

**TRINITY COUNTY PLANNING COMMISSION  
STAFF REPORT**

**PROJECT TITLE:** Caccavo Cannabis Cultivation Conditional Use Permit and Variance

**APPLICANT:** Olivia Caccavo

**PROPERTY OWNER:** Olivia Caccavo

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

**LOCATION:** 3800 Barker Creek Road, Hayfork, California (APN 015-030-001)

**GENERAL PLAN DESIGNATION:** Resource (RE)

**ZONING DISTRICT:** Unclassified (U)

**SITE CHARACTERISTICS:**

The project site is located at 3800 Barker Creek Road, which is designated as Trinity County Assessor's Parcel Number (APN) 015-030-001 (see Attachment 3 – Location Map). The maximum elevation of the project site is 4,466 feet above sea level at the top of a ridge along the center of the eastern boundary of the site, and the minimum elevation is 3,099 feet above sea level at the southwest corner of the site where Barker Creek exits the property. The project site comprises 640 acres of steeply sloped coniferous forest that comprises the headwaters of Barker Creek. The site consists almost entirely of mixed pine and fir secondary forest, with several chaparral-covered rock outcrops, and hardwood riparian forest species along Barker Creek (see Attachment 4 – Project Aerial).

Historical onsite activities have included timber harvest log landings and a limestone mine. The project site currently has a Type 2 cultivation license (up to 10,000 sq ft of mixed-light canopy), as well as a 220 ft deep groundwater well and septic system. The project site is not currently connected to any public utilities, including any utilities for electricity or natural gas. The existing cultivation operation uses natural light and does not use any artificial lighting.

The subject property's main access is provided through an existing U.S. Forest Service (USFS) road (Forest Route 32N03) via Barker Creek Road, which intersects with SR-3 (see Attachments 3 – Location Map and 4 – Project Aerial). Each of the surrounding parcels are vacant public lands managed by the USFS. As noted above, the existing

zoning and general plan designation for the project site is Unclassified (U) and Resource (RE), respectively. The existing zoning and general plan designations for the properties immediately adjacent to the project are shown below (see Attachments 5 – Zoning Map and 6 – General Plan Designation Map).

**Table 1: General Information about Adjacent Parcels**

<b>APN</b>	<b>Size (acres)</b>	<b>General Plan Designation</b>	<b>Zoning District</b>
015-020-06-00	601.45	Resource (RE)	Unclassified (U)
015-030-06-00	617.70	Resource (RE)	Unclassified (U)
015-040-16-00	644.77	Resource (RE)	Unclassified (U)
015-030-02-00	616.97	Resource (RE)	Unclassified (U)

**PROJECT DESCRIPTION:**

The applicant is currently licensed to cultivate up to 10,000 square feet (sq ft) of cannabis canopy area on the project site and the applicant is applying for an expansion to allow up to one-acre (43,560 sq ft) of outdoor and/or mixed-light cannabis canopy area. To allow the expansion of up to one-acre of outdoor and/or mixed-light canopy, the applicant is applying for a Type 3 (Outdoor - Medium) license or multiple Type 2 (Mixed-Light - Small) licenses. Initially, the applicant proposes a Type 3 (Outdoor-Medium) license to allow up to one-acre of outdoor cultivation. If the County amends its Cannabis Program Ordinance to allow multiple licenses on a single property or site (i.e., “stacking”), the applicant may apply for multiple Type 2 (Mixed-Light – Small) licenses. The mixed-light cultivation activity would not require artificial lighting or additional electricity use. It is proposed to occur with the use of blackout tarps (light deprivation) to allow the applicant to have multiple harvests during the growing season. All drying and trimming activity will occur at a licensed, off-site facility that has yet to be identified. When cannabis flowers are cut, they will be processed onsite by using a fresh-frozen technique, eliminating the need for drying and trimming buildings.

