

Item No. 4

MEETING DATE: 11/29/18 APPLICATION NO. CCUPT3-18-002, CCUPN-18-002, CCUPD-18-002

<p><b>TRINITY COUNTY PLANNING COMMISSION STAFF REPORT</b></p>
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**OWNER:** Somchai Hoffman

**APPLICANT:** Somchai Hoffman

**AGENT:** Somchai Hoffman

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

**APN:** Trinity County APN 014-430-68

**PROPOSAL**

Develop a cannabis cultivation site on up to one-acre (Type 3 (“T3”) use); develop a cannabis nursery for propagation of cannabis for wholesale; and, develop a cannabis distribution facility.

**LOCATION**

Within Trinity County in the unincorporated community of Hayfork at 61 One Wizards Way. The project site is situated on a portion of a former fireworks manufacturing facility (Boom Boom Productions), approximately 0.3-miles west of SR-3 and is found on the Hayfork, California 7.5-minute USGS quadrangle map, Township 31 North, Range 12 West, Section 11 West, Mount Diablo Base Meridian (MDBM). The site falls within the area included in the Hayfork Community Plan, adopted in 1996.

**PROJECT INFORMATION**

- A) General Plan Designation: Industrial (I)
- B) Existing Zoning: Heavy Industrial/ Manufacturing (M-2)<sup>1</sup> with a Plan Review (PR) designation for the Hayfork Airport
- C) Existing Land Use: Developed former fireworks manufacturing facility and lumber mill.
- D) Adjacent Land Use Information:

	<i>Land Use</i>	<i>Zoning</i>	<i>General Plan Des.</i>
<i>North:</i>	Commercial/Residential	General Commercial (C2)	Commercial (C)
<i>South:</i>	Vacant	Heavy Industrial & Manufacturing (M2)	Industrial (I)

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<sup>1</sup> At the January 25, 2018 Planning Commission meeting, Commissioners clarified that the M-2 designation is synonymous with the Industrial zoning district. The Hayfork Community Plan included maps of recommended M-2 parcels, but did not include a description of the M-2 zoning district. Reference to M-2 in the Staff Report includes Industrial zoning, as the County’s GIS database does not currently reflect this change.

<i>East:</i>	Commercial/Airport Fairgrounds/Residential	Public Facility (PF) Single-Family-Residential High Density (R1) Heavy Industrial & Manufacturing (M2)	Public Facility (PF) Single-Family Residential High Density (SF-H)  Industrial (I)
<i>West:</i>	Former Lumbermill/ Office Uses/Wastewater	Heavy Industrial & Manufacturing (M2) Agricultural 40 ac Min (A40)	Industrial (I) Agricultural (A)

**Project Description**

The project applicant proposes to develop a cannabis cultivation site on up to one-acre (Type 3 (“T3”) use), develop a cannabis nursery for propagation of cannabis for wholesale, and develop a cannabis distribution facility. All development will occur on land previously used for industrial purposes. Proposed cannabis cultivation facilities consist of a combination of above-ground wooden planter beds in outdoor, full-sun conditions and/or a series of 10’ x 100’ hoop-houses using light deprivation. This cultivation area currently supports a County Type 2 cultivation license and occupies a footprint of 10,000 square feet or less and is in an area that was previously developed as a “bunker” for use in explosive detonation; the site is surrounded by a 12-16-foot-high earthen berm.

The cannabis nursery facilities will be located in a mixture of existing buildings, greenhouses and new hoop-houses for propagation of cannabis stock. A distribution facility will be developed in an existing 34,000 square foot wood-framed pole barn that will house refrigerated shipping containers. The distribution facility will transport cannabis between license types and to testing facilities. Documents related to this project are on file at the Trinity County Planning Department.

**STAFF RECOMMENDATION AND FINDINGS**

Staff recommends the Planning Commission:

1. Adopt the resolution and findings that the Initial Study and Mitigated Negative Declaration are consistent with the California Environmental Quality Act (“CEQA”) requirements and adopt the Mitigation Monitoring and Reporting Program (“MMRP”).
2. Approve the Conditional Use Permit for development of a Cannabis Type 3 use, subject to the conditions of approval for that use as provided in this Staff Report and of the County’s Cannabis Ordinance;
3. Approve the Conditional Use Permit for development of a Cannabis Nursery use, subject to the conditions of approval for that use as provided in this Staff Report and of the County’s Cannabis Ordinance; and,
4. Approve the Conditional Use Permit for development of a Cannabis Distribution facility, subject to the conditions of approval for that use as provided in this Staff Report and of the County’s Cannabis Ordinance.

**PROJECT EVALUATION**

A draft Initial Study and Mitigated Negative Declaration (IS/MND) was completed in September 2018 and sent to the California State Clearinghouse (SCH) for review (SCH # 2018092039) on September 17, 2018 (Exhibit A); the comment period ended on October 17, 2018. Comment letters were received from the California Department of Fish and Wildlife and the Native American Heritage Commission, and a notice from the State Clearinghouse

stated that no other agency comments were received. The County posted a public notice of availability with the close of this comment period on October 31, 2018. No comments were received from this notice.

## CEQA FINDINGS

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

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

### Air Quality

The following conditions of approval are made for the protection of air quality.

**Condition of Approval (COA #7):** The spray application of pesticides (e.g. neem oil, sulfur or other materials) shall occur no closer than 500 feet to adjacent residences. Spraying shall not occur at wind speeds greater than 10 miles per hour. The operator shall measure the wind speed prior to and during spraying activities to ensure wind speeds are below 10 mph. Spraying activities shall cease if wind speeds are measured at greater than 10 mph.

**Condition of Approval (COA #8):** Should generators be used at a future time, those uses would be required to be in compliance with the California Air Resources Board (CARB) requirements for the Portable Equipment Registration Program (PERP), should the generators qualify for coverage by this permitting program, or as may be required by the NCUAQMD.

### Cultural Resources

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

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

### Geology and Soils

The following conditions of approval are made for the protection of soils and water quality.

**Condition of Approval (COA #9):** The applicant must comply with County regulations and ordinances that the existing septic system used for the purposes of the Conditional Use Permit meets the requirements of Trinity County Environmental Health Department, and if it does not, must connect to the Trinity County Waterworks District #1 sanitary sewer system.

**Hydrology and Water Quality**

The following conditions of approval are made for the protection of water quality; refer to Condition of Approval G-1 for wastewater.

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

**Mitigation Monitoring and Reporting Plan**

A Mitigation Monitoring and Reporting Plan has been prepared for the project as a result of the Initial Study. In addition to MM CR-1, staff recommends the addition of MMCR-2 for the protection of undiscovered human remains that could be found by project activities.

**MM CR-2.** If 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 will be contacted to determine if the cause of death must be investigated. If the Coroner determines that the remains are of Native American origin, it will be necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the North American Heritage Commission (NAHC) (Public Resources Code, Section 5097). The Coroner will contact the NAHC. The descendants, or most likely descendants, of the deceased will be contacted and work will not resume until they have made a recommendation to the landowner or the person responsible for the excavation work for means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.98. Work may resume if NAHC is unable to identify a descendant or the descendant failed to make a recommendation.

**RESPONSE TO COMMENTS****Comment 1- California Department of Fish and Wildlife**

**Comment 1a-** The IS/MND made numerous references to a biological report, prepared as part of the Project's environmental review, which was recommended by the Department during early consultation. The Department suggests that biological and survey reports conducted as part of the environmental review process be included with the IS/ MND for public review. Without the biological report to review, it is difficult to determine if conclusions made in the IS/MND are supported by survey results.

**Response 1a-** Future CEQA documentation will have all applicable biological studies included as an Appendix of the IS/MND.

**Comment 1b-** The biological report discusses areas on the parcel which may support wetland areas and recommends a thorough investigation of these areas to ensure that the cultivation areas are meeting appropriate setbacks proscribed by the State Water Resources Control Board's *Principles and Guidelines for Cannabis Cultivation* (October 17, 2017). The Department supports the recommendation to comply with applicable State mandated setbacks. However, the IS/MND made the conclusion that there are no wetlands present on site; without a complete wetland delineation of the parcel that is being completed prior to additional site development, the Department recommends that grading, project development, or other building activities be prohibited within 150-feet of areas where riparian wetland trees currently exist. The conditional use permit should include a map demonstrating adequate setbacks from areas identified as potential wetland habitat.

**Response 1b-** The project site and surrounding area were investigated for the presence of wetland habitat by the Applicants biological consultant. Based on the biological assessment prepared by the Applicants consultant, they determined that the project site was dominated by ruderal plant species with wetland/riparian vegetation consisting along the stream channel and the old log pond offsite. Based on this information provided by the Applicant and the prior development on the site, County staff determined no further investigation or preparation of a wetland delineation was necessary.

**Comment 1c-** The parcel is described as lying partly within Zone A on the Flood Insurance Rate Map, or the 100-year floodplain. While the Project is wholly in Zone X, an area of minimal flooding, Figure #4 demonstrates that the 100-year floodplain encompasses the south side of the Project footprint and would encroach the cultivation area without the current berm. Actual flood risk within the Project footprint is potentially minimized by the presence of a 12-foot-tall to 16-foot-tall dirt berm, but there is no discussion on the integrity of the berm and its ability to resist floodwaters. If the berm is going to be relied upon the control onsite water quality issues and be used to manage flood risk, the IS/ MND should provide a technical analysis of the integrity of the berm and determine if any maintenance needs to occur in order for it to withstand floodwaters.

**Response 1c-** A small portion of the parcel is within the 100-year floodplain. However, as the existing berm on project site is an existing feature, this feature is considered as part of the baseline for the site, and the applicant has not proposed any modifications to the berm. Also, the berm has been previously permitted for past projects developed on the site and the County determined that no mitigation or additional flood studies were necessary at the time of the past approval. Additionally, the flood risk is minimal as the portion of the parcel within the floodplain will house cultivation activities and greenhouses, no housing will be built in this area. For these reasons, the County staff determined that there was no reason for additional studies.

**Comment 1d-** The parcel is in an appropriate location for commercial cannabis production from the standpoint of minimizing impacts to natural resources; the parcel has been utilized in the past for industrial or agricultural purposes and the irrigation needs will be met via a municipal water source. The biological report identifies very few plant or animal species that may be impacted by the Project, however, the IS/MND identifies light pollution as a potential impact. Cannabis cultivation sites in Trinity County are commonly located in remote forested areas, or in this case, on the urban-rural interface. Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication, determining when to begin foraging, behavior thermoregulation, and migration. Even aquatic species can be affected; migration of salmonids can be slowed or halted by the presence of artificial lighting. Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it. The IS/MND does not identify any mitigation measures for light pollution. The documentation provided in the IS/MND identifies no significant impacts because the County's Cannabis Cultivation Ordinance provides a uniform standard for reduction and minimization of light trespass. However, even if a high-wattage light bulb is downcast and shielded, the entire greenhouse may be illuminated from within and visible from the exterior when the greenhouse is made of light transparent material. The department recommends a clear performance standard and enforcement policy for light pollution control be developed that ensures light does not spill over onto other structures, properties, or the night sky. Additionally, the Department recommends that light not be visible outside of any structure used for cannabis cultivation (i.e., black-out curtains on greenhouses) and that the site design eliminate all non-essential lighting.

**Response 1d-** It was determined that the County's Ordinance No. 315-823 provides clear performance standards regarding lighting minimization. Under *Performance standards for Commercial Cultivation of Cannabis* the Ordinance states:

*(1) All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky.*

*(m) Those cultivations using artificial lighting for mixed-light cultivations shall shield green houses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.*

Proper implementation of this performance standard as a condition of approval would reduce any impacts from night lighting to less than significant. No additional condition of approval is required.

### **Comment 2- Native American Heritage Commission (NAHC)**

**Comment 2a-** While there is documentation of contact by consultants, there is no documentation of government to government consultation by the lead agency under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes.

**Response 2a-** Included in the Cultural Resources Report prepared for the project, there is a letter that was distributed on June 7, 2018 addressing the Native American tribes traditionally and culturally affiliated with the project area, as required by AB 52. This consultation was done on behalf of the County by William Rich and Associates and requested that any AB 52 consultation request be directed to Trinity County Planning Deputy Director Leslie Hubbard. Based on this outreach, the County has met its AB 52 obligations for this project.

**Comment 2b-** In the Archaeology section (V, (b)), bone is included as an archaeological find but there is no reference to how to proceed if the bones are determined to be human. Mitigation for inadvertent finds of human remains is incomplete. Please refer to Health and Safety Code 7050.5 and California Public Resources Code 5097.98 for the process of designating a MLD for human remains determined to be Native American.

**Response 2b-** The NAHC raised concerns regarding incomplete mitigation regarding cultural and tribal resources. The County notes that the project is required to comply with all federal and state laws, which include discovery of human remains outside of traditional cemeteries. Additionally, the County developed MM CR-2 which identifies steps required should human remains be found on site based on Health and Safety Code 7050.5 and California Public Resources Code 5097.98. Implementation of MM CR-2 provide appropriate protection of human remains.

### **OTHER CONSIDERATIONS**

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

#### **Neighborhood Compatibility**

Existing land uses surrounding the project site are minimal with large areas of vacant land, and has been zoned for compatible purposes including Industrial and General Commercial activities. The project site encompasses about 8 acres of a larger 73-acre parcel which has been designated as falling within the Hayfork Community Plan subsection of the General Plan, both plans have designated the site as Industrial (I).

The land uses previously associated with the project area include industrial and manufacturing activities including a lumber mill and a fireworks production facility. Currently the land north of the project site, along Tule Creek Road, consists of a mixture of residential and commercial uses including a lumberyard/ hardware store, mini-storage, salvage yard. The Hayfork Airport is located east of the project site with inbound and outbound aircraft flight paths passing over the project site, resulting in a designation of Plan Review (PR) for the Hayfork Airport.

On site there is currently an existing single-family residential home, a mobile home, and a lumber storage pole barn with a metal roof that is approximately 34,000 square feet. Throughout the larger parcel there are various fences and small storage sheds. Other legally permitted uses in site include the fireworks storage and testing (demolition bunker), fences and appurtenant uses.

The existing zoning permits a larger building mass or general shape and size of buildings than those of the project. The existing uses are within the design criteria of the General Plan and Zoning designations. The project is not out of character with the surrounding area.

The project does not require new encroachments.

### **General Plan Consistency**

The property is within an Industrial (I) land use designation. The Plan describes these areas as follow:

*Industrial areas are designated 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. Industrial areas should be located so as not to adversely affect residential areas.*

The Plan describes the neighborhood as follows:

*Tule Creek Road Industrial Area: While no industrial uses are currently located in this area, it has historically supported an industrial use (sawmill), is within the water district and will likely be served by the community sewer system (once developed).*

### **Hayfork Airport Master Plan**

The General Plan documents show that the project site is within the Approach/Departure Zone (Safety Area 2) and the Overflight Zone (Safety Area 3) of the Hayfork Airport, as depicted on the Hayfork Community Plan Zoning Map and the Airport Safety Area figure of the Hayfork Community Plan, Transportation element. The zone has a PR (Plan Review) overlay on zoning that requires a review of the proposed uses on lands within the designated zone.

Review of the project has been evaluated for consistency with the General Plan and specifically the Hayfork Airport Master Plan as part of the PR process. Review has determined that the project, as proposed, is consistent with the Hayfork Airport Master Plan and is also compatible with the land uses identified in the plan.

### **FINDINGS OF FACTS**

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

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

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

**Finding:** Evaluation of the project has determined that the use, as proposed and conditioned, and with the implementation of the mitigation measures identified in the MMRP is consistent with the land use designations and zoning of the County, is compatible with the neighborhood character of the surrounding area, and is in compliance 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 conditioned, will not cause detrimental effects to public health, safety, welfare or result in the creation of a public nuisance.

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

**Finding:** The project, as proposed, is consistent with the goals and objectives of the General Plan, the Hayfork Community Plan and the Hayfork Airport Master Plan. The project, as conditioned, will remain in compliance with these approved plans and their goals and objectives.



**RECOMMENDED CONDITIONS OF APPROVAL**

The following Conditions of Approval shall be included in the Use Permit for the uses proposed by the Applicant (Somchai Hoffman) on the parcel designated as Trinity County Assessor Parcel Number (APN) 014-430-68. The Conditions of Approval cited below, presume that the operations conducted by the Permittee shall comply with the laws and regulations of the United States, State of California and Trinity County, as applicable to the uses of this permit.

1. The Permittee shall comply with all County Cannabis Regulations, as are applicable for the cultivation, nursery operations and distribution facilities of the Permittee's use under this 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, 3151-833, 315-834, and 315-835, and as amended.
2. Outdoor lighting shall be limited to that necessary for safety and security. All new outdoor lighting for the property shall be downcast and shielded so as to reduce light emanating off-site or into the sky. All mixed-light cultivation greenhouses shall be shielded so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties from sunset to sunrise.
3. The Permittee must be in compliance with all County building permit requirements, including, but not limited to structures, roads, electrical and water and sewer connections. Prior to issuance of building permits, a detailed and to scale site plan depicting the existing and proposed re-development of the site, including building envelopes or footprints, setbacks, parking and circulation shall be provided for review and approval by Trinity County. Adequate area for, parking and internal circulation, as well as protection of outdoor space for individual units shall be provided.
4. In the event that previously unidentified cultural or paleontological resources are encountered during construction, grading or other site disturbance activities, there shall be no further excavation or disturbance of that area. The construction crews shall stop work or avoid the materials and their context. The County Planning Department shall be notified immediately. A qualified archaeologist shall evaluate the find to determine its historical or archaeological significance. If the find is determined to be a significant historical, paleontological or archaeological resource, the archaeologist shall make recommendations for appropriate mitigation. Work in the area shall not resume until the mitigation measures recommended by the archaeologist have been implemented.
5. In the event that previously unidentified evidence of human burial or human remains are discovered, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains. The Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.
6. The Permittees site uses must be in compliance with State and County Fire Safe Regulations, and as directed by CALFIRE. Should CALFIRE determine that site conditions are not in compliance with the Fire Safe Regulations, the Permittee shall be required to come into compliance.
7. The spray application of pesticides (e.g. neem oil, sulfur or other materials) by the Permittee shall occur no closer than 500 feet to adjacent residences. Spraying shall not occur at wind speeds greater than 10 miles per hour. The Permittee shall measure the wind speed prior to and during spraying

activities to ensure wind speeds are below 10 mph. Spraying activities shall cease if wind speeds are measured at greater than 10 mph.

