28		58034	2,959,741
29		59195	3,018,936
30		60379	3,079,315

ESTIMATED UNAUTHORIZED USE
LIABILITY

\$ 3,079,315

From: [Sally Barrow](#)
To: [clerkoftheboard](#); [Kim Hunter](#); [Keith Groves](#); [Liam Gogan](#); [Jill Cox](#); [Dan Frasier](#); [Jeremy Brown](#)
Subject: Industrial Park cannabis facility appeal
Date: Wednesday, July 28, 2021 8:33:45 AM

I would like to ask the Board to consider the benefit to Weaverville from this cannabis project at the Industrial Park. Weaverville is within the opt out for commercial cannabis. I have to believe that the number of legal grows here must be small. There are few Weaverville permitted grows that need to purchase the certified clones proposed at this facility. There are few Weaverville permitted grows that need to process their product at this facility. And I believe there are very few people living in Weaverville that wish to smoke cannabis that don't know how to get it. I am guessing zero Weaverville residents are driving to the nearest dispensary to purchase their weed. It seems that this facility is being built to benefit communities other than Weaverville, with Weaverville experiencing the major changes associated with it.

Please proceed thoughtfully.

Sally Barrow
Bear Creek Road

From: [Thomas Sanders](#)
To: [clerkoftheboard](#); [Jill Cox](#); [Liam Gogan](#); [Jeremy Brown](#); [Dan Frasier](#); [Keith Groves](#)
Subject: Industrial Park Cannabis Appeal
Date: Wednesday, July 28, 2021 10:11:37 PM

Greeting to the Trinity County Board of Supervisors

It is wise to consider lessons from past decisions when considering new ones. Rather than creating new Cannabis Zoning, Trinity County's Cannabis Ordinance was created with an out of date General Plan. Many of the Cannabis related appeals before the Board involve land use issues that point to the need for an updated General Plan.

The Industrial Park development was misnamed as there is no industrial-applied use since the essential oils manufacturing plant left and the County remodeled the existing building into what is now known and used as a community Performing Arts Center. Additionally, there is Shasta College and what will soon be a Medical Clinic in this "Industrial Park". Past history of this area indicates that it best serves Weaverville and Trinity County community's needs for health care, entertainment and education, not commercial or industrial uses.

There is now, more than ever, a need for an updated General Plan that addresses Commercial Cannabis distribution outlets, nurseries and cultivation areas that will not conflict with existing public use areas such as rural residential properties, restaurants, retail, schools, churches, medical facilities and auditoriums. Public use facilities do not mix well with commercial cannabis.

Until the General Plan is updated I believe that important decisions such as allowing a commercial cannabis facility in a public use area should not be considered. To allow the proposed cannabis business in the Industrial Parkway would set a precedent for allowing commercial cannabis in an area (Weaverville Community Service District) that is designated a cannabis opt out area.

It is wise to learn from the past when creating the future. Your decisions and votes will have future impacts either beneficial or harmful. I pray that you all will use wisdom and discernment to reach your decisions.

Thanks to you all for your consideration,
Tom Sanders