Cannabis cultivation would occur in outdoor raised beds and within greenhouses that would be developed on portions of the Applicant’s parcel on previously disturbed sites. The applicant’s cannabis cultivation activities would occur on four previously disturbed and previously graded sites that were historically used as timber harvest log landings. These sites have had vegetation removed, have been graded to provide generally flat terrain, and have existing road access. Additionally, the applicant has a less-than 3-acre conversion permit pending with CALFIRE. The applicant’s four proposed cultivation areas will total 40,400 sq ft of canopy area and consist of the following (see Attachment 7 – Project Site Plans):

- Area 1: Area 1 is where existing cultivation activities occur on the project site. Area 1 is the most northern site and the proposed location for three (3) 2,500-gallon

water storage tanks and outdoor cannabis cultivation. The outdoor cultivation would be in fourteen (14) raised cultivation beds of 600 sq ft (6 ft by 100 ft), which will total 8,400 sq ft in canopy area. There will be a 22-kilowatt (kW) generator located in a covered structure with a 4 ft by 8 ft concrete basin with a depth of 2.2 inches. The generator structure will provide secondary containment and buffer noise levels during generator operation. The generator has a fuel storage capacity of 55 gallons and will be filled off-site at a permitted fuel dispensing facility.

- Area 2: This site is the proposed location of four (4) 2,500-gallon water storage tanks and eleven greenhouses. The applicant has proposed five (5) 1,600 sq ft (20 ft by 80 ft) greenhouses and six (6) 2,000 sq ft (20 ft by 100 ft) greenhouses. The proposed 1,600 sq ft greenhouses will each contain a canopy area of 1,360 sq ft. The proposed 2,000 sq ft greenhouses will each contain a canopy area of 1,700 sq ft. The total canopy area for Area 2 will be 17,000 sq ft. The greenhouses will be used for light deprivation cultivation. There will be a 22-kilowatt (kW) generator located in a covered structure with a 4 ft by 8 ft concrete basin with a depth of 2.2 inches. The generator structure will provide secondary containment and buffer noise levels during generator operation. The generator has a fuel storage capacity of 55 gallons and will be filled off-site at a permitted fuel dispensing facility.
- Area 3: This site is the proposed location of ten (10) 600 sq ft (6 ft by 100 ft) raised outdoor cultivation beds and two (2) 2,500-gallon water storage tanks. The total canopy area for Area 3 will be 6,000 sq ft. There will be a 22-kilowatt (kW) generator located in a covered structure with a 4 ft by 8 ft concrete basin with a depth of 2.2 inches. The generator structure will provide secondary containment and buffer noise levels during generator operation. The generator has a fuel storage capacity of 55 gallons and will be filled off-site at a permitted fuel dispensing facility.
- Area 4: This site is the proposed location for fifteen (15) 600 sq ft (6 ft by 100 ft) raised outdoor cultivation beds and four (4) 2,500-gallon water storage tanks. The total canopy area for Area 4 will be 9,000 sq ft. There will be a 22-kilowatt (kW) generator located in a covered structure with a 4 ft by 8 ft concrete basin with a depth of 2.2 inches. The generator structure will provide secondary containment and buffer noise levels during generator operation. The generator has a fuel storage capacity of 55 gallons and will be filled off-site at a permitted fuel dispensing facility.

The proposed expansion would employ four (4) full-time employees. The applicant proposes to utilize the local labor force within the County. Employees will not live on the subject property and would commute to work each day. The proposed project is estimated to generate up to 20 vehicle/truck trips per day. This will include 16 employee vehicles trips (conservative estimate of 4 trips per day per employee; 2 trips for commuting to work and 2 trips during lunch hour), 2 trips for the import of agricultural materials and supplies needed for the cultivation operation (1 in/1 out), and 2 trips for the export of unprocessed cannabis plants/flower (1 in/1 out).

The proposed project will be accessed via Forest Route 32N03, for which the applicant is developing an agreement with the USFS to be able to use and maintain the subject road. The proposed project does not propose any new roads. The existing bridge along the onsite access road is required to be replaced since it does not currently meet CDFW standards. In addition, three culvert crossings onsite are proposed along the access road to meet CDFW standards.