8. Should generators be used at a future time by the Permittee, those uses would be required to be in compliance with the California Air Resources Board (CARB) requirements for the Portable Equipment Registration Program (PERP), should the generators qualify for coverage by this permitting program, or as may be required by the North Coast Unified Air Quality Management District (NCUAQMD).
9. The Permittee shall ensure that the existing septic system meets the requirements of Trinity County Environmental Health Department, within 60 days of issuance of the use permit, and if the septic system does not meet the requirements, the Permittee must apply to the Trinity County Waterworks District #1 for connection of the site facilities to the Districts sanitary sewer system, including all requirements of the connection and use as required by the District.
10. If the Permittee grades or disturbs one (1) acre or more of land for activities associated with this permit, the Permittee is required to be in compliance with the State of California Construction General Permit, (RWQCB Order No. 2009-0009-DWQ) or the equivalent at time of disturbance, prior to the disturbance occurring.
11. The Permittee shall secure all appropriate clearances for the various structures and their uses on the property from the Building Department and Environmental Health Division. This includes provision for handicapped accessibility and sanitation facilities, if warranted.
12. This Use Permit is subject to the Permittee securing of all necessary permits for the development and eventual use of the project site for cannabis activities of cultivation, nursery and distribution activities from County, State and Federal agencies having jurisdiction over the activities at the project site, and as applicable to the Permittees uses. Any requirements imposed by an agency having jurisdiction shall be considered a condition of this permit. The County shall in no-way be considered responsible for issuance or oversight of State or Federal permits/authorizations that may apply to the uses by the Permittee under this use permit. The Permittee has the sole responsibility for compliance with all requirements and regulations.
13. This Use Permit shall become effective after all applicable appeal periods have expired or appeal processes exhausted. **Failure of the Permittee to make use of this use permit within one year or failure to comply with payment of any fees within specified time periods shall result in the automatic expiration/termination of this permit.**
14. The use and occupancy of the premises shall be established and maintained by the Permittee in conformance with the provisions of the Trinity County Code and County Zoning Ordinance, unless modified by conditions of the use permit. Additional time limits imposed on the use permit are provided for by the Zoning Ordinance No. 315, Section 32, Subsection E, Time Limits Imposed on Use Permits.
15. This Use Permit shall be subject to modification or revocation based on the conditions set forth in the County Zoning Ordinance No. 315, Section 32, Subsection G, and as amended.
16. Any proposed changes or modifications to the uses at the site by the Permittee will require review and approval by the Trinity County Planning Department, prior to those changes or modifications. Based on the proposed changes or modifications, the Planning Department may require additional reviews and approvals from other County/State/Federal departments or agencies as may be appropriate for the proposed changes or modifications.

Mitigation Monitoring and Reporting Program Hoffman Cannabis Conditional Use Permit						
Cultivation Use Permit CCUPT3-18-002, Nursery Use Permit CCUPN-18-002, Distribution Use Permit CCUPD-18-002						
Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Initials	Date
Verification Compliance						
Remarks						
<b>Cultural Resources</b>						
<b>CR-1: Inadvertent Discovery</b> 1. if cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, A: Work shall be stopped within 20 meters (66 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 (ff). B: Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior's Standards and Guidelines, has evaluated the material and offered recommendations for further action.	During ground disturbing activities	Grading and Construction	Trinity County Planning	Less Than Significant		
2. Ground disturbing activities may continue after Permittee implements archaeological recommendations provided by the qualified archaeologist, as approved by the County.	During ground disturbing activities	Grading and Construction	Trinity County Planning			
<b>CR-1: Human Remains</b>						
1. Should human remains be found, all work will stop and the County Coroner shall be notified.	During excavation activities	Building excavation activities	Trinity County Coroner			
2. County Coroner will investigate remains and determine if remains are of Native American origin and will consult with approved Tribal representatives as required by law.	During excavation activities	Building excavation activities	Trinity County Coroner	Less Than Significant		
3. If remains are of Native American origin, coordination with the NAHC will be undertaken as required by law.	During excavation activities	Building excavation activities	Trinity County Coroner/ Native American Heritage Commission			
4. Work shall resume after clearance is provided by the County Coroner.	During excavation activities	Building excavation activities	Trinity County Coroner			

17. Any proposed changes or modifications to the buildings, including their height, site lighting and other features that may be detrimental to air traffic operations shall be reviewed by the Trinity County Department of Transportation, prior to those changes, to determine compatibility and compliance with Hayfork Airport Master Plan.
18. The Use Permit Application, along with supplemental exhibits and related materials and reports, and the CEQA IS/MND are considered elements of this Use Permit and that compliance therewith be mandatory, unless a modification has been approved by the Planning Commission.

**END of CONDITIONS**

## **Comments Received**

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

1. California Department of Fish and Wildlife
2. Native American Heritage Commission
3. California State Clearinghouse



**Comment Letter 1**

RECEIVED

OCT 24 2018

TRINITY COUNTY  
PLANNING DEPARTMENT

October 22, 2018

Leslie Hubbard  
Deputy Director of Planning  
Trinity County Planning Department  
PO Box 2819  
Weaverville, CA 96093

**Subject: Mitigated Negative Declaration for Somchai Hoffman, Hoffman Cannabis Conditional Use Permit Project; Assessor Parcel Number 014-430-68, State Clearinghouse Number 2018092039, Trinity County**

Dear Ms. Hubbard:

The California Department of Fish and Wildlife (Department) has reviewed the subject Initial Study/Mitigated Negative Declaration (IS/MND) for the above-referenced project (Project). The Project includes insurance of a conditional use permit to establish a cannabis cultivation site of up to one-acre, develop a cannabis nursery for propagation of cannabis for wholesale, and develop an onsite cannabis distribution facility. All development will occur on land previously used for industrial purposes. Proposed cannabis cultivation facilities consist of a combination of above-ground wooden planter beds in outdoor, full-sun conditions and/or a series hoop-houses using light deprivation. The cultivation area is currently surrounded by a 12-foot-tall to 16-foot-tall earthen berm. The nursery stock will be propagated in a mixture of existing buildings, greenhouses, and new hoop-houses. Finally, a distribution facility will be developed in an existing 34,000 square-foot wood framed pole barn.

The Department offers the following comments on the Project in our role as a Trustee and Responsible Agency pursuant to the California Environmental Quality Act (Public Resources Code § 21000 et seq.).

Biological Survey

1a | The IS/MND made numerous references to a biological report, prepared as part of the Project's environmental review, which was recommended by the Department during early consultation. The Department suggests that biological and survey reports conducted as part of the environmental review process be included with the IS/MND for public review. Without the biological report to review, it is difficult to determine if conclusions made in the IS/MND are supported by survey results.

1b | The biological report discusses areas on the parcel which may support wetland areas and recommends a thorough investigation of these areas to ensure that the cultivation areas are meeting appropriate setbacks proscribed by the State Water Resources

**Comment Letter 1 (cont.)**

Leslie Hubbard  
Trinity County Planning Department  
October 22, 2018  
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1b

Control Board's *Principles and Guidelines for Cannabis Cultivation* (October 17, 2017). The Department supports the recommendation to comply with applicable State mandated setbacks. However, the IS/MND made the conclusion that there are no wetlands present on-site; without a complete wetland delineation of the parcel that conclusion is not supported by existing evidence. Without a recent wetland delineation being completed prior to additional site development, the Department recommends that grading, project development, or other building activities be prohibited within 150-feet of areas where riparian wetland trees currently exist. The conditional use permit should include a map demonstrating adequate setbacks from areas identified as potential wetland habitat.

100-Year Floodplain

1c

The parcel is described as lying partly within Zone A on the Flood Insurance Rate Map, or the 100-year floodplain. While the Project is wholly in Zone X, an area of minimal flooding, Figure #4 demonstrates that the 100-year floodplain encompasses the south side of the Project footprint and would encroach the cultivation area without the current berm. Actual flood risk within the Project footprint is potentially minimized by the presence of a 12-foot-tall to 16-foot-tall dirt berm, but there is no discussion on the integrity of the berm and its ability to resist floodwaters. If the berm is going to be relied upon the control onsite water quality issues and be used to manage flood risk, the IS/MND should provide a technical analysis of the integrity of the berm and determine if any maintenance needs to occur in order for it to withstand floodwaters

Impacts of Night Lighting on Wildlife

1d

This parcel is in an appropriate location for commercial cannabis production from the standpoint of minimizing impacts to natural resources; the parcel has been utilized in the past for industrial or agricultural purposes and the irrigation needs will be met via a municipal water source. The biological report identifies very few plant or animal species that may be impacted by the Project, however, the IS/MND identifies light pollution is a potential impact. Cannabis cultivation sites in Trinity County are commonly located in remote forested areas, or in this case, on the urban-rural interface. Night lighting can disrupt the circadian rhythms of many wildlife species. Many species use photoperiod cues for communication, determining when to begin foraging, behavior thermoregulation, and migration. Even aquatic species can be affected; migration of salmonids can be slowed or halted by the presence of artificial lighting. Phototaxis, a phenomenon which results in attraction and movement towards light, can disorient, entrap, and temporarily blind wildlife species that experience it. The IS/MND does not identify any mitigation measures for light pollution. The documentation provided in the IS/MND identifies no significant impacts because the County's Cannabis Cultivation Ordinance provides a uniform standard for reduction and minimization of light trespass. However, even if a high-wattage lightbulb is downcast and shielded, the entire greenhouse may be illuminated from within and visible from the exterior when the

Leslie Hubbard  
Trinity County Planning Department  
October 22, 2018  
Page 3

1d

greenhouse is made of light transparent material. The Department recommends a clear performance standard and enforcement policy for light pollution control be developed that ensures light does not spill over onto other structures, properties, or the night sky. Additionally, the Department recommends that light not be visible outside of any structure used for cannabis cultivation (i.e., black-out curtains on greenhouses) and that the site design eliminate all non-essential lighting.

The Department appreciates the opportunity to comment on this Project. If you have any questions, please contact Senior Environmental Scientist (Specialist) Kate Blanchard at (530) 225-2239, or by e-mail at [Katherine.Blanchard@wildlife.ca.gov](mailto:Katherine.Blanchard@wildlife.ca.gov).

Sincerely,

**Curt Babcock**  
Habitat Conservation Program Manager

ec: Kason Grady  
North Coast Regional Water Quality Control Board  
[kason.grady@waterboards.ca.gov](mailto:kason.grady@waterboards.ca.gov)

State Clearinghouse  
[state.clearinghouse@opr.ca.gov](mailto:state.clearinghouse@opr.ca.gov)

Adam McKannay  
California Department of Fish and Wildlife  
[adam.mckannay@wildlife.ca.gov](mailto:adam.mckannay@wildlife.ca.gov)



## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-6471



## Comment Letter 2

October 16, 2018

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

Re: SCH# 2018092039, Hoffman Cannabis Conditional Use Permit Project, Community of Hayfork; Trinity County, California

Dear Ms. Hubbard:

The Native American Heritage Commission (NAHC) has reviewed the Mitigated Negative Declaration (MND) prepared for the project referenced above. The review included the Introduction and Project Description; the Environmental Impacts and Mitigation Measures (IS/ CEQA Checklist), section V, Cultural Resources and section XVII, Tribal Cultural Resources; and the Environmental Checklist Form. #11, Tribal Consultation, prepared by William Rich and Associates for the Trinity County Department of Planning. We have the following concerns:

- 2a
1. While there is documentation of contact by consultants, there is no documentation of **government-to-government consultation by the lead agency** under AB-52 with Native American tribes traditionally and culturally affiliated to the project area as required by statute, or that mitigation measures were developed in consultation with the tribes.
- 2b
2. In the Archaeology section (V, (b)), bone is included as an archaeological find but there is no reference to how to proceed if the bones are determined to be human.
  3. Mitigation for inadvertent finds of human remains is incomplete. Please refer to Health and Safety Code § 7050.5 and California Public Resources Code § 5097.98 for the process of designating a MLD for human remains determined to be Native American.

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

Sincerely,

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

Attachment

cc: State Clearinghouse

## Comment Letter 2 (cont.)

### ADDITIONAL INFORMATION

The California Environmental Quality Act (CEQA)<sup>1</sup>, specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.<sup>2</sup> If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared.<sup>3</sup> In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended in 2014 by Assembly Bill 52. (AB 52).<sup>4</sup> **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** AB 52 created a separate category for "tribal cultural resources"<sup>5</sup>, that now includes "a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."<sup>6</sup> Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.<sup>7</sup> Your project may also be subject to **Senate Bill 18 (SB 18)** (Burton, Chapter 905, Statutes of 2004), Government Code 65352.3, if it also involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space. **Both SB 18 and AB 52 have tribal consultation requirements.** Additionally, if your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966<sup>8</sup> may also apply.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

Agencies should be aware that AB 52 does not preclude agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52. For that reason, we urge you to continue to request Native American Tribal Consultation Lists and Sacred Lands File searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>. Additional information regarding AB 52 can be found online at [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf), entitled "Tribal Consultation Under AB 52: Requirements and Best Practices".

The NAHC recommends lead agencies consult with all California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

A brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments is also attached.

### Pertinent Statutory Information:

#### **Under AB 52:**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a **lead agency** shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice.

A **lead agency** shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project.<sup>9</sup> and **prior to the release of a negative declaration, mitigated negative declaration or environmental impact report.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18).<sup>10</sup>

The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects.<sup>11</sup>

1. The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.

<sup>1</sup> Pub. Resources Code § 21000 et seq.

<sup>2</sup> Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b); CEQA Guidelines Section 15064.5 (b)

<sup>3</sup> Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1); CEQA Guidelines § 15064 (a)(1)

<sup>4</sup> Government Code 65352.3

<sup>5</sup> Pub. Resources Code § 21074

<sup>6</sup> Pub. Resources Code § 21084.2

<sup>7</sup> Pub. Resources Code § 21084.3 (a)

<sup>8</sup> 154 U.S.C. 300101, 36 C.F.R. § 800 et seq.

<sup>9</sup> Pub. Resources Code § 21080.3.1, subds. (d) and (e)

<sup>10</sup> Pub. Resources Code § 21080.3.1 (b)

<sup>11</sup> Pub. Resources Code § 21080.3.2 (a)

## Comment Letter 2 (cont.)

- c. Significance of the project's impacts on tribal cultural resources.

If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency.<sup>12</sup>

With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process **shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10.** Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public.<sup>13</sup>

If a project may have a significant impact on a tribal cultural resource, **the lead agency's environmental document shall discuss** both of the following:

- Whether the proposed project has a significant impact on an identified tribal cultural resource.
- Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource.<sup>14</sup>

Consultation with a tribe shall be considered concluded when either of the following occurs:

- The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
- A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.<sup>15</sup>

Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 **shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program**, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable.<sup>16</sup>

If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, **the lead agency shall consider feasible mitigation** pursuant to Public Resources Code section 21084.3 (b).<sup>17</sup>

An environmental impact report **may not be certified**, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:

- The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
- The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
- The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days.<sup>18</sup>

***This process should be documented in the Tribal Cultural Resources section of your environmental document.***

### Under SB 18:

Government Code § 65352.3 (a) (1) requires consultation with Native Americans on general plan proposals for the purposes of "preserving or mitigating impacts to places, features, and objects described § 5097.9 and § 5091.993 of the Public Resources Code that are located within the city or county's jurisdiction. Government Code § 65560 (a), (b), and (c) provides for consultation with Native American tribes on the open-space element of a county or city general plan for the purposes of protecting places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code.

- SB 18 applies to **local governments** and requires them to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)
- Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.**<sup>19</sup>
- There is no Statutory Time Limit on Tribal Consultation under the law.

<sup>12</sup> Pub. Resources Code § 21080.3.2 (a)

<sup>13</sup> Pub. Resources Code § 21082.3 (c)(1)

<sup>14</sup> Pub. Resources Code § 21082.3 (b)

<sup>15</sup> Pub. Resources Code § 21080.3.2 (b)

<sup>16</sup> Pub. Resources Code § 21082.3 (a)

<sup>17</sup> Pub. Resources Code § 21082.3 (e)

<sup>18</sup> Pub. Resources Code § 21082.3 (d)

<sup>19</sup> (Gov. Code § 65352.3 (a)(2))

## Comment Letter 2 (cont.)

- **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research,<sup>20</sup> the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction.<sup>21</sup>
- **Conclusion Tribal Consultation:** Consultation should be concluded at the point in which:
  - The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation.<sup>22</sup>

### **NAHC Recommendations for Cultural Resources Assessments:**

- Contact the NAHC for:
  - A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - A Native American Tribal Contact List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
    - The request form can be found at <http://nahc.ca.gov/resources/forms/>.
- Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1088](http://ohp.parks.ca.gov/?page_id=1088)) for an archaeological records search. The records search will determine:
  - If part or the entire APE has been previously surveyed for cultural resources.
  - If any known cultural resources have been already recorded on or adjacent to the APE.
  - If the probability is low, moderate, or high that cultural resources are located in the APE.
  - If a survey is required to determine whether previously unrecorded cultural resources are present.
- If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
  - The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

### **Examples of Mitigation Measures That May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**

- Avoidance and preservation of the resources in place, including, but not limited to:
  - Planning and construction to avoid the resources and protect the cultural and natural context.
  - Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - Protecting the cultural character and integrity of the resource.
  - Protecting the traditional use of the resource.
  - Protecting the confidentiality of the resource.
- Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed.<sup>23</sup>
- Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.<sup>24</sup>

The lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources.<sup>25</sup> In areas of identified

<sup>20</sup> pursuant to Gov. Code section 65040.2.

<sup>21</sup> (Gov. Code § 65352.3 (b)).

<sup>22</sup> (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

<sup>23</sup> (Civ. Code § 815.3 (e)).

<sup>24</sup> (Pub. Resources Code § 5097.991).

<sup>25</sup> per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)).

## Comment Letter 2 (cont.)

archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.

- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.



EDMUND G. BROWN JR.  
GOVERNOR

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



KEN ALEX  
DIRECTOR

**Comment Letter 3**

October 17, 2018

Leslie Hubbard  
Trinity County  
61 Airport Rd  
Weaverville, CA 96093

Subject: Hoffman Cannabis Conditional Use Permit Project  
SCH#: 2018092039

Dear Leslie Hubbard:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on October 16, 2018, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Document Details Report  
State Clearinghouse Data Base

Comment Letter 3 (cont.)

**SCH#** 2018092039  
**Project Title** Hoffman Cannabis Conditional Use Permit Project  
**Lead Agency** Trinity County

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**Type** MND Mitigated Negative Declaration  
**Description** The project applicant proposes to develop a cannabis cultivation site on up to one-acre (T3 use), develop a cannabis nursery for propagation of cannabis for wholesale, and develop a cannabis distribution facility. All development will occur on land previously used for industrial purposes. Proposed cannabis cultivation facilities consist of a combination of above-ground wooden planter beds in outdoor, full-sun conditions and/or a series of 10' x 100' hoop-houses using light deprivation.

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**Lead Agency Contact**

**Name** Leslie Hubbard  
**Agency** Trinity County  
**Phone** (530) 623-1351 x3  
**email**  
**Address** 61 Airport Rd  
**City** Weaverville  
**State** CA  
**Zip** 96093  
**Fax**

---

**Project Location**

**County** Trinity  
**City** Hayfork  
**Region**  
**Lat / Long** 40° 32' 57.6" N / 123° 11' 50.0" W  
**Cross Streets** One Wizards Way  
**Parcel No.** 014-430-68  
**Township** 31N  
**Range** 12W  
**Section** 11W  
**Base** MDBM

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**Proximity to:**

**Highways** SR 3  
**Airports** Hayfork  
**Railways**  
**Waterways** Ewing Reservoir, Tule Creek, Hayfork Creek  
**Schools** Hayfork ES & High Schools  
**Land Use** industrial, heavy industrial/manufacturing with a plan review designation for the Hayfork Airport

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**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Cumulative Effects; Drainage/Absorption; Economics/Jobs; Flood Plain/Flooding; Forest Land/Fire Hazard; Geologic/Seismic; Growth Inducing; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Schools/Universities; Septic System; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian

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**Reviewing Agencies** Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 1; Cal Fire; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 2; Department of Food and Agriculture; Air Resources Board, Major Industrial Projects; State Water Resources Control Board, Division of Drinking Water; Regional Water Quality Control Board, Region 1; Native American Heritage Commission

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**Date Received** 09/17/2018  
**Start of Review** 09/17/2018  
**End of Review** 10/16/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

# EXHIBIT A

# ENVIRONMENTAL INITIAL STUDY

## INITIAL STUDY CHECKLIST PROPOSED MITIGATED NEGATIVE DECLARATION Hoffman Cannabis Conditional Use Permit

Cannabis Cultivation Use Permit No.: CCUPT3-18-002  
Cannabis Nursery Use Permit No.: CCUPN-18-002  
Cannabis Distribution Use Permit No.: CCUPD-18-002

Prepared by:  
**TRINITY COUNTY**  
**Department of Planning**  
61 Airport Road  
Weaverville, California 96093  
(530) 623-1351

September 2018



## TRINITY COUNTY ENVIRONMENTAL CHECKLIST FORM


1. **Project Title:** Hoffman Cannabis Conditional Use Permit Project
2. **Lead Agency Name and Address:**  
  
TRINITY COUNTY  
Department of Planning  
61 Airport Road  
Weaverville, CA 96093
3. **Contact Person and Phone Number:** Leslie Hubbard (530) 623-1351 ext. 3
4. **Project Location:** The Hoffman Cannabis Conditional Use Permit project is located within Trinity County, in the unincorporated community of Hayfork. The project site is located at 61 One Wizards Way, and designated as Trinity County Assessor's Parcel Number (APN) 014-430-68. Access to the site is from Tule Creek Road, a Trinity County maintained roadway. The project site is situated on a portion of a former fireworks manufacturing facility (Boom Boom Productions), approximately 0.3-miles west of SR-3 and is found on the Hayfork, California 7.5-minute USGS quadrangle map, Township 31 North, Range 12 West, Section 11 West, Mount Diablo Base Meridian (MDBM). The location of the proposed project is shown on **Figure 1**, with the proposed project site shown on **Figure 2**.
5. **Applicant's Name and Address:**  
Somchai Hoffman  
P.O. Box 613  
Hayfork, CA 95521
6. **General Plan Designation:** Industrial (I)
7. **Zoning:** Heavy Industrial/Manufacturing (M-2) with a Plan Review (PR) designation for the Hayfork Airport
8. **Description of Project:** The project applicant proposes to develop a cannabis cultivation site on up to one-acre (Type 3 ("T3") use), develop a cannabis nursery for propagation of cannabis for wholesale, and develop a cannabis distribution facility. All development will occur on land previously used for industrial purposes. Proposed Cannabis cultivation facilities consist of a combination of above-ground wooden planter beds in outdoor, full-sun conditions and/or a series of 10' x 100' hoop-houses using light deprivation. This cultivation area currently supports a type 2 cultivation license from the County and occupies a footprint of 10,000 square feet or less and is in an area that was previously developed as a "bunker" for use in explosive detonation; the site is surrounded by a 12-16-foot-high earthen berm. The cannabis nursery facilities will be located in a mixture of existing buildings, greenhouses and new hoop-houses for propagation of cannabis stock. A distribution facility will be developed in an existing 34,000 square foot wood-framed pole barn that will house refrigerated shipping containers. The distribution facility will transport cannabis between license types and to testing facilities. Documents related to this project are on file at the Trinity County Planning Department. A site plan is provided as **Figure 3**.
9. **Surrounding Land Uses and Setting:** Industrial Facilities/Public Wastewater Facility/Fire Station/Residential. The parcels immediately surrounding the project are located within the Industrial zoning district. Uses in this zoning area have been historically heavy industrial and manufacturing which included lumber milling and commercial fireworks manufacturing operations. Approximately 0.25 miles to the southeast, there is residential development in an area that has been zoned as Single Family Residential-High Density (R-1); review of the site indicates that all the parcels are fully developed for residential uses. On the north side of Tule Creek Road, zoning changes to General Commercial (C-2) with a mixture of existing commercial uses, including a lumberyard/hardware store, mini-storage, auto dismantler/salvage yard and residential uses.

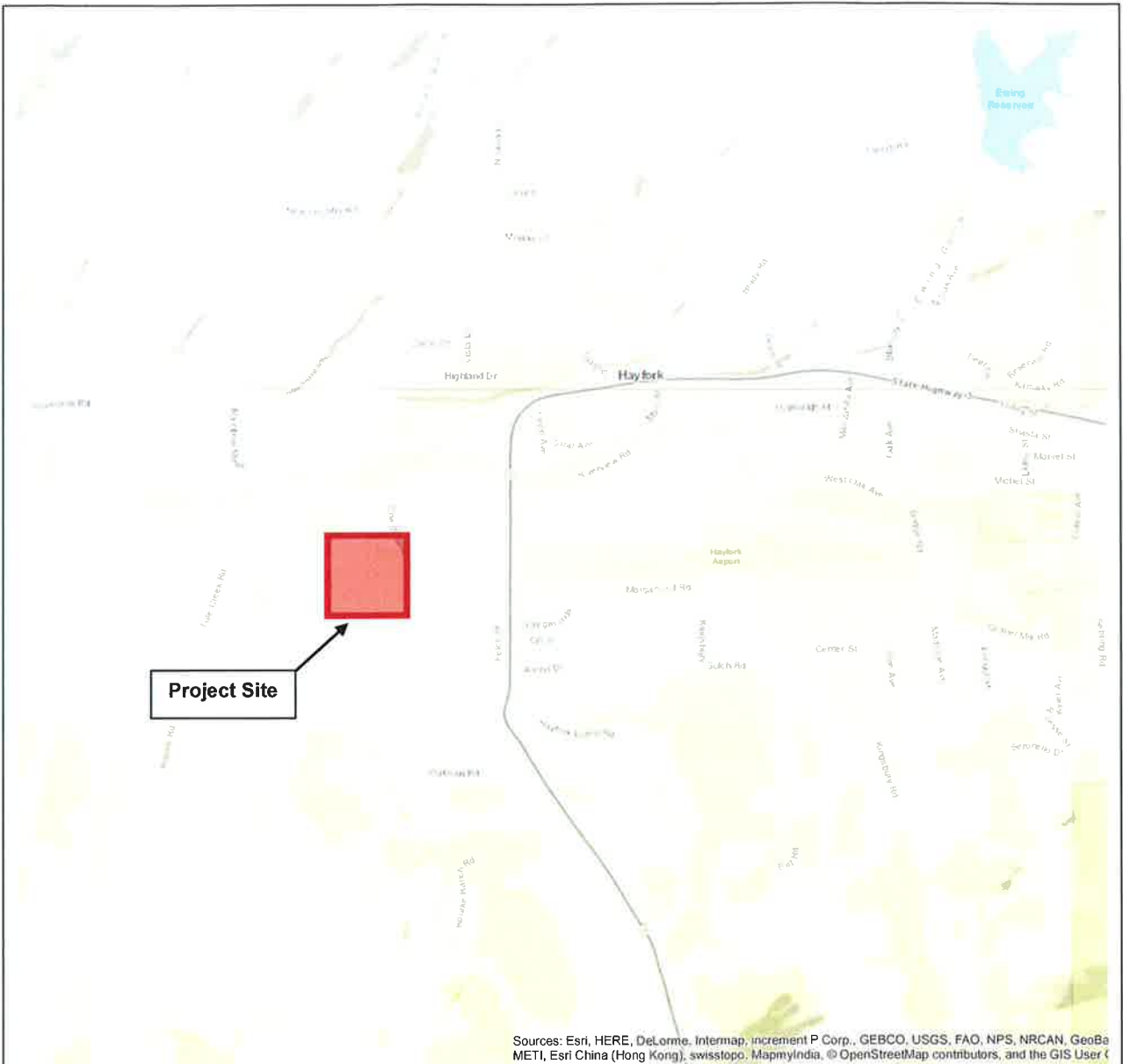
Vegetation in the area consists primarily of native and non-native grassy fields with scattered patches of hardwoods with some conifers, which is a result of historical industrial and manufacturing development, mining and agricultural development in the area.


State Highway 3 (SR-3) provides the primary access route in and out of the Hayfork Valley, with Tule Creek Road intersecting SR-3 approximately 0.4 miles to the northeast of the project site. Tule Creek Road provides the primary access to the project site and other commercial, industrial, agricultural and residential land uses in the area west of the project. Access from the project to Tule Creek Road and then to SR-3 is the only access route and provides all emergency traffic access. Access to Tule Creek Road is existing with no new encroachments needed.

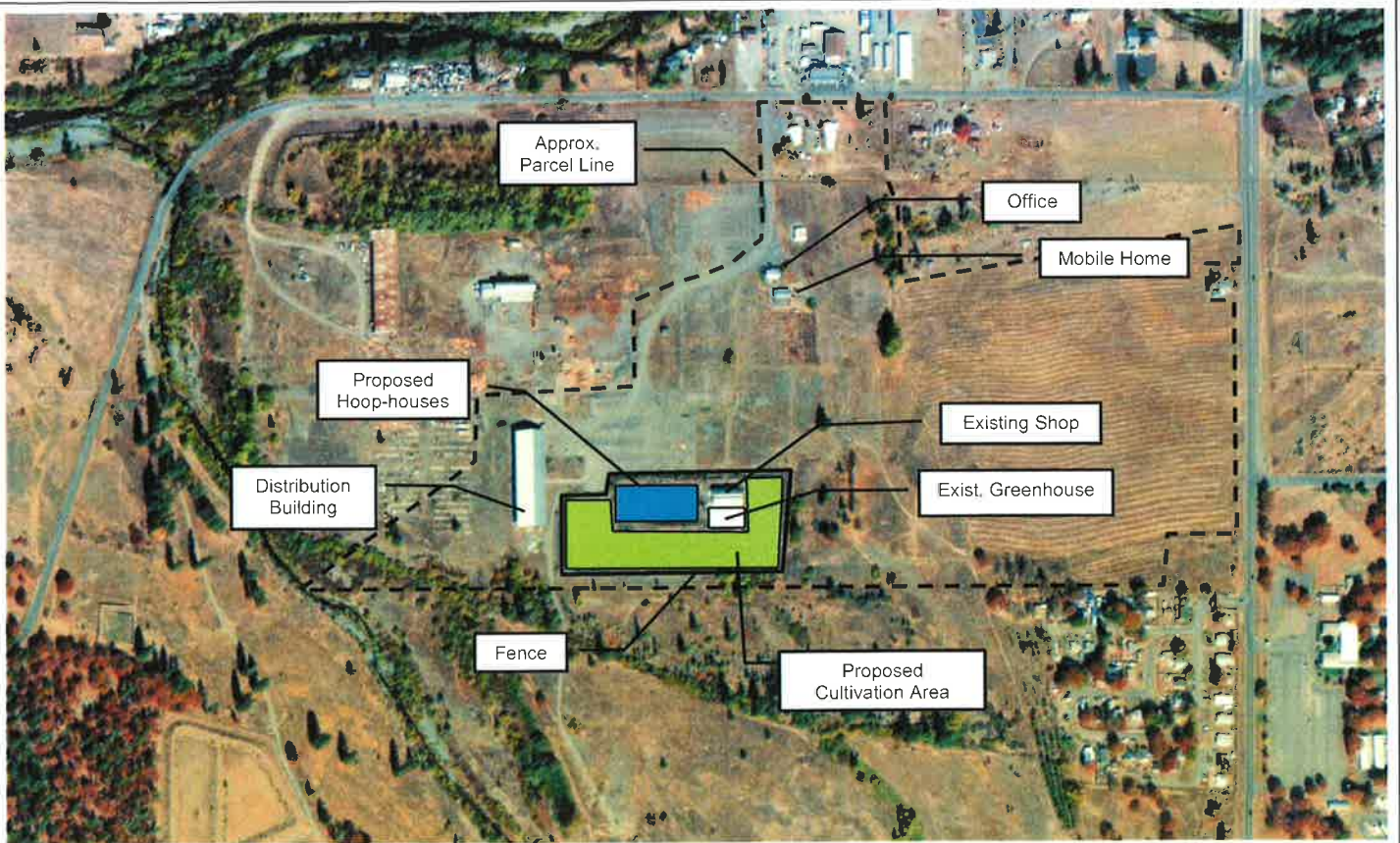
10. **Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement):** Trinity County as Lead Agency for the proposed project has discretionary authority over the primary project proposal. To implement this project, the applicant may need to obtain, at a minimum, the following discretionary permits/approvals from other agencies:
  - Trinity County Department of Environmental Health - Waste management
  - Trinity County Department of Transportation
  - Trinity County Waterworks District #1-Water and Wastewater
  - CALFIRE
  - California Department of Fish & Game (Region 1)
11. **Tribal Consultation:** Tribal consultation pursuant to AB 52 was initiated on June 7, 2018 with the Nor-Rel-Muk Nation, Wintu Tribe of Northern California, Wintu Educational and Cultural Council and the Redding Rancheria. No responses were received from these entities requesting initiation of consultation under the provisions of AB52.
12. **Purpose of this Document:** This document only seeks to analyze the environmental impacts of development of the proposed uses of Cannabis Cultivation on up to one acre, development of a Cannabis Nursery, and the development of a Cannabis Distribution Facility.



	<b>Hoffman Cannabis Conditional Use Permit Project</b> <b>T3 Cultivation, Nursery, Distribution</b> <b>APN 014-430-68</b> <b>Hayfork, Trinity County, California</b>		<b>Project Location</b>  JOB #518009
	August 2018	Hoffman CUP Figure 1-project location.docx	<b>Figure #1</b>



	<b>Hoffman Cannabis Conditional Use Permit Project</b> <b>T3 Cultivation, Nursery, Distribution</b> <b>APN 014-430-68</b> <b>Hayfork, Trinity County, California</b>		<b>Project Site</b> JOB #518009
	August 2018	Hoffman CUP Figure 2-Project Site.docx	<b>Figure #2</b>



Source: ESRI-ArcGIS for aerial photo  
 Compilation of Site Plan Submittals by Hoffman

**Notes:**  
 Approximate, for illustrative purposes only.  
 Refer to Applicant submittals for actual site  
 plans for the three CUP applications.



Hoffman Cannabis Conditional Use Permit Project  
 T3 Cultivation, Nursery, Distribution  
 APN 014-430-68  
 Hayfork, Trinity County, California

Proposed Site Plan  
 Cultivation, Nursery, Distribution  
 JOB #518009

August 2018

Hoffman CUP Figure 3-site plan.docx

Figure #3

## SECTION 1.0 INTRODUCTION

### 1.1 Introduction and Regulatory Guidance

This document is an Initial Study (IS) that summarizes the technical studies prepared for the proposed Hoffman Cannabis Conditional Use Permit project and provides justification for a Mitigated Negative Declaration (MND). This document has been prepared in accordance with the current California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., and the State *CEQA Guidelines*. The purpose of this document is to evaluate the potential environmental impacts of the proposed Hoffman Cannabis Conditional Use Permit project. Mitigation measures have been proposed to avoid or minimize any significant impacts that were identified.