### **STAFF/AGENCY COMMENTS:**

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

**Table 2: Summary of Staff/Agency Comments**

<b>Department/Agency</b>	<b>Comment</b>	<b>Comments Addressed?</b>
County Department of Transportation (DOT)	The County DOT responded to the project referral in a letter dated January 8, 2018, which addressed encroachment permit requirements, proof of legal access, fire safe ordinance requirements, access road length, road name, road name signs, construction drawing requirements, improvement plan requirements, inspections, and DOT review fees. The requirements of the DOT have been included as a condition of approval for the project.	Included as condition of approval.
County Environmental Health Department	The Environmental Health Department responded to the project referral stating that a detailed map needs to be included for review.	A detailed site plan was submitted for CEQA
County Building Department	The building department provided comments stating that the variance should be denied due to the fact that the 50-acre minimum parcel size was based on the ability to meet the 500-foot setback.	The findings for approval of the variance are described in this staff report.
County Assessor's Office	The County Assessor provided a comment stating that Parcel	Through this permitting

Department/Agency	Comment	Comments Addressed?
	Quest shows multiple improvements – parcel is vacant per Assessor record.	process, the County Assessor has the opportunity to inspect the property and determine the appropriate tax assessment for improvements at the project site.
CDFW	CDFW responded to the project referral in an email dated January 29, 2018, which addressed the following: 1) potentially occurring special status species; 2) biological resource assessment; 3) nesting bird surveys; 4) Fish and Game Code Section 1602 compliance; 5) protection of onsite watercourses; 6) evaluation and sizing of stream crossings; 7) protection of Barker Creek surface and ground water; 8) impacts associated with a proposed pond; 9) erosion control; 10) rodenticides and pesticides; and 11) CNDDDB reporting.	The comments from CDFW were addressed by the preparation of technical studies, the incorporation of mitigation measures in the IS/MND, and the application conditions of approval to the project.
Forest Service Shasta-Trinity	No comment.	NA
Fire District: Hayfork	No comment.	NA
USFWS	No comment.	NA
Nor-Rel-Muk Nation	A request for consultation pursuant to AB 52 was initiated on July 9, 2019. No response was received.	NA
Redding Rancheria	A request for consultation pursuant to AB 52 was initiated on July 9, 2019. No response was received.	NA
Wintu Educational & Cultural Council	A request for consultation pursuant to AB 52 was initiated on	NA

Department/Agency	Comment	Comments Addressed?
	July 9, 2019. No response was received.	
Round Valley Reservation/Covelo Indian	A request for consultation pursuant to AB 52 was initiated on July 9, 2019. No response was received.	NA
CALFIRE	No comment.	NA
NCRWQCB	Comments were received for the CEQA IS/MND	Yes, the MND was revised to address the comments received.

As indicated in Table 2, the department/agency comments received for the project were addressed through conditions of approval, mitigation measures, or the preparation of technical studies.

### **PUBLIC COMMENTS RECEIVED:**

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

California Department of Food and Agriculture: Licensing Program Manager Lindsay Rains of the CDFA CalCannabis Cultivation Licensing Division (CalCannabis) submitted a letter to the County (dated 11/13/20) with comments on the CEQA IS/MND that was prepared for the proposed project. The comments provided by CDFA are summarized below:

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

- Aesthetics (See 3 California Code of Regulations § 8304(c); § 8304(g).)

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

Response to Comment 1: The IS/MND has been revised to discuss relevant CDFA regulations related to the resource topics listed above (see pages 10, 20, 25, 26, 36, 47, 48, 52, 59, 71, and 75 of the IS/MND).

- 2) Environmental Checklist Overview: The IS/MND would be improved if it included the types of permits or approvals required from each of the listed agencies.

Response to Comment 2: The IS/MND has been revised to include the types of permits or approvals potentially required from relevant agencies (see pages ii and iii of the IS/MND).

- 3) Aesthetics: The IS/MND would be improved if it referenced CDFA's requirement that all outdoor lighting for security purposes must be shielded and downward facing, and that lights used in mixed-light cultivation activities must be fully shielded from sunset to sunrise to avoid nighttime glare (Cal. Code Regs., tit. 3 § 8304(c) and (g)).

Response to Comment 3: The IS/MND has been revised to include reference to the outdoor lighting requirements of 3 CCR § 8304(c) (see page 20 of the IS/MND). The IS/MND has not been revised to include reference to 3 CCR § 8304(g) because the proposed mixed-light cultivation activity would not require artificial lighting.

- 4) Air Quality: The IS/MND would be strengthened if it referenced CDFA's requirements regarding use of generators (Cal. Code Regs., tit. 3 § 8306).

Response to Comment 4: The IS/MND has been revised to include reference to the generator requirements of 3 CCR § 8306 (see page 25 of the IS/MND).