### 1.2 Lead Agency

The Lead Agency is the public agency with primary responsibility for implementing a proposed project. Accordingly, the Trinity County Planning Department (County) is the CEQA Lead Agency.

### 1.3 Purpose of the Initial Study

CEQA requires that all state and local government agencies consider the environmental consequences of projects over which they have discretionary authority before acting on those projects. An Initial Study is a public document used by the decision-making lead agency to determine whether a project may have a significant impact on the environment. If the agency finds that the proposed project may have a significant impact on the environment, but that these impacts will be reduced to a less than significant level through revisions to the project and/or implementation of specific mitigation measures, a Mitigated Negative Declaration shall be prepared.

This IS/MND is a public information document that describes the proposed project, existing environmental setting at the project site, and potential environmental impacts of construction and operation of the proposed project. It is intended to inform the public and decision-makers of the proposed project's potential environmental impacts and to document the lead agency's compliance with CEQA and the State CEQA Guidelines.

### 1.4 Review Process

This IS/MND is being circulated for public and agency review as required by CEQA. Because state agencies will act as responsible or trustee agencies, the County will circulate the IS/MND to the State Clearinghouse of the Governor's Office of Planning and Research for distribution and a 30-day review period.

During the review period, written comments may be submitted to:

TRINITY COUNTY  
Department of Planning  
61 Airport Road  
Weaverville, CA 96093

Leslie Hubbard, Deputy Director of Planning  
lhubbard@trinitycounty.org  
(530) 623-1351 ext. 3

## SECTION 2.0 PROJECT DESCRIPTION

### 2.1 Project Location and Setting

#### Regional Setting

The project area lies within Trinity County, California in the Klamath Mountain Province. This region is at the junction of the uplifted Coast Ranges, the volcanic Cascades, and the ancient volcanic roots of the Sierra Nevada. The Trinity Basin is characterized by cold, wet winters and dry summers. The Trinity watershed drains into the Klamath River, which empties into the Pacific Ocean west of Trinity County. Several plant communities are present in the region, including Klamath mixed conifer, foothill pine (gray pine), mixed chaparral, montane hardwood, montane riparian, and riverine. In general, the growing season ranges from March 1 to October 31, but may be as short as mid-June through early September in some areas. Most herbaceous growth occurs during a relatively short period in late spring, ceasing as soil moisture depletes in early summer.

#### Local Setting

The proposed project is located the Hayfork Valley watershed, a sub-watershed of the Trinity River watershed. The sparsely populated mountain community consists of private lands surrounded by the Shasta-Trinity National Forest and private commercial forest lands. The proposed project property is generally located outside the floodplain of Hayfork Creek, with a portion of the project property shown as being within the Zone A floodplain. Historical land development has modified the area depicted as being in the floodplain with a 12-16-foot-high berm that has re-directed floodwaters away from the site and around the proposed uses. The current and recent land uses associated with the project study area include a number of industrial/light manufacturing activities, including a lumber mill and fireworks production facility, all of which have altered the project landscape with built structures and infrastructure (roads, utilities, etc.).

#### Project Location

The Hoffman Cannabis Conditional Use Permit project is located within Trinity County, in the unincorporated community of Hayfork. The project site is located at 61 One Wizards Way, and designated as Trinity County Assessor's Parcel Number (APN) 014-430-68. Access to the site is from Tule Creek Road, a Trinity County maintained roadway. The project site is situated on a portion of a former fireworks manufacturing facility (Boom Boom Productions), approximately 0.3-miles west of SR-3 and is found on the Hayfork, California 7.5-minute USGS quadrangle map, Township 31 North, Range 12 West, Section 11 West, Mount Diablo Base Meridian (MDBM). The location of the proposed project is shown on **Figure 1 and 2** with a site plan shown on **Figure 3**.

#### Existing Conditions

The land encompassing the project area consists of an approximately 73 acre parcel that was part of a larger heavy industrial/manufacturing complex that consisted of at least two historical lumber milling and manufacturing operations and a former fireworks production facility. The proposed project is located on about 8 acres of the larger (73 acre) parcel. The Trinity County General Plan has designated the project site as being within the Hayfork Community Plan boundaries (a part of the General Plan) and has designated the land use for the site as Industrial (I) with a corresponding zoning of I. Past industrial/manufacturing uses on the site developed site improvements including; roads, concrete and paved surfaces, buildings, shops and underground piping for water and wastewater uses. There is also an existing residence on the site.

Residential parcels (zoned R-1) and homes are located east of the subject parcel with access from SR-3, south of the intersection of Tule Creek Road and SR-3. North of the project site, along Tule Creek Road, zoning changes to General Commercial (C-2) with a mixture of existing commercial uses, including a lumberyard/hardware store, mini-storage, auto dismantler/salvage yard and residential uses. The Hayfork Airport is located east of the project site, but flight paths for inbound and outbound aircraft pass over the project site, which has resulted in a zoning designation of Plan Review (PR) for the Hayfork Airport.

The existing buildings on the subject project site consist of an existing single family residential home, a mobile home, and a former lumber storage pole barn with a metal roof that is approximately 34,000 square feet in size. Other fences and small storage sheds are also located throughout the larger parcel. The residential uses are legally permitted structures as is the former lumber storage facility which is large enough to allow commercial vehicles (highway load semi-trucks) to access the interior of the building. Other

uses on the site for the former fireworks production facility are also legally permitted uses for fireworks storage and testing (demolition bunker), fences and appurtenant uses.

## 2.2 Proposed Uses

The purpose of this project is to develop a commercial cannabis cultivation, nursery and distribution site as a permitted use under the County's cannabis ordinances. Uses would occur in Industrial (I) zoning. The project, as proposed, meets the requirements for uses compatible within the I zone.

### Alignment with Hayfork Community Plan

The Hayfork Community Plan (the plan) was adopted in 1996 and states that the land use designations of the Trinity County General Plan have been included in the Hayfork Community Plan, as applicable. The plan developed more detailed land use designations in the Hayfork planning area, which included various types of residential, public facility, open space, agriculture, resource extraction, commercial and industrial uses. The plan designated the proposed project site as an Industrial (I) land use. The Industrial land use was established for facilities of an "industrial nature", and were areas located near existing communities to promote energy conservation and to utilize established community services, as required.

The Hayfork Community Plan, in its discussion under the section titled "12. Tule Creek Road Industrial Area" (page 9.17), notes that the area (which includes the subject property under this analysis) has historically supported industrial uses, is within the existing water district boundaries, and would be served by the community wastewater system when developed (which occurred in about 1999).

### Related Zoning and Uses within Hayfork Community

The subject properties are designated in the plan for heavy industrial/manufacturing or similar intensive use. In the immediate area surrounding the subject properties are; to the north, the Calfire Hayfork Station (I), Bayley Lumber & Hardware, a mini-storage facility, and an auto dismantler/salvage yard, and scattered residential structures (C-2, General Commercial) north of Tule Creek Road; to the south, undeveloped land (I); to the west, former lumber mill site (I); to the east, undeveloped land (I) with a residential subdivision further east adjacent to SR-3 (R-1, Single Family Residential-High Density).

Further away from the proposed project site is the community of Hayfork, with a mixture of existing uses and zoning designations such as the elementary school, fairgrounds, airport (PF, Public Facility), various retail stores and restaurants and businesses (C-1, Retail Commercial and C-2), and a variety of residential developments zoned as RR (rural residential with differing development densities), and SUD (Specific Unit Development). The project site's I zoning designation also has a Plan Review (PR) overlay designation for the Hayfork Airport. This overlay requires that development activities within this area are subject to review (Trinity County Department of Transportation) to determine if the development activities will affect or be affected by airport flight patterns.

The subject property and adjacent properties past and current uses provided for industrial, manufacturing and commercial uses, and are consistent with both the current land use and zoning designations. In staff's opinion, the proposed project is consistent with the uses allowed by the Hayfork Community Plan land use and zoning designations.

### Design Criteria

With a maximum building height of forth-five (45) feet, the existing zoning designation of I for the subject property permits a larger building mass, or general shape and size of buildings. The existing and proposed uses are within this design criteria.

### Traffic Impact

The anticipated traffic of the I zone is based upon heavy truck traffic for the transportation of raw materials to, and finished or manufactured materials from, the industrial/manufacturing facilities; associated passenger vehicle traffic for employees, service workers; and related heavy and light duty truck traffic for general deliveries. Allowable uses in the I zone have associated traffic that are approximately equivalent to the following types of uses:

- Heavy Industrial-an average of 0.4 trips per day per 1,000 square feet of facilities (based on the "Industrial Park" classification of the ITE Manual)



## Site Access

The subject property's main access is an encroachment onto Tule Creek Road from One Wizards Way, which also provides access to the existing Calfire station at the intersection of Tule Creek Road and One Wizards Way. The adjacent undeveloped former lumber mill property to the east (currently being used by the Watershed Center for various uses) also has access on One Wizards Way, but their primary access is further west on the former mill site access road. No new encroachments are required by the proposed project.

## Water Availability

Water is available to the project site from public sources operated by the Trinity County Waterworks District #1 ("District"). The District currently provides water to the site and surrounding properties.

The County Fire Safe Ordinance 1162 requires buildings created and/or approved after January 1, 1992 to provide a minimum 2,500-gallon water tank. The dedicated 2,500-gallon tank system is for the purpose of water for fire suppression during a wildland fire or a fire originating from within the building. A dedicated fire hydrant is located at the intersection of One Wizards Way (site access) and Tule Creek Road and is available for fire suppression use at the project. Additional fire suppression systems may be required based on the ultimate occupancy and use of the property. Review of the project by CALFIRE will determine the required fire suppression equipment specifications as a Condition of Approval of the Conditional Use permit.

## Industrial and Domestic Wastewater Discharge

The existing facilities at the project site have a septic system that is proposed for use as part of the project. This septic system will provide for typical residential wastewater from the residence and daily workers. Four full-time employees are anticipated, along with seasonal temporary workers. While the proposed project is within the boundaries of the Trinity County Waterworks District #1 (who provide both water and wastewater services), the District does not currently provide wastewater connections to the existing structures proposed for use by this project.

Future connection to the public wastewater system in Hayfork would require future approvals by the District at the time a request for service is made. Approval for this connection would be based upon District policies and regulations at the time of the requested connection and would be subject to review to determine the type and quantity of wastewater proposed to be disposed of into the public sewer system. Disposal of industrial or industrial process wastewater (from manufacturing facility floor drains, facility washing and cleaning system, and similar water uses) may be restricted or may require the applicant to install additional pre-treatment systems. The need, type and authorization for this future disposal, should it be requested, would be determined by the District.

## SECTION 3.0 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

This chapter provides an evaluation of the potential environmental impacts of the proposed cannabis cultivation, nursery operations and distribution facilities for the Hoffman project in Hayfork, as well as the CEQA Mandatory Findings of Significance. A discussion of cumulative impacts is included at the end of this chapter. The issue areas evaluated in this Initial Study include:

- Aesthetics
- Agricultural Resources
- Air Quality
- Biological Resources
- Cultural Resources
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation and Traffic
- Tribal Cultural Resources
- Utilities and Service Systems

The environmental analysis in this section is patterned after the Initial Study Checklist recommended by the State *CEQA Guidelines* and used by Trinity County in its environmental review process. For the preliminary environmental assessment undertaken as part of this Initial Study's preparation, a determination that there is a potential for significant effects indicates the need to more fully analyze the development's impacts and to identify mitigation.

For the evaluation of potential impacts, the questions in the Initial Study Checklist are stated and an answer is provided according to the analysis undertaken as part of the Initial Study. The analysis considers the long-term, direct, indirect, and cumulative impacts of the development. To each question, there are four possible responses:

- **No Impact.** The development will not have any measurable impact on the environment.
- **Less Than Significant Impact.** The development will have the potential for impacting the environment, although this impact will be below established thresholds that are considered to be significant.
- **Potentially Significant Impact Unless Mitigation Incorporated.** The development will have the potential to generate impacts which may be considered as a significant effect on the environment, although mitigation measures or changes to the development's physical or operational characteristics can reduce these impacts to levels that are less than significant.
- **Potentially Significant Impact.** The development will have impacts which are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

All answers must take into account the whole action involved, including potential off- and on-site, indirect, direct, construction, and operation, except as provided for under State *CEQA Guidelines* Section 15183 and State *CEQA Statute* Section 21083. The setting discussion under each resource section in this chapter is followed by a discussion of impacts and applicable mitigation measures.

I. <u>AESTHETICS</u> : <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista?				X
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?			X	
c) Substantially degrade the existing visual character or quality of the site and its surroundings?			X	
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?			X	

**Setting:** The project site is surrounded by industrial/manufacturing and commercial lands (Project Description). The existing built environment includes gravel access roads, paved industrial work areas, residential buildings, an industrial storage building, water, wastewater and utility services. The nearest residence (offsite) is located approximately 0.30 miles south of the nearest cultivation facility (Project Description).

The County has not designated specific scenic vistas in the project area and there are no designated state scenic highways or scenic highway corridors in the vicinity of the project (California Department of Transportation. California Scenic Highway Mapping System). The State of California has identified SR-3 as an “Eligible State Scenic Highway-Not Officially Designated”. This classification does not provide any restrictions or limitations on development along the highway corridor but does recognize that some sections of the roadway may be eligible for future designations. Those designations are made by local agencies and approved by the respective County Board of Supervisors or other local approving body.

The project area is characterized by open flat developed sites with grassland vegetation and scattered hardwood and conifers in clumps on adjacent parcels. Riparian vegetation is located along both Tule Creek and Hayfork Creek, which are located offsite to the west and north of the project.

Scenic vistas have not been designed by the Hayfork Community Plan for the area, but the Plan does establish criteria for timber management activities to meet the “Partial Retention” criteria of the US Forest Service’s Visual Resource Management system, when these activities are seen from the Hayfork Community. The proposed project does not propose any timber harvest activities.

**Impact Analysis:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) Scenic vistas are defined as expansive views of highly-valued landscapes from publicly accessible viewpoints. Scenic vistas include views of natural features such as topography, water courses, outcrops, and natural vegetation, as well as man-made scenic structures. The project site is visually evident from Tule Creek Road, and views are of a historically developed industrial facility with remnant buildings and infrastructure. There are limited mid-ground views of the site from SR-3, but the development is consistent with adjacent development. There will be no impact to visual resources from the development of the project as historical developments have changed the visual character of the site from agricultural/open spaces to developed industrial/manufacturing facilities. There is no designated scenic vista in the area. Therefore, there is no impact to the resources associated with these criteria.
- b) California’s Scenic Highway Program was created by the Legislature in 1963. Its purpose is to preserve and protect scenic highway corridors from changes that would diminish the aesthetic value of lands adjacent to highways. According to Caltrans’ California Scenic Highway Program and the National Scenic Byways Program, the proposed project is located near State Route 3 (0.3 miles) which has been listed as an Eligible State Scenic Highway-Not Officially Designated. While eligible for designation, this section of SR-3 has not been officially designated as a state scenic route and therefore there are no limitations on the types of activities or uses along the route, that could affect scenic views. Additionally, the project is not located on a National Scenic Byway System route. The Project will develop facilities in areas previously developed by industrial uses and would not change

the visual character of the area. Therefore, impacts associated with the discussed resources are less than significant.

- c) Project development would not have any short- or long-term visual effects on the immediate area surrounding the areas of development, because they are proposed for areas or within structures that have been developed by previous activities that changed the visual landscape at that time. The project does not propose to add significant new above ground structures, and those that are constructed are not expected to change the visual character or quality of the site as it will be consistent with other existing structures at these locations. Therefore, impacts associated with the discussed resources are less than significant.
- d) Light pollution occurs when nighttime views of the stars and sky are diminished by an over-abundance of light coming from the ground. Light pollution is a potential impact from the operation of any light source at night. Proper light shields, lighting design, and landscaping are commonly used to reduce light pollution generated from lighting by blocking the conveyance of light upwards. The result is that the lights are not visible from above; therefore, ambient light is not added to the nighttime sky. In addition, light reflecting off surfaces during daylight hours has the potential to create a source of glare in the vicinity of the proposed project.

Since the proposed project site currently has minimal uses that include nighttime light sources, abundant sources of light are not produced onsite. Introduction of new lighting from the proposed project would include lights within and around the proposed greenhouses proposed for nursery operations or for security lighting purposes. The County Cannabis Cultivation ordinance (Ordinance No. 315-823) requires that the 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 nursery 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. No light will be generated from the proposed cultivation site because the applicant proposes to use light deprivation and will not use artificial lights on the cultivation site at any time.

After evaluation of the proposed project and the potential for impacts due to new lighting sources, the implementation of the standard requirements of the County's Cannabis Cultivation Ordinance provide a uniform standard for reduction and minimization of light trespass and therefore, impacts associated with this resource are less than significant.

**Findings:** In the course of the above evaluation, impacts associated with *Aesthetics* resources were found to not be significant because of the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type.

**Documentation:**

- Trinity County General Plan, Open Space and Conservation*
- Hayfork Community Plan, 1996*
- Trinity County Ordinance No. 315-823*
- California Scenic Highway System, 2018*
- National Scenic Byways Program, 2018*

<b>II. AGRICULTURE RESOURCES:</b> <i>In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural, Land Evaluation and Site Assessment Mode (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?				X
b) Conflict with existing zoning for agricultural use, or a Williamson Act Contract?				X
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?				X

**Setting:** The proposed project is located on lands that have been designated and utilized for heavy industrial development since about the 1940's. These uses have installed paved surfaces, buildings and utility systems.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) The project site has not been historically used for agricultural purposes, nor does it possess soils that are considered "prime" for agricultural production. The site is not located within an area of Prime Farmland as identified by the California Department of Conservation's Important Farmland Series Mapping and Monitoring Program. Historical uses of the site as lumber milling and manufacturing and fireworks production have changed the uses of the site to industrial/manufacturing. Current and historical uses of the site have changed the site conditions to those that are not favorable for agricultural uses; therefore, development of the property would not result in a significant impact to agricultural resources.
- b) The proposed project site is not under a current Williamson Act contract. Therefore, project implementation would not result in conflicts with existing agricultural zoning.
- c) See discussions II.a and II.b, above.

**Findings:** In the course of the above evaluation, impacts associated with *Agricultural Resources* were found to not be significant because of the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type.

**Documentation:**

Trinity County General Plan, Open Space and Conservation  
Hayfork Community Plan, Natural Resources Element, 1996  
State of California Farmland Mapping and Monitoring Program, 2018

<b>III. AIR QUALITY:</b> <i>Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:</i>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigation Incorporated</b>	<b>Less-Than-Significant Impact</b>	<b>No Impact</b>
a) Conflict with or obstruct implementation of the applicable air quality plan?				<b>X</b>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?				<b>X</b>
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?				<b>X</b>
d) Expose sensitive receptors to substantial pollutant concentrations?			<b>X</b>	
e) Create objectionable odors affecting a substantial number of people?			<b>X</b>	

**Setting:** The project is located in Trinity County, which is a part of the North Coast Air Basin (NCAB). The NCAB extends for 250 miles from Sonoma County in the south to the Oregon border. The climate of NCAB is influenced by two major topographic units: the Klamath Mountains and the Coast Range provinces. The climate is moderate with the predominant weather factor being moist air masses from the ocean. Average annual rainfall in the area is approximately 50 to 60 inches with the majority falling between October and April. Predominate wind direction is typically from the northwest during summer months and from the southwest during winter storm events.

Project activities are subject to the authority of the North Coast Unified Air Quality Management District (NCUAQMD) and the California Air Resources Board (CARB). The NCUAQMD is listed as "attainment" or "unclassified" for all the federal and state ambient air quality in Trinity County. The only exception is for 24-hour particulate (PM10) standards in Humboldt County (which is not a part of the project area). Due to the large size of the NCUAQMD, it is well understood that particulate matter can travel from other areas into Humboldt County (such as from Trinity County) and affect air quality. In the NCUAQMD, particulate matter has been determined to be primarily from vehicles, with the largest source of fugitive emissions from vehicular traffic on unpaved roads.

In determining whether a project has significant air quality impacts on the environment, agencies often apply their local air district's thresholds of significance to project in the review process. The District has not formally adopted specific significance thresholds, but rather utilizes the Best Available Control Technology (BACT) emissions rates for stationary sources as defined and listed in the NCUAQMD Rule and Regulations, Rule 110 – New Source Review (NSR) and Prevention of Significant Deterioration (PSD), Section 5.1 – BACT (pages 8-9) (NCUAQMD, 2018).

Sensitive receptors (e.g. children, senior citizens, and acutely or chronically ill people) are more susceptible to the effect of air pollution than the general population. Land uses that are considered sensitive receptors typically include residences, schools, parks, childcare centers, hospitals, convalescent homes, and retirement homes. The nearest sensitive receptors to the project site are residential developments (0.25 miles) and the Hayfork Elementary School (0.7 miles distant).

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a-c) Since Trinity County is in attainment or unclassified for all federal and state air quality standards, the project is not subject to an air quality plan. The NCUAQMD prepared a Draft Particulate Matter Attainment Plan in May 1995, which is only applicable to portions of the District which are nonattainment for PM<sub>10</sub> (e.g., Humboldt County).

Construction activities proposed by the project may create minor amounts of dust from construction of greenhouse/hoop-houses, but these activities are considered minor activities and would not create dust emissions that would require specialized abatement practices. Vehicle use during operation of the project would be limited to light duty vehicles and truck traffic for distribution purposes, which would occur on paved roads. Dust emissions would be minor and insignificant. Vehicle traffic associated with the project is not expected to generate dust emissions that would cause a substantial increase in PM<sub>10</sub> within Trinity County or the NCUAQMD.

Developing a cannabis cultivation, nursery, and distribution facility within the community of Hayfork is anticipated to reduce vehicle miles traveled and associated vehicular exhaust emissions generated by existing cannabis operations in the more rural areas of Trinity County. This would include a reduction in fine particulate matter (PM<sub>10</sub>) generated by traffic on unpaved rural roads. As such, the project will not violate any air quality standard, contribute substantially to an existing or projected air quality violation, or result in a cumulative increase of any criteria pollutant for which the region is in non-attainment.

The project does not propose to use generators for power, as the site has power provided by the Trinity County Public Utility District. Should generators be used at a future time, those uses would be required to be in compliance with the California Air Resources Board (CARB) requirements for the Portable Equipment Registration Program (PERP), should the generators qualify for coverage by this permitting program, or as may be required by the NCUAQMD. Based on the analysis above, there were no impacts identified.

**d-e)** Due to the nature and size of the project, construction and operational activities are not expected to generate air quality pollutants that would cause a significant impact, and the development of the project will not expose sensitive receptors or a large number of people to substantial pollutant concentrations or objectionable odors.

As part of the proposed cultivation, neem oil and sulfur are proposed to be applied to the cannabis plants using an electrostatic spray system to address pest and mold issues. Pesticide applications are normally required to be administered a minimum of 300 feet from sensitive receptors (e.g. residences) in the case of dry pesticides and 200 feet in the case of wet pesticides. Generally, pesticide application should occur at low wind velocities (less than 10 mph). As shown on **Figure 3** (Site Plan) and based on a review of aerial photography, application of pesticides in the greenhouse and hoop-house structures and outdoor cultivation area will be a minimum of 1,000 feet from the closest sensitive receptors which includes the residential uses to the southeast. In addition, the 12-16-foot berm surrounding the proposed outdoor cultivation area will provide a buffer that would minimize the transport of pesticides. The requirement to maintain appropriate setbacks from nearby residences and only conduct spraying activity at low wind velocities will be included as a Condition of Approval as part of any approved Conditional Use Permit for the proposed project (see Condition of Approval AQ-1 below).

Odors that would be generated by the proposed cannabis facility would primarily occur from the outdoor cultivation activities. While odors from flowering cannabis plants can be strong within the immediate vicinity of cultivation sites, the distance of the operation from sensitive receptors (0.25 miles) and the application of standard conditions of approval for cannabis cultivation, nursery development and distribution operations outlined in the County Cannabis Ordinances, will result in cannabis odors from the operations not being a significant issue to offsite sensitive receptors.

Based on the analysis above and proposed operating restrictions, development of the project would have a less than significant impact.

**Condition of Approval AQ-1**

The County will include in any Conditional Use Permit the following standard condition for pesticide applications.

**Operating Restriction AQ-1.** The spray application of pesticides (e.g. neem oil, sulfur or other materials) shall occur no closer than 500 feet to adjacent residences. Spraying shall not occur at wind speeds greater than 10 miles per hour. The operator shall measure the wind speed prior to and during spraying activities to ensure wind speeds are below 10 mph. Spraying activities shall cease if wind speeds are measured at greater than 10 mph.

**Findings:** In the course of the above evaluation, impacts associated with *Air Quality* were found to be less than significant because of the project design, size, location, and proposed operating restrictions.

**Documentation:**

- California Air Resources Board, 2017. Area Designation Maps / State and National.*
- Hayfork Community Plan, 1996*
- North Coast Unified Air Quality Management District (NCUAQMD, 2018).*
- Trinity County Cannabis Cultivation Ordinance No. 315-823*
- Trinity County Cannabis Wholesale Nursery Ordinance No. 315-826*
- Trinity County Cannabis Distribution Ordinance No. 315-828*
- Trinity County Cannabis Cultivation Ordinance No. 315-829*
- Trinity County Cannabis Cultivation Ordinance No. 315-830*
- Trinity County Cannabis Nursery Ordinance No. 315-833*
- Trinity County Cannabis Distribution Ordinance No. 315-834*

IV. <b>BIOLOGICAL RESOURCES:</b> <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Have a substantial effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?			X	
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?				X
c) Have a substantial adverse effect on Federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?				X
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?				X
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?				X
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community, Conservation Plan, or other approved local, regional, or State habitat conservation plan?				X

**Setting:** The project is situated on lands that have been previously disturbed by heavy industrial operations, which have eliminated most of the surface vegetation and altered the landscape to one of paved surfaces, remnant buildings, and existing uses of light industrial and manufacturing. The project site has little vegetation present, except for annual grasses and exotic species.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) A Biological Report was prepared for the project by the applicants' consultant, Down River Consulting. The evaluation found that the site has been historically disturbed and that plant communities/wildlife habitats consist of the Cheat Grass-Medusahead Grass Alliance and the Red Willow Thicket. The Cheat Grass-Medusahead vegetation type is invasive and has a dominant component of yellow star-thistle, which is common in the Hayfork Valley. This vegetation type comprises the majority of the project site, except in areas that have been paved. The Red Willow Thicket vegetation type is identified in the report as being vulnerable on both a statewide and global level; however, there is no US Fish and Wildlife Service or California Department of Fish and Wildlife listing of this habitat as a natural community of concern. These thickets are not proposed for development impacts by the project and are found along waterways or in areas of historical development that have created remnant water sources; none of which appear within the project site. Field inspection confirmed that no special-status plant species are present, nor are any expected to be present or affected by the proposed project due to historic development and lack of suitable habitat.

The biological report prepared by the applicants' consultant also evaluated wildlife habitats and the potential presence of wildlife which they identified as Threatened, Endangered and Sensitive (TES) species. Literature searches and data analysis found that TES species were either "unlikely" to be present on site or that habitat was "not suitable" for the various species identified as potentially present on the site. The only exception was for the Pacific Lamprey which uses riverine systems and is not found on the project site, though the report noted that this species had "very suitable" habitat or a likelihood of occurrence due to the presence of riverine systems near the project. Additionally, the biological report made the determination that TES



animals are likely present within suitable habitat in this area, but since there was no suitable habitat present on the project site, there is presumed to be no impact. Based on this determination in the biological report, County staff concludes that while there may be TES species present in the surrounding areas of the project, none were located at the project site and no suitable habitat was identified for any TES species in areas proposed for development by the project. Based on this information, development of the project would have a less than significant impact.

- b) The project does not propose any development or impacts to riparian habitat or any sensitive natural community. Riparian habitat has been identified by the applicants' consultant to be adjacent but offsite of the project. Based on this information there will be no impact.
- c) No wetlands have been identified on the project site. The applicants' consultant did not identify any wetlands that would be impacted by the project. County staff reviewed available historic information from the US Fish and Wildlife Service National Wetland Inventory (NWI), a system that maps known wetlands across the United States and determined that there are no mapped wetlands located within the project site. Since no wetlands are present on-site, there are no impacts to Federally protected wetlands as defined by Section 404 of the Clean Water Act.
- d) Due to the small scale of the proposed project, the movement of any native resident or migratory wildlife species or established native resident or migratory wildlife corridors is not anticipated to be significant. The project does not propose to alter any streams or rivers or otherwise impact fish movements. Also, the project site has been previously developed, fenced and otherwise developed with historical activities prior to the project proposal. These historic activities may have previously altered deer migration or local travel patterns, but this impact is considered the baseline condition and is not considered an impact for this project. Fencing that may be required around the cannabis operations represents a small portion of the overall historically impacted area and is not seen as an impediment to deer migration or the migration of other mammals. There will be no impact to avian migration from the project.
- e) The County General Plan, Conservation Element, discusses the need for the protection and conservation of natural resources including biological resources within the county. Similarly, the Hayfork Community Plan (a part of the General Plan) also discussed biological and timber resources in the Hayfork area. While these plans outline various goals and objectives, there has been no policy developed related to specific biological resources or tree preservation or management that would specifically apply to the project and the lands where the project is located. The project does not propose to remove any trees or otherwise impact tree vegetation, as there are no trees on the project site that would be impacted. There will be no impact to these resources from development of the project.
- f) No habitat conservation plans, or other similar plans have been adopted for the project site or project area. No impact would occur in this regard.

**Findings:** In the course of the above evaluation, impacts associated with *Biological Resources* were found to not be less than significant because of the project size, location, limited scope of potential impact and lack of suitable habitat on site.

**Documentation:**

*Trinity County General Plan, Open Space and Conservation Element*

*Hayfork Community Plan, Natural Resources, 1996*

*USFWS National Wetland Inventory, August 2018*

*Biological Report-Mountainside Farms, Inc., prepared by Downriver Consulting, June 2018*

<b>V. CULTURAL RESOURCES:</b> <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?			X	
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?		X		
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X
d) Disturb any human remains, including those interred outside of formal cemeteries?			X	

**Setting:** The project site has been previously developed by historical lumber milling and manufacturing operations and more recently by a fireworks production facility and cannabis cultivation operations. Historic gold mining has occurred in the vicinity of the project with gold dredging. The lumber mill facilities have generally been dismantled and removed from the site, with some remnant structures left onsite for use by other operations.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) A cultural resources report dated June 2018, was submitted by William Rich and Associates, who conducted a cultural resources survey on May 24, 2018. The survey identified a historical structure from about 1947 on the project site; however, based on the demolition and dismantling of the historical mill structures and the loss of the major contribution of historical buildings it was recommended by the project archaeologist that the remaining historical building not be considered eligible for listing as a California Historic Resource. There are no National Register of Historic Places (NRHP) or California Register of Historic Resources (CRHR) sites located at the project, or within close proximity of the site, that would call for the retention of the historical structure or listing. The project is considered to have a less than significant impact on this resource.
- b) A cultural resources review completed for the project did not find any archaeological site that could be impacted by this project. However, there is a possibility that cultural resources, including buried archaeological materials, could exist in the area and may be uncovered during project development. Therefore, if any resources are found during the construction of the proposed project, they will be mitigated as necessary by contacting the appropriate agencies. By incorporating **Mitigation Measure CR-1**, the proposed project will not cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA §15064.5 and will have a less than significant impact.
- c) No paleontological resources or unique geologic features have been identified on the proposed project site, and the potential for their occurrence is considered minimal; there will be no impact.
- d) There are no known burial sites on the proposed project site. If human remains are unearthed during future development of the site, the provisions of California Health and Safety Code Section 7050.5 shall apply. Under this Section, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition, pursuant to California Public Resources Code Section 5097.98. Impacts are considered less than significant.

**Findings:** With the implementation of the mitigation measures identified, the project will have a less than significant impact to *Cultural Resources*.

**Cultural Resources Mitigation Measures:**

The following mitigation measures have been developed, so that when implemented the project will have a less than significant impact on this resource:

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

**Documentation:**

*Cultural Resources Investigation – For Somy Hoffman*, prepared by William Rich and Associates, June 2018

<b>VI. GEOLOGY AND SOILS:</b> <i>Would the project:</i>	<b>Potentially Significant Impact</b>	<b>Potentially Significant Impact Unless Mitigation Incorporated</b>	<b>Less-Than-Significant Impact</b>	<b>No Impact</b>
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: <ul style="list-style-type: none"> <li>i) Rupture of a known earthquake, fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publications 42.</li> <li>ii) Strong seismic ground shaking?</li> <li>iii) Seismic-related ground failure, including liquefaction?</li> <li>iv) Landslides?</li> </ul>			X	
b) Result in substantial soil erosion or the loss of topsoil?			X	
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?			X	
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of waste water?				

**Setting:** The project is situated in the Hayfork Valley, an area approximately 41.6 square miles in size, and is in the central metamorphic belt of the Klamath Mountains province. The area consists of sedimentary and metamorphic rocks from the Weaverville and Bragdon Formations, the pre-Silurian meta-volcanic schist deposits, and Quaternary alluvium and terrace deposits. The Hayfork Valley is a flat alluvial basin. The project site consists of Atter-Dumps Dredge Tailings along the southern project area that are remnant gold mine tailings; CarrCreek Gravelly Loam throughout most of the project site and Haysum Gravelly Loam in portions of the cultivation area. All soils have gravelly compositions, are well drained and are derived from alluvial deposits.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

a) The project may expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:

*i) Rupture of a known earthquake fault:*

There are no active faults mapped in the project vicinity. The California Geological Survey (CGS, 2018) has the responsibility for mapping active earthquake faults in California, through legislation referred to as the Alquist-Priolo Earthquake Fault Zoning Act. There are no Alquist-Priolo earthquake fault zones identified in close proximity to the project site. There is no supplemental geologic data to suggest unmapped active faults in the region. Based on this existing information, there will be no impact to the project components from impacts related to surface fault rupture.

*ii) Strong seismic ground shaking:*

Although there are no known earthquake faults in the project vicinity, the entire northern California region is subject to the potential for moderate to strong seismic shaking due to distant seismic sources. Seismic shaking can be generated on faults many miles from the project vicinity. Seismic shaking potential is considered minimal and the hazard is not higher or lower at

the project site than throughout the region. Standard design and construction practices meeting current California Building Code (where applicable) will provide adequate protection for buildings, pipelines and other facilities anticipated for the project. The implementation of these standard building practices will allow the project to have less than significant impacts.

*iii) Seismic-related ground failure, including liquefaction:*

Although located in a seismically active region (northern California), the project site is not likely to be subject to seismic shaking of adequate strength or duration to generate secondary seismic effects. Likely seismic sources are too far from the project site to generate sufficient long-duration strong shaking. Construction standards that meet the current California Building Codes (as applicable) will provide adequate protections and ensure less than significant impacts.

*iv) Landslides:*

The proposed project site is located on a flat parcel surrounded by flat terrain. There are no documented landslide hazard areas identified within the immediate vicinity.

- b) The project soil classifications that have gravelly loam and extremely gravelly loam soils in areas of alluvial deposits. These gravelly soils have high permeability as indicated by their well drained, and in the case of the Atter-Dumps soil types "somewhat excessively drained" conditions; runoff is very slow. The hazard of erosion is minor. With the alluvial land type, it can be subject to frequent flooding. There are no significant proposed modifications to the surface terrain from the project, as historical land development has significantly modified the site, therefore, the project is not expected to alter the susceptibility of the land to unstable earth conditions or erosion.
- c) See discussion VI.a, above.
- d) There are no documented expansive soils located at the project site. There will be no impact.
- e) The applicant has an existing septic system installed on the project site that has been in operation for several years. The applicant must comply (as a Condition of Approval) that the septic system meets the requirements of Trinity County Environmental Health Department, and if it does not, must connect to the Trinity County Waterworks District #1 sanitary sewer system. Some soils in the Hayfork area have been suspected of having limited capabilities to treat septic wastewater.

**Findings:** Based upon the review of the information above, the implementation of the project will have a less than significant impact with respect to *Geology and Soils*.

**Documentation:**

*Hayfork Community Plan, Natural Resources, 1996*  
*Division of Mines and Geology Special Publication 42*  
*USDA NRCS WebSoil Service, 2018*

VII. GREENHOUSE GAS EMISSIONS: <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?			X	
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?			X	

**Setting:** Greenhouse gases (GHGs) are gases in the atmosphere that absorb and emit radiation. The greenhouse effect traps heat in the troposphere through a three-fold process, summarized as follows: short wave radiation emitted by the sun is absorbed by the Earth; the Earth emits a portion of this energy in the form of long wave radiation; and GHGs in the upper atmosphere absorb this long wave radiation and emit this long wave radiation into space and toward the Earth. This “trapping” of the long wave (thermal) radiation emitted back toward the Earth is the underlying process of the greenhouse effect. The main GHGs in the Earth’s atmosphere are water vapor, carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), ozone (O<sub>3</sub>), hydrofluorocarbons (HCFs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF<sub>6</sub>).

California has passed Assembly Bill 32, mandating a reduction in greenhouse gas (GHG) emissions and Senate Bill 97, evaluating and addressing GHG under CEQA. On April 13, 2009, Governor’s Office of Planning and Research (OPR) submitted to the Secretary for Natural Resources its proposed amendments to the state CEQA Guidelines for GHG emission, as required by Senate Bill 97 {Chapter 185, 2007} and they became effective March 18, 2010. As a result of these revisions to the CEQA Guidelines, lead agencies are obligated to determine whether a project’s GHG emissions significantly affect the environment and to impose feasible mitigation to eliminate or substantially lessen any such significant effects.

At this time, neither the NCUAQMD or Trinity County have established thresholds of significance for evaluating a project’s GHG emissions. In addition, neither a Climate Action Plan nor GHG Reduction Plan have been developed for Trinity County.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) There are several unique challenges to analyzing greenhouse gas emissions and climate change largely because of the global nature of climate change. Most environmental analyses examine the “project specific” impacts that a particular project is likely to generate. With regard to global warming, however, it is generally accepted that while the magnitude of global warming effects is substantial, the contribution of an individual project is so small that direct project specific impacts are highly unlikely.

The proposed project involves the construction and operation of a cannabis cultivation, nursery, and distribution facility. The proposed project could generate both direct and indirect GHG emissions. Direct GHG emissions include emissions from construction activities, area sources, and mobile (vehicle) sources. Typically, mobile sources make up the majority of direct emissions. Indirect GHG emissions are generated by incremental electricity consumption and waste generation. Electricity consumption is responsible for the majority of indirect emissions.

As noted above, neither the NCUAQMD nor Trinity County has established thresholds of significance for evaluating a project’s GHG emissions. Since there are no applicable thresholds for projects in the Air District or Trinity County, the NCUAQMD recommends the use of thresholds and guidance provided by other air districts in the State such as the Bay Area Air Quality Management District (BAAQMD). The BAAQMD has developed project screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project could result in potentially significant impacts related to greenhouse gas emissions. Projects below the applicable screening criteria would not exceed the 1,100 metric tons (MT) of CO<sub>2</sub>e/yr GHG threshold established by the BAAQMD for land use projects, other than permitted stationary sources.

The analysis assumes that the project would develop an approximately 34,000,000-square foot area for the distribution building, which would have the most significant GHG contributions from refrigeration units for the storage of cannabis. For

construction impacts, the BAAQMD screening project size is 259,000 square feet for land use type. For operational impacts, the BAAQMD screening project size is 89,000 square feet for the land use type. Since the proposed project is well below these screening criteria, emissions from construction and operation of the project are determined to be less than significant.

As described in subsection b) below, the proposed facility will provide a centralized location for nearby agricultural operations to bring their cannabis material for packaging and distribution, which will reduce vehicle miles traveled by farm owners and employees who would have traveled to more distant rural properties in the area to conduct these activities.

Based on the analysis above, development of the project would have a less than significant impact.

- b) The proposed project involves the construction and operation of a cannabis cultivation, nursery, and distribution facility. As a result, the proposed project could generate both direct and indirect GHG emissions. As noted above, there are no local plans that have been adopted for the purpose of reducing the emissions of greenhouse gases.

In 2006, the California Global Warming Solutions Act (Assembly Bill 32) definitively established the state's climate change policy and set GHG reduction targets (Health & Safety Code §38500 et sec.), including setting a target of reducing GHG emissions to 1990 levels by 2020. AB 32 requires local governments to take an active role in addressing climate change and reducing greenhouse gas (GHG) emissions. Recommendations to reduce residential GHG emissions include promoting energy efficiency in new development and improved coordination of land use and transportation planning on the city, county and subregional level, and other measures to reduce automobile use.

It is noted that the California Air Resources Board (CARB) announced in July 2018, that the State has already met the AB 32 goal of reducing emissions to 1990 levels by 2020 approximately four years early. As stated in the Executive Summary of the 2018 Edition of the California Greenhouse Gas Emissions Inventory: 2000-2016:

"The inventory for 2016 shows that California's GHG emissions continue to decrease, a trend observed since 2007. In 2016, emissions from routine GHG emitting activities statewide were 429 million metric tons of CO2 equivalent (MMTCO2e), 12 MMTCO2e lower than 2015 levels. This puts total emissions just below the 2020 target of 431 million metric tons. Emissions vary from year-to-year depending on the weather and other factors, but California will continue to implement its greenhouse gas reductions program to ensure the state remains on track to meet its climate targets in 2020 and beyond."

The project is subject to a myriad of state regulations applicable to project design, construction, and operation that would reduce GHG emissions, increase energy efficiency, and provide compliance with the California Air Resources Board (CARB) Climate Change Scoping Plan (CARB, 2017). The State of California has the most comprehensive GHG regulatory requirements in the United States, with laws and regulations requiring reductions that affect project emissions. Legal mandates to reduce GHG emissions from vehicles, for example, reduce project-related vehicular emissions. Legal mandates to reduce GHG emissions from the energy production sector that will serve the proposed project would also reduce project-related GHG emissions from electricity consumption. Legal mandates to reduce per capita water consumption and impose waste management standards to reduce methane and other GHGs from solid wastes, are all examples of mandates that reduce GHGs.

As described above under subsection a), due to the limited size of the proposed project, it falls well below the project screening criteria used by the BAAQMD to determine whether construction and operation of a project could result in potentially significant impacts related to greenhouse gas emissions. In addition to the existing regulatory requirements that will reduce the project's GHG emissions, the proposed project incorporates several features that will assist the State of California in meeting its GHG reduction goals in 2020 and beyond, which include the following:

- Locating the proposed cannabis facility in the community of Hayfork will provide a centralized location for nearby agricultural operations to bring their cannabis material for packaging and distribution and will reduce vehicle miles traveled by farm owners and employees who would have traveled to more distant rural properties in the area or urban properties outside of Trinity County to conduct these activities.
- The use of an existing industrial site for cultivation will not require the removal of any trees or significant vegetation that would sequester carbon.
- Power service to the project will be provided by the Trinity County Public Utility District (TCPUD), which serves most of the customers in Trinity County with 100% renewable hydroelectric energy (TCPUD, 2018).

In addition, the proposed project is consistent with the Trinity County 2016 Regional Transportation Plan (RTP), which promotes integrating transportation and land use to reduce CO<sub>2</sub> emissions from the regional transportation system. As a centrally-located infill development project, the proposed cannabis facility is consistent with the goals and objectives in the RTP, which encourage a mixture of land uses to reduce vehicle miles traveled and GHG emissions.

Based on the analysis above, development of the project would have a less than significant impact.

**Findings:** In the course of the above evaluation, impacts associated with *Greenhouse Gas Emissions* were found to be less than significant because of the limited size, nature, and location of the project.

**Documentation:**

*Bay Area Air Quality Management District (BAAQMD), 2017. California Environmental Quality Act Air Quality Guidelines. May.*  
*California Air Resources Board (CARB), 2017. 2017 Climate Change Scoping Plan: The Strategy for achieving California's 2030 greenhouse gas reduction target. November.*  
*California Air Resources Board (CARB), 2018. 8<sup>th</sup> Edition, California Greenhouse Gas Emissions Inventory: 2000-2016. California Greenhouse Gas Emissions for 2000 to 2016, Trends of Emissions and Other Indicators. Executive Summary.*  
*Trinity County Cannabis Cultivation Ordinance No. 315-823*  
*Trinity County Cannabis Wholesale Nursery Ordinance No. 315-826*  
*Trinity County Cannabis Distribution Ordinance No. 315-828*  
*Trinity County Cannabis Cultivation Ordinance No. 315-829*  
*Trinity County Cannabis Cultivation Ordinance No. 315-830*  
*Trinity County Cannabis Nursery Ordinance No. 315-833*  
*Trinity County Cannabis Distribution Ordinance No. 315-834*  
*Trinity County Public Utility District (TCPUD), 2018. Website – District History.*  
*Trinity County, 2016. Regional Transportation Plan. October 2017.*



VIII. <u>HAZARDS AND HAZARDOUS MATERIALS</u> : <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?			X	
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?			X	
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?				X
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?			X	
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X
h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas, or where residences are intermixed with wildlands?			X	

**Setting:** Hazards are those physical safety factors that can cause injury or death, and while by themselves in isolation may not pose a significant safety hazard to the public, when combined with development of projects can exacerbate hazardous conditions. Hazardous materials are typically chemicals or processes that are used or generated by a project that could pose harm to people, working at the site or on adjacent areas. Many of these chemicals can cause hazardous conditions to occur should they be improperly disposed of or accidentally spilled as part of project development or operations. Hazardous materials are also those listed as hazardous pursuant to Government Code Section 65962.5.

Lists of hazardous materials are maintained by federal and state agencies and are available for public review. The US Environmental Protection Agency (USEPA) maintains a database of hazardous materials as well as radiological materials as part of its RCRAInfo database (USEPA, 2018). The State of California Department of Toxic Substances Control (DTSC) maintains a list of hazardous substances and contaminated sites as part of its Envirostor database (DTSC, 2018), as well as other hazardous and waste sites being overseen by the various State Water Resources Control Board which are inventoried in their Geotracker database (SWRCB, 2018). These databases are available to the public for review. No hazardous facilities or sites have been documented to be present at the project site. Review of the applicants' biological report indicates that the site contains hazardous materials, this is incorrect. The site formerly contained an underground fuel storage tank (UST) that was identified as part of the State of California Leaking Underground Storage Tank (LUST) program. Documentation on the Geotracker data base indicates that this is a "Closed Case" meaning that the site has been cleaned up or remediated and a hazard or contamination from this case no longer exists.

The CALFIRE Fire and Resource Assessment Program (FRAP), delineates the project area as a part of a designated "High Fire Hazard Severity Zone" (HFHSZ). The FRAP designates lands in three general classifications, "Moderate", "High" and "Very High" Fire Hazard Severity Zones. Fire suppression for the area is provided by a combination of first responders such as CALFIRE (designated as the State Responsibility Area for Hayfork), with additional fire fighting support from nearby the US Forest Service stations, and local volunteer fire companies

Additionally, the Trinity County General Plan-Safety Element discusses wildland fires and outlines Wildland Urban Interface Zones Fuels Treatment Goals (Safety Plan, 2002) that describe fuel treatment activities around residential and other structures.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) Small quantities of potentially hazardous substances (e.g., petroleum and other chemicals used to operate and maintain vehicles and equipment) would be used at the project site, but none of these materials will be stored at the project facilities. Fertilizers are used during cultivation operations and are purchased and transported to the site as needed, with none stored onsite after use. Fertilizer is commercially available Maxsea All Purpose Plant Food in 100-pound containers. Pest management consists of applications of commercially available neem oil, sulfur and citric acid. The applicant states that these are routinely purchased and utilized onsite but are not stored in quantity. Application of fertilizers and pesticides are used on cultivation areas only. Applicant has stated that used fertilizer and chemical containers are disposed of according to manufacturer's requirements. Compliance with standard transport and handling procedures of the chemical manufacturers and standard conditions of approval through the various County cannabis ordinances will reduce impacts to a less than significant level.
- b) The proposed project could expose workers, the public, or the environment to hazardous materials through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. Small quantities of potentially hazardous substances (e.g., petroleum and other chemicals used to operate and maintain equipment, fertilizers and pesticides) would be used at the proposed project site. Accidental releases of these substances could potentially contaminate soils and degrade the quality of surface water and groundwater, resulting in a public safety hazard. Compliance with standard safety procedures and hazardous materials handling regulations will reduce any impacts to a less than significant level.
- c) The proposed project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.
- d) The proposed project is not located on a site which is included on a list of hazardous materials sites and would not create a significant hazard to the public or the environment.
- e) The proposed project is located within an airport land use plan and within two miles of a public use airport; the project is approximately 0.5 miles from the end of runway 25 of the Hayfork Airport. Planning documents show that the project site is within the Approach/Departure Zone (Safety Area 2) and the Overflight Zone (Safety Area 3) of the Hayfork Airport, as depicted on the Hayfork Community Plan Zoning Map and the Airport Safety Area figure of the Hayfork Community Plan, Transportation element. The updated County Circulation Element (2002) also identifies these areas. The zone has a PR (Plan Review) overlay on zoning that requires a review of the proposed uses on lands within the designated zone.

The proposed use is on land that has historically been developed for heavier uses with many more employees than the proposed project. Those historical land uses have placed larger buildings and even used aerial detonation of fireworks within these zones, with restrictions. The proposed project would not develop any use that would interfere with the operations of the airport, including new sources of light or glare that would cause safety issues for pilots. No buildings are proposed for construction that would exceed standard permitted heights. Users of the project site would be subject to potential safety risks from aircraft accidents that could occur within this zone; however, the risk is considered small and is no greater at this site within the safety zone as any other existing use within the safety zone. Final site plans and development standard conditions of approval will require review by the Trinity County Department of Transportation, who may place conditions on the project for airport safety. Based on these discussions, the proposed project would have a less than significant impact to airport safety.

- f) The proposed project is not located within the vicinity of a private airstrip. No impact.
- g) There are no indications at this time that the proposed project would impair implementation of, or physically interfere, with an adopted emergency response plan or emergency evacuation plan. The Hayfork Community Plan has identified "Approved Evacuation Routes in Event of Dam Failure at Ewing Reservoir", but this project is not located in that zone and would have no effect on evacuation in the event of a dam failure. There would be no impact from this project and there would be no impact to users of the project site.
- h) The project site does not have a significant wildland fire-hazard potential. The site has been disturbed in the past and is surrounded by paved and sparsely vegetated lands and is removed from residential developments. Development of the Project, including commercial structures and cultivation areas, will comply with State Fire Safe Standards for protection of life and property from wildfires through clearing of vegetation, location of appropriately sized water storage facilities, and other actions required for fire protection/suppression actions as may be determined by the County or CALFIRE. Through

implementation of fire safe standards, the project will not be at significant risk of damage from wildfire and the project would not cause significant wildfire risk to the area from project related activities and be in compliance with the County General Plan Safety Element. While any wildfire has the potential to spread to nearby residential developments, the potential for a fire from this project site to spread to adjacent residential developments is small. Based on this evaluation the project has a less than significant impact on wildfire in urban areas.

**Findings:** In the course of the above evaluation, impacts associated with *Hazards and Hazardous Materials* were found to be less than significant because of the project size, location and limited scope of potential impact.

**Documentation:**

- Trinity County General Plan, Safety Element, Revised March 2002*
- Trinity County General Plan, Circulation Element, Revised 2002*
- Hayfork Community Plan, Hazards, 1996*
- Hayfork Community Plan, Transportation, 1996*
- State of California, Fire and Resource Assessment Program, State Responsibility Areas, 2012*
- State of California, Fire and Resource Assessment Program, Fire Hazard Severity Zones, 2007*
- Trinity County Cannabis Cultivation Ordinance No. 315-823*
- Trinity County Cannabis Wholesale Nursery Ordinance No. 315-826*
- Trinity County Cannabis Distribution Ordinance No. 315-828*
- Trinity County Cannabis Cultivation Ordinance No. 315-829*
- Trinity County Cannabis Cultivation Ordinance No. 315-830*
- Trinity County Cannabis Nursery Ordinance No. 315-833*
- Trinity County Cannabis Distribution Ordinance No. 315-834*
- USEPA RCRA Database Review, 2018
- State Water Resources Control Board (SWRCB) Geotracker Database Review, 2018
- California Department of Toxics Substances Control (DTSC) Envirostor Database Review, 2018

IX. <u>HYDROLOGY AND WATER QUALITY</u> : <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements?			X	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a new deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?				X
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite?				X
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X
f) Otherwise substantially degrade water quality?			X	
g) Place housing within 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?			X	
i) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?				X
j) Inundation by seiche, tsunami, or mudflow?				X

**Setting:** The project is in the Hayfork Valley on private lands. The site sits north and east of Salt Creek and south of Hayfork Creek, tributaries to the Trinity River. There are no stream crossings or other uses of surface water on the project site, and none are proposed by the applicant.

The project is located within the mapped Federal Emergency Management Agency (FEMA) Zone X and Zone A. The Zone X is an area of minimal flood hazard and is outside of the Special Flood Hazard Area (SFHA). The Zone A is an area that is within the SFHA and has a 1-percent annual chance of flooding, also referred to as the 100-year floodplain. The portion of the project that is designated as Zone A is along the southern boundary of the project area and includes portions of the cultivation and nursery site that are enclosed by an earthen berm, with a varying height of up to 16 feet.

Impacts to water quality associated with cannabis cultivation activities proposed by the Project are regulated by the North Coast Regional Water Quality Control Board (RWQCB) under Order No. 2015-0023 or other regulations of the State Water Resources Control Board (SWRCB) as applicable to cannabis production. Additionally, the Cannabis Ordinances developed by the County identifies specific requirements for water use and quality, including compliance with Senate Bill 94 (SB 94), RWQCB Order No. 2015-0023, and the State's Construction General Permit (2009-0009-DWQ) for construction projects. The project applicant has also completed a Water Resource Protection Plan for the operations at the project site, in compliance with the conditions outlined in Order 2015-0023. The project proponent will transition to the State Water Resources Control Board's Order WQ 2017-0023-DWQ prior to enlarging the cultivation site to remain in compliance with water quality requirements.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant,

existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) The proposed project is served by an existing onsite septic system for the treatment of domestic wastewater. Additionally, the applicant has had a Water Resources Protection Plan (WRPP) completed for the site and the current operations, which documents their compliance with RWQCB Order No. 2015-0023. The plan documents that the site is in compliance with the elements of the Order. There is no new construction proposed, however land disturbance will be over 1-acre, so a Construction General Permit will be required for those activities. The applicant will be required to comply with the provisions of the Construction General Permit for these covered activities as a condition of approval. Based on the above, the project will have a less than significant impact.
- b) Water service for the proposed project is provided by the Trinity County Waterworks District #1, which gets its water from Ewing Reservoir, a surface water system. Water is treated and then provided to customers in Hayfork. The water district has sufficient supplies for this proposed use. The project does not use any groundwater wells. There will be no impact to groundwater.
- c) No land alteration is proposed by this project; land alteration has occurred with the historical developments at the site and the proposed use will continue to operate within existing facilities. There will be no impact.
- d-e) Grading and land disturbances greater than 1-acre will occur from the development of this project, as proposed. The project activities will be required to comply with the standard provisions of the County Cannabis Ordinances as well as the Construction General Permit requirements for disturbances to land over one acre. Implementation of these standard conditions will result in the protection of water quality and not impact drainage patterns or surface runoff.
- f) With the implementation of the RWQCB Order No. 2015-0023 and the standard conditions applied to the project through Conditions of Approval provided by the various Cannabis Ordinances, as well as implementation of the Construction General Permit conditions, the proposed project will have a less than significant impact on water quality.
- g) Flood zones are geographic areas that FEMA has defined according to varying levels of flood risk. These zones are depicted on a community's Flood Insurance Rate Map (FIRM). Each zone reflects the anticipated type of flooding in the area.  
  
As depicted on the FEMA FIRM for the project site, most of the project is located in an area designated as Zone X, an area of minimal flooding and an area not considered to be in the 100-year floodplain. The existing housing on the project site is located within the Zone X. A small portion of the property is located in the Zone A, or 100-year floodplain. This area is along the southern boundary of the project site, and within an area that has been historically developed with a 12-16-foot-high berm around a former "bunker" used for fireworks detonations. The FIRM map does not display the area that has been impacted by the berm, and floodwaters are unlikely to impact the proposed cultivation and nursery area from floods, due to the earthen berm. There are no proposals for development of housing within the Zone A area. Based upon this information, there will be no impact to housing from flooding. Refer to **Figure 4** for the FEMA Firm Map.
- h) As noted in IXg above, historical development has occurred within the Zone A 100-year floodplain. This project will continue to use these structures within the floodplain, but no new structures or development is proposed within the floodplain. Continued use of these existing structures, with no new development within the floodplain will result in a less than significant impact from this project.
- i-j) The location of the project site in the Hayfork Valley puts it in a geographic location that inundation from dam failures, such as Ewing Reservoir (located east of the project) is unlikely. Its location has been mapped by the Hayfork Community Plan as being outside of the inundation area for the Ewing Reservoir. According to this documentation, the proposed project would not be affected by the unlikely failure of either of this dam. Additionally, there are no levees near the proposed project. The threat of a tsunami wave is not applicable to inland areas; there is no potential for the generation of a seiche. No impact has been identified.

**Findings:** In the course of the above evaluation, impacts associated *Hydrology and Water Quality* were found to be less than significant.

**Documentation:**

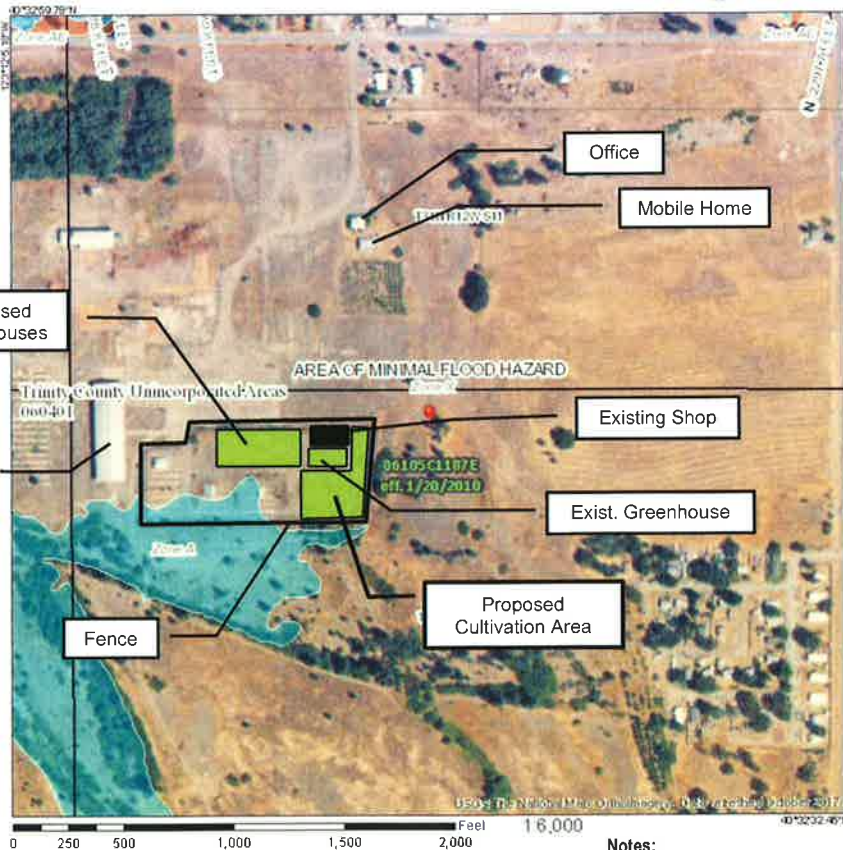
*Hayfork Community Plan, Hazards, 1996*  
*Hayfork Community Plan, Natural Resources, 1996*  
*Federal Emergency Management Agency, 2018*

# National Flood Hazard Layer FIRMette



## Legend

- SEE FIRM REPORT FOR DETAILED LEGEND AND OTHER MAP FROM FIRM PANEL LIST OF
- SPECIAL FLOOD HAZARD AREAS**
- With Base Flood Elevation (BFE) Zone A, X, or V
  - With BFE or Depth Zone AE, AO, AH, or V1-V3
  - Regulatory Floodway
- OTHER AREAS OF FLOOD HAZARD**
- 0.2% Annual Chance Flood Hazard Areas of 2% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile
  - Future Conditions 1% Annual Chance Flood Hazard
  - Areas with Reduced Flood Risk due to Levee, Dike, or Floodwall
  - Areas with Flood Risk due to Levee, Dike, or Floodwall
- OTHER AREAS**
- Area of Minimal Flood Hazard
  - Effective LOMs
  - Area of Undetermined Flood Hazard
- GENERAL STRUCTURES**
- Channel, Culvert, or Storm Sewer
  - Levee, Dike, or Floodwall
- OTHER FEATURES**
- Cross Sections with 1% Annual Chance Water Surface Elevation
  - Coastal Transient
  - Base Flood Elevation Line (BFE)
  - Limit of Study
  - Jurisdiction Boundary
  - Coastal Transient Baseline
  - Profile Baseline
  - Hydrographic Feature
- MAP PANELS**
- Digital Data Available
  - No Digital Data Available
  - Unmapped
- The pin drop listed on the map is an approximate point selected by the user and does not represent an authoritative property location.



Source: Federal Emergency Management Agency, 2018

**Notes:**  
Approximate, for illustrative purposes only.  
Refer to Applicant submittals for actual site plans for the three CUP applications.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards.

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was updated on 8/8/2018 at 4:48:43 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmodernized areas cannot be used for regulatory purposes.



Hoffman Cannabis Conditional Use Permit Project  
T3 Cultivation, Nursery, Distribution  
APN 014-430-68  
Hayfork, Trinity County, California

FEMA Flood Insurance Rate Map

JOB #518009

August 2018

Hoffman CUP Figure 4-FEMA.docx

Figure #4

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*Regional Water Quality Control Board Order No. 2015-0023*

*Trinity County Cannabis Cultivation Ordinance No. 315-823*

*Trinity County Cannabis Wholesale Nursery Ordinance No. 315-826*

*Trinity County Cannabis Distribution Ordinance No. 315-828*

*Trinity County Cannabis Cultivation Ordinance No. 315-829*

*Trinity County Cannabis Cultivation Ordinance No. 315-830*

*Trinity County Cannabis Nursery Ordinance No. 315-833*

*Trinity County Cannabis Distribution Ordinance No. 315-834*

*Water Resource Protection Plan, prepared for Somchai Hoffman by Downriver Consulting, 2017*

X. <b>LAND USE AND PLANNING:</b> <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Physically divide an established community?				X
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?			X	
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?				X

**Setting:** The project site is located on the western end of the community of Hayfork, on a former lumber mill and fireworks production facility. Development around the site is limited, due to its past uses and large parcel (approximately 73 acres) where the project is located. The project site is in an area zoned as Industrial, which has kept development of other uses restricted. Some commercial and public service developments are located offsite to the north of the project site.

The lands at the project site have a County General Plan Designation of Industrial (I) and are Zoned Industrial (I). Both the County General Plan and Zoning Districts did not specifically anticipate development of cannabis cultivation, nurseries and distribution facilities when these land use plans and zoning districts were developed. In response to California State Law that allows cannabis cultivation and distribution, under permitted and controlled conditions, Trinity County developed County-specific ordinances to regulate commercial cannabis cultivation, distribution and sales within the County. Ordinance 315-823 and 826 regulate cultivation, Ordinance 315-, specifically titled “An Ordinance of the Board of Supervisors of the County of Trinity Amending Zoning Ordinance No. 315 Creating Section 28: Commercial Cannabis Cultivation Regulations”, referred to in this section as the “Cannabis Ordinance”.

The Cannabis Ordinance, in combination with the provisions of the General Plan and requirements of the Zoning Districts are used to determine appropriate land uses of cannabis operations in Trinity County. An Applicant can apply for a Use Permit for cannabis operations under the Cannabis Ordinance, including a variance to the provisions and requirements of the Cannabis Ordinance, with approval at the discretion of the County Planning Commission and Board of Supervisors.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) The project does not have the potential to physically divide an established community. The site is currently partially fenced, and access is limited and restricted from current and historical uses. No impact has been identified.
- b) The County’s General Plan and the companion Hayfork Community Plan serves as the overall guiding policy document for land use and development. The Hayfork Community Plan provides detailed land uses (consistent with the General Plan) and zoning for the Hayfork planning area, which includes the project site.

The proposed project area is approximately 8 acres in size, located on a parcel that is approximately 73 acres. The project area is currently zoned “I” Industrial and has General Plan designation of “I” Industrial. The project site also has an overlay zone “PR” Plan Review due to the existence of the Hayfork Airport safety zones over the site. The PR overlay requires the development plan be reviewed by the County to assess if there are any potential issues with the project to a specific identified resource. In this case Trinity County Department of Transportation would review the project and provide any conditions of approval for the use of the site. Based on the proposed uses of the project, these uses do not conflict with the land use designations for the project site, and impacts are considered less than significant.

- c) The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan. There is no adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plans for the proposed project site or area.

**Findings:** In the course of the above evaluation, impacts associated with *Land Use and Planning* were found to be less than



significant as the project is compatible with the current land use designations.

**Documentation:**

- Hayfork Community Plan, Land Use and Community Design, 1996*
- Trinity County Cannabis Cultivation Ordinance No. 315-823*
- Trinity County Cannabis Wholesale Nursery Ordinance No. 315-826*
- Trinity County Cannabis Distribution Ordinance No. 315-828*
- Trinity County Cannabis Cultivation Ordinance No. 315-829*
- Trinity County Cannabis Cultivation Ordinance No. 315-830*
- Trinity County Cannabis Nursery Ordinance No. 315-833*
- Trinity County Cannabis Distribution Ordinance No. 315-834*

<b>XI. MINERAL RESOURCES:</b> <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State?				X
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local General Plan, specific plan or other land use plan?				X

**Setting:** Mineral production has historically been a significant part of the economy of the County but has waned in the last 75 years. Historically, the County has seen a wide array of mineral production, including asbestos, chromite, copper, sand and gravel, limestone and manganese to name a few. Within the vicinity of the project, historical gold mining has occurred, and ancillary sand and gravel has been removed. Limestone has been historically mined at limited locations in the Hayfork Area, though not in close proximity to the proposed project. The project area has not been designated by the State or Trinity County as an area of significant mineral resources or an area of locally important minerals.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

**a-b)** A mineral resource is land on which known deposits of commercially viable mineral or aggregate deposits exist. The designation is applied to sites determined by the California Geological Survey as being a resource of regional significance and is intended to help maintain any quarrying operations and protect them from encroachment of incompatible uses. The project would not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the State and would not result in the loss of availability of a locally-important mineral resource recovery site. The site has not been designated as an important mineral resource recovery site by a local general plan, specific plan, or other land use plan or by the State of California. No impact has been identified.

**Findings:** In the course of the above evaluation, it was determined that there were no impacts associated with *Mineral Resources*.

**Documentation:**  
*Trinity County General Plan, Open Space and Conservation Element*  
*Hayfork Community Plan, Natural Resources, 1996*  
*California Geological Survey, Mineral Land Classifications, 2018*

XII. NOISE: Would the project result in:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?			X	
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels				X
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?			X	
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X

**Setting:** Noise impacts are those that exceed general plan or other local ordinances developed to provide reasonable control of noise to residences, parks, open spaces and other specific designated sites. Noise sources typically include roadways, freeways, schools, industrial and commercial operations and other facilities that can generate noise. The Trinity County General Plan Noise Element and the Cannabis Ordinances provide guidelines and direction for noise sources and attenuation requirements for various uses. Projects proposed for development within the County will have their development evaluated to determine potential conformance with the Noise Element and as necessary, specific conditions of approval will be placed on projects.

In the vicinity of the project, noise generation sources are varied and consist of vehicle traffic along SR-3 and County Roads, activities on adjacent industrial and agricultural lands, activities at the adjacent lumber yard and auto dismantler/salvage yard, and other daily activities on surrounding residential and public facility lands. The flat terrain of the area allows noise to travel distance, without attenuation due to structures or vegetation.

Residential developments, schools and hospitals are considered sensitive noise receptors as these are locations where people sleep or typically expect quiet conditions. Sensitive noise conditions are typically at night and measured as indoor levels in decibels (dB). The nearest sensitive receptors to the project site are residential developments (0.25 miles) and the Hayfork Elementary School (0.7 miles distant).

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) The nearest offsite sensitive receptor is a residential development 0.25 miles distant. Project generated noise may be heard at these residences, but normal gardening and trucking operations are not considered significant, as noise from SR-3 is more significant as it is located immediately adjacent to the residential development. The project will not have any onsite generators, therefore there will be no noise associated with stationary generation devices. Minor amounts of noise could be generated from the development of hoop-houses for cultivation and nursery activities, but this noise is time limited to facility setup during daytime hours, then is ceased. Implementation of standard conditions of the various cannabis ordinances and review by County for compliance during operations will reduce impacts to less than significant.
- b) Ground borne vibrations are usually associated with heavy vehicle traffic (including railroad traffic), and with heavy equipment operations. The proposed project does not include activities that would result in groundborne vibration, such as pile driving. Therefore, there will be no impact.
- c) Once developed, the project will not generate any significant noise. As noted in (XIIa), noise from short-term development

activities for the hoop-houses and greenhouses will be limited in both time and location, and once complete noise levels will return to ambient conditions.

- d) A temporary increase in noise in the project vicinity above existing ambient noise levels could occur for very short periods during operations of the greenhouses, hoop-houses and other cultivation and distribution activities. However, the project activities are located away from sensitive receptors and with the application of standards developed in the County's Cannabis Ordinances, noise levels are expected to be less than significant for this project.
- e) The proposed project is located within an airport land use plan and is within two miles of the Hayfork Airport. While located in this area, the airport activities will not expose people at the project area to excessive noise. The Hayfork Airport is a rural municipal airport with very light traffic, and noise from planes is not considered a significant issue for this area.
- f) The proposed project is not located within the vicinity of a private airstrip.

**Findings:** In the course of the above evaluation, impacts associated with *Noise* were found to be less than significant.

**Documentation:**

- Trinity County General Plan, Noise Element, 2003*
- Hayfork Community Plan, Land Use and Community Design, 1996*
- Trinity County Cannabis Cultivation Ordinance No. 315-823*
- Trinity County Cannabis Wholesale Nursery Ordinance No. 315-826*
- Trinity County Cannabis Distribution Ordinance No. 315-828*
- Trinity County Cannabis Cultivation Ordinance No. 315-829*
- Trinity County Cannabis Cultivation Ordinance No. 315-830*
- Trinity County Cannabis Nursery Ordinance No. 315-833*
- Trinity County Cannabis Distribution Ordinance No. 315-834*

<b>XIII. POPULATION AND HOUSING:</b> <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				<b>X</b>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				<b>X</b>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				<b>X</b>

**Setting:** The community of Hayfork has a population of approximately 2,368 persons based on the 2010 US Census data; projected population growth in Hayfork from the Hayfork Community plan was for 3,400 persons by 2010. The growth rate is about 1.8 percent with median household income at \$24,844. The poverty rate is approximately 21.9%. Housing is located throughout the area in both typical residential subdivisions as well as rural residential on larger lots and parcels of land. Housing is a mix of single-family, duplex, tri-and quad-plex units, and mobile homes/manufactured homes.

There was a recognized shortage of rental housing when the 1996 Hayfork Community Plan was developed, and there is no indication that this has changed. Also, previous studies have indicated that there is also a significant need for housing rehabilitation of existing structures.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) Implementation of the proposed project would result in the development and use of existing lands and facilities, with no new housing being required or developed. Four permanent workers are proposed as well as a number of seasonal workers for this project. Based on the information provided by the applicant, and evaluation of the information for the area, there are no growth-inducing impacts associated with this project.
- b) The proposed project would not displace any existing housing; the existing housing onsite would be retained for use by two of the permanent employees. No impact has been identified.
- c) The project site is currently minimally developed with historical industrial/manufacturing uses and buildings. The project would not result in the displacement of people. No impact would occur in this regard.

**Findings:** Based on the information reviewed for the *Population and Housing* resource, the project will have no impact.

**Documentation:**

*Hayfork Community Plan, Population and Housing, 1996*  
*US Census Bureau, American Fact Finder, 2018*

<b>XIV. PUBLIC SERVICES:</b> <i>Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
Fire Protection?			X	
Police Protection?			X	
Schools?			X	
Parks?				X
Other public facilities?			X	

**Setting:** The project site is located on the western end of the community of Hayfork, which has public services available to residential, commercial and industrial users. Fire protection is provided by CALFIRE which has a fire station adjacent to the project site; the US Forest Service has a fire station also within Hayfork and the Hayfork Volunteer department provides mutual aid services. Law enforcement to the area is provided by the Trinity County Sheriff's Department. There are no medical services in the immediate vicinity, with the nearest medical services provided in Weaverville. Schools are located in Hayfork for grades K-12.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

*Fire and Police Protection:*

Fire and police protection services to the proposed project are currently provided by County, State and Federal agencies and private emergency responders. Development of the project within the community is not expected to significantly increase the demand for these protection services. As required by the County Cannabis Ordinance for Distribution Facilities, a security plan must be developed for the distribution operations and must be approved by the County, as a condition of approval. Based on these factors and standard conditions, impacts are considered less than significant.

*Schools:*

Hayfork Elementary and Hayfork High School provide primary education to students in the area. While the development of this project could attract employees with families that may have school age children, and those students may contribute to the total student enrollment in these schools, the implementation of the proposed project is not expected to result in a significant increase in the number of school-age children as the result of four (4) employees who work and may also reside within the school districts. Therefore, the potential impacts are considered less than significant.

*Parks:*

The proposed project will not increase the intensity of the land use, impacts to parks and recreational facilities in the project area would remain at existing conditions; no new residential uses are proposed. The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities. Therefore, there is no impact.

*Other public facilities:*

The proposed project does not involve a substantial change in the land use, does not substantially increase the numbers of people employed in the region, and does not create or require new housing or related facilities, an increased demand on public facilities is unlikely to occur. There would be a less than significant impact to other public services related to this project.

**Findings:** Based on the evaluations above for Public Services, the impacts associated with development of the project were found to be less than significant.

**Documentation:**

*Hayfork Community Plan, Population & Housing, 1996*

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*Hayfork Community Plan, Public Services & Facilities, 1996*  
*Hayfork Community Plan, Parks & Recreation, 1996*

XV. RECREATION:	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?				X
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?				X

**Setting:** There are no recreation facilities at or in close proximity to the project, with the nearest developed recreation facilities located about 0.5 miles east of the project site at the Trinity County Fairgrounds. Other recreation facilities include Hayfork Park and baseball/softball fields and the community pool, approximately 0.6 miles northeast of the project.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) The proposed project does not propose to add significant new numbers of people that would require housing and ancillary recreation facilities, therefore the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.
- b) The proposed project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment

**Findings:** In the course of the above evaluation, it was determined that there were no impacts associated with *Recreation*.

**Documentation:**

*Trinity County General Plan, Open Space and Conservation*  
*Hayfork Community Plan, Parks & Recreation, 1996*



XVI. <u>TRANSPORTATION/TRAFFIC</u> : <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume-to-capacity ratio on roads, or congestion at intersections)?			X	
b) Exceed, either individually or cumulatively, a level of service standard established by the County congestion management agency for designated roads or highway?			X	
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?			X	
e) Result in inadequate emergency access?				X
f) Result in inadequate parking capacity?				X
g) Conflict with adopted policies, plans or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks)?				X

**Setting:** The project site is located on private property that has existing private roads. These private roads are accessed by the existing Tule Creek Road which is a Trinity County maintained road that provides access to the general area. Access to Tule Creek Road is by way of SR-3 that traverses through the community of Hayfork. Both SR-3 and Tule Creek Road accommodate passenger and highway truck traffic, with SR-3 being the primary north/south state highway in the area, connecting to SR-299 to the north and to SR-36 in the south.

The Trinity County General Plan, Circulation Element was updated in 2002 to address changes to state requirements for regional transportation planning and to address other changes to the Circulation element. The County has identified Tule Creek Road (access to the project site) as a Major Collector, which is defined in the Circulation Element as:

*“Major collectors provide greater access to more localized destinations for regional traffic. These roads are designated to provide access for regional traffic between state routes. Narrow lanes and shoulders limit the carrying capacity of some collectors”*

Public transit services are provided by the County through Trinity Transit, which provides daily bus service from Hayfork to Douglas City and Weaverville with route stops. Other private transit carriers also operate in the Hayfork area to provide services to the elderly, disabled, school children and others.

The Circulation Element also identifies Tule Creek Road as an existing bikeway, part of the Hayfork Pedestrian Paths and Bikeways network in the Hayfork community. The bikeway is a Class III Bike Route, where bikes share the shoulder with vehicles and are designated by signage only.

The Hayfork Airport is located approximately 0.5 miles east of the project site and provides municipal airport services. According to the Circulation Element, the Hayfork Airport has approximately 17,000 annual flight operations.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

**a-b)** Project approval would allow for the development of a cannabis cultivation site, nursery facility, and distribution facility on existing developed industrial lands in Hayfork. The proposed project is estimated to generate approximately 13.6 daily trips (based on an average of 0.40 daily trips per 1,000 square feet from the ITE Manual) when analyzed as an industrial facility, for which it is zoned. The analysis assumes approximately 34,000 square feet of distribution facility. The operations of the cultivation and nursery aspects are included within these daily trip numbers. These numbers of trips are not considered

significant and are not expected to change any level of service on Tule Creek Road as a result of the project, as the road had been maintained for much higher traffic volumes when the lumber mill was in operation. Standard conditions of approval through the various Cannabis Ordinances and County Transportation Department standards for access and encroachments onto Tule Creek Road will be implemented as part of the approval process. Impacts from development of this project are considered less than significant.

- c) The proposed project site is located within the established Approach/Departure Zone and the Overflight Zone for the Hayfork Airport. The project does not have the potential to interfere with airport operations for activities within these zones; the Overflight Zone encompasses most of the community of Hayfork. The operations of the project are on the ground in existing structures or will develop planting beds for cultivation activities. No significant light or glare is proposed, and Cannabis Ordinances require that greenhouse light be shielded to eliminate light trespass off the site. Additional evaluations have been undertaken for airports in the Hazards and Hazardous Materials and Land Use and Planning sections of this document. No impacts are anticipated in this regard.
- d) The proposed project is expected to slightly increase traffic volumes on local roadways, but it is anticipated that all the existing local roadways and intersections will accommodate the volume of traffic that would occur as a result of the proposed project. No significant hazards or incompatible uses are anticipated with the development of this project, and the project would have a less than significant impact.
- e) Adequate existing emergency access is provided to the site with State, County and onsite private roads. The project does not change the existing emergency access to the project site; emergency access will remain at existing conditions post-project. The project will be required to comply with state and local Fire Safe Standards and applicable regulations for emergency vehicle access to the project sites, including implementation of requirements by the Trinity County Department of Transportation through an Encroachment Permit and as directed by CALFIRE for compliance with State Fire Safe Standards. No impacts are anticipated in this regard.
- f) Parking for the proposed project would be provided by onsite surface parking. There is estimated to be four permanent employees, and current parking is sufficient. Should additional seasonal employees be required, there is more than adequate developed areas onsite for parking. No impact is anticipated.
- g) Existing transit service is provided primarily by Trinity Transit and other private carriers. Employees are anticipated to arrive by private vehicles to the site each day, and there is no expectation that the project would generate additional demand for public transit services. No impact is anticipated.

**Findings:** In the course of the above evaluation, impacts associated with *Transportation and Traffic* were found to be less than significant.

**Documentation:**

*Trinity County General Plan, Circulation Element, 2002*  
*Hayfork Community Plan, Transportation, 1996*  
*ITE Traffic Manual*

<b>XVII. TRIBAL CULTURAL RESOURCES:</b> <i>Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or			X	
b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.			X	

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

**a-b)** Regarding Native American outreach, William Rich, M.A., R.P.A. (consultants archaeologist) sent out a request for comments for the proposed project to the Tribal Chairpersons or designated contacts of the Nor-Rel-Muk Nation, Wintu Tribe, Wintu Educational and Cultural Council and Redding Rancheria on June 7, 2018. Mr. Rich had personal conversations with Mr. Sonny Hayward, Chairman of the Nor-Rel-Muk Nation who provided information regarding to cultural sites that were historically located in the Hayfork area, but no Tribal cultural sites were known to be located at the project site.

On behalf of Trinity County, William Rich sent out an AB52 notification to interested Tribal entities on June 7, 2018. No responses were received within the 30-day comment period requesting formal consultation under the provision of AB52. Based on the lack of response impacts are anticipated to be less than significant.

**Findings:** In the course of the above evaluation, impacts associated with *Tribal Cultural Resources* were found to be less than significant. Mitigation measures for the protection of currently unknown but discovered resources are provided for in Section IV-Cultural Resources.

**Documentation:**

*Cultural Resources Investigation – For Somy Hoffman*, prepared by William Rich and Associates, June 2018  
AB52 Notification, Trinity County Planning Department, June 7, 2018

XVIII. <u>UTILITIES AND SERVICE SYSTEMS</u> : <i>Would the project:</i>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?				X
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?			X	
d) Have sufficient water supplies available to serve the project which serves or may serve the project from existing entitlements and resources, or are new or expanded entitlements needed?			X	
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?			X	
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?			X	
g) Comply with Federal, State, and local statutes and regulations related to solid waste?			X	

**Setting:** Public utilities and service systems are provided and available in the area of the project. The Trinity County Waterworks District #1 provides both water and sewer for users within their service boundary in the community of Hayfork. Trinity County Public Utility District (TCPUD) provides power, and solid waste services are provided by the Trinity County Solid Waste Department and private waste haulers.

The project applicant is currently provided water by Trinity County Waterworks District #1 ("District"). Wastewater is disposed of through an existing residential onsite septic system. Power is provided to the site by TCPUD and the applicant utilizes the County solid waste landfill for non-cannabis waste. Cannabis waste will be handled by either on-site composting, transporting the cannabis waste to an approved landfill/disposal facility, or a combination of both as needed to comply with County Cannabis Ordinances and state regulations.

**Discussion:** Based on a field review by the Planning Department and other agency staff, information provided by the applicant, existing information available to the Planning Department, and observations made on the project site and in the vicinity, the following findings can be made:

- a) The proposed project has an existing onsite septic system that disposes of residential wastewater. This system would continue to be utilized for the four (4) workers at the site, and would not be expanded to accommodate other sites on the project site or other uses in the future. It is the applicants' responsibility to continue to provide normal maintenance and repairs to the septic system. The applicant has indicated that no other wastewater would be generated, as the bulk of the water used onsite will be for irrigation. Should conditions change in the future, the District's wastewater collection system and treatment facility is accessible to the project and would require a "Will Serve" letter or other approval from the District for connection to the system. Based on the current anticipated uses at the site, there would be no impact to public wastewater systems
- b) Implementation of the proposed project would not require new infrastructure to support sewer and water service. The proposed project would generate increased demands for treated water and would generate new wastewater flows from the site, but the wastewater flows will be contained within the existing onsite septic system. Water is currently provided to the site by the District, and the applicant has estimated that their annual yearly water use is approximately 730,000 gallons (or 2.3-acre feet). Existing water treatment facilities are expected to have sufficient capacity to serve the proposed project. However, the

applicant must secure a "Will Serve" letter or other approval from the District as a Condition of Approval. Implementation of this standard condition will result in a less than significant impact.

- c) The proposed project will not result in the creation of new impermeable surfaces. The existing site has been developed with paved and compacted sites for previous industrial and manufacturing purposes, and this project will continue to utilize those areas. The cultivation and nursery sites are located within an area previously developed as a "bunker" which has a large berm surrounding the site. Surface stormwater flows would not enter the cultivation area, and those generated within the cultivation area would not leave the site. Development of the project will result in less than significant issues related to stormwater systems.
- d) Water is currently provided to the site by the District, and the applicant has estimated that their annual yearly water use is approximately 730,000 gallons (or 2.3-acre feet). Existing water treatment facilities are expected to have sufficient capacity to serve the proposed project. However, the applicant must secure a "Will Serve" letter or other approval from the District as a Condition of Approval. Implementation of this standard condition will result in a less than significant impact.
- e) See discussion XVII.b, above.
- f) Non-cannabis solid waste produced by the project would be disposed of at existing solid waste facilities as other residential and commercial solid waste is currently handled in the County. Sending the solid waste stream to existing permitted facilities, either by existing contract haulers or self disposal, will ensure that the project does not violate any federal, state or local statutes related to solid waste. The project will also develop onsite composting of organic debris from the cultivation operations, which will reduce the solid waste impact to the landfills. Based on the above, the impact to solid waste services will be less than significant.
- g) The County regulates and operates programs that promote the proper disposal of toxic and hazardous materials from households, including those created by the project. The proposed project would comply with Federal, State, and local statutes and regulations related to solid waste. Less than significant impacts are anticipated in this regard.

**Findings:** In the course of the above evaluation, impacts associated with *Utilities and Service Systems* were found to be less than significant.

**Documentation:**

*Trinity County Waterworks District #1, Water Ordinance*  
*Trinity County Waterworks District #1, Wastewater Ordinance*  
*Hayfork Community Plan, Public Services & Facilities, 1996*

XVIV. <u>MANDATORY FINDINGS OF SIGNIFICANCE:</u>	Potentially Significant Impact	Potentially Significant Impact Unless Mitigation Incorporated	Less-Than-Significant Impact	No Impact
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below the self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?		X		
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection the effects of past projects, the effects of other current projects, and the effects of probable future projects)?			X	
c) Does the project have potential environmental effects which may cause substantial adverse effects on human beings, either directly or indirectly?			X	

**Discussion:** Based on the analysis undertaken as part of this Initial Study the, following findings can be made:

- a) Based on the discussion and findings in Section V. *Cultural Resources*, there is evidence to support a finding that the proposed project is not eligible for listing in the NRHP or CRHR under any significance criteria. Considering the history of extensive disturbance within the project area and all its previous uses, including the dismantling of the historical lumber mills and related facilities and contemporary development activities, the potential for discovery of intact archaeological deposits or features by implementation of this project is considered low. Although no archaeological deposits or features were found during the Cultural Resources study, implementation of mitigation measures will ensure that any additional archaeological deposits or features may be discovered are fully protected during implementation of the project.
- b) Based on the discussion and findings in all Sections above, there is no evidence to suggest that the proposed project would have impacts that are cumulatively considerable. This is a finite project and impacts are limited in scope and duration and are not linked with future projects that may have an impact.
- c) Based on the discussion and findings in all Sections above, there is no evidence to support a finding that the proposed project has potential environmental effects which may cause substantial adverse effects on human beings, either directly or indirectly.

**DETERMINATION: (To be completed by the Lead Agency)**

On the basis of the initial evaluation:

I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

I find that the proposed project **MAY** have a “potentially significant impact” or “potentially significant unless mitigated” impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment because all potentially significant effects (a) have been analyzed adequately in an earlier **EIR** or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier **EIR** or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Copies of the Initial Study and related materials and documentation may be obtained at the Trinity County Planning, 61 Airport Road, Weaverville, CA 96093. Contact Leslie Hubbard, Deputy Director of Planning (530) 623-1351 ext. 3.

\_\_\_\_\_  
Leslie Hubbard, Deputy Director of Planning  
Trinity County Planning Department

\_\_\_\_\_  
Date