- 5) Hydrology and Water Quality: The IS/MND would be improved if it provided an estimate of water use for the proposed project, and a description of any water efficiency or conservation measures that would be implemented.

Response to Comment 5: The IS/MND has been revised to include an estimate of water use for the proposed project, and a description of any water efficiency or conservation measures that would be implemented (see pages 8-9 and 52 of the IS/MND).

- 6) Transportation: The document would be improved if it indicated whether this (Bridge Improvement) is a mitigation measure, a condition of approval, or whether it is unrelated to the proposed project. If it is a mitigation measure for either transportation or for Biological Resources, it should be specified as such, and the document should provide an analysis of how it will reduce impacts to less than significant levels.

Response to Comment 6: The bridge improvement is being required to comply with the existing regulatory requirements of state agencies. As stated in the IS/MND, *"The existing bridge along the onsite access road is required to be replaced since it does not currently meet CDFW standards"* (page 8, 48, and 66). The applicant has submitted a Lake and Streambed Alteration Agreement to CDFW that includes the bridge improvement. As applicable, the IS/MND discusses the benefits of the bridge improvement and the reductions in potential impacts that would result (see pages 48 and 66).

- 7) Utilities and Service Systems: The document would be improved if it provided an analysis of whether the proposed project would have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry, and multiple dry years.

Response to Comment 7: The IS/MND has been revised to include a discussion of the adequacy of the proposed project's water supplies (see pages 8-9 and 71 of the IS/MND).

- 8) Mandatory Finding of Significance: The IS/MND would be more informative if it identified whether any other cannabis growing operations exist or have been proposed in the vicinity of the proposed project, and whether the proposed project would make a considerable contribution to any cumulative impacts from these other projects.

Response to Comment 8: The IS/MND has been revised to include information about other cannabis cultivation projects along Barker Creek. The IS/MND has also been revised to analyze whether the proposed project would make a considerable contribution to any cumulative impacts in the project area from cannabis cultivation activities (see pages 75-76 of the IS/MND).

California Department of Fish & Wildlife: Habitat Conservation Program Manager Curt Babcock of the Department of Fish and Wildlife (CDFW) submitted a letter to the County (dated 12/02/20) with comments on the CEQA IS/MND that was prepared for the



proposed project. The comments provided by CDFW are summarized below:

- 9) There is no discussion in the MND describing the size of this (irrigation) pipeline, how it will cross these stream channels, or if there will be monitoring and maintenance associated with the permanent water line to keep it in good working order. The Department recommends that the Project, or irrigation specifically, is designed in a manner that precludes several thousand feet of irrigation line spanning the parcel and crossing several stream channels. If the irrigation line is buried beneath the ground surface, the impacts associated with trenching and burying should be discussed in the MND. Methods for crossing streams should also be described in the MND.

Response to Comment 9: The IS/MND has been revised to include a description of the irrigation pipe, including size, footprint, and associated impacts (see page 9 of the IS/MND).

- 10) The generators are described as 25-watt generators, although this is likely a typo, as this number seems too low to produce adequate electricity. They are described as stationary generators occupying 4-foot by 8-foot concrete basins with a fuel capacity of 55 gallons. A generator of that size likely produces more energy than 25-watts.

Response to Comment 10: The commentor was correct in noting a typo on the power output of the proposed generators. The IS/MND has been revised to accurately describe the generators used by the proposed project, which have a power output rating of 22-kW (see pages 7-8 of the IS/MND).

- 11) There is no discussion in the MND about how often the generators will run, how loud each will be, or how far sound will travel from the remote ridge-top cultivation sites. The use of four generators has been determined to have a less than significant impact because of the Projects' distance to nearby sensitive receptors. The Department disagrees with this conclusion.

Response to Comment 11: The IS/MND has been revised to include information regarding the use of the proposed generators, including noise output, timing of use, and noise containment (see pages 10 and 59 of the IS/MND).

- 12) The MND states the hours of operation of the generators are "typically limited" to daytime hours. If electricity use is needed for security lighting, limiting the use to daytime hours seems contradictory unless they are charging battery banks. The Department recommends a mitigation measure or an enforceable Use Permit condition that precludes running the generators from dusk until dawn.

Response to Comment 12: The IS/MND has been revised to note that the proposed project will be required to comply with §17.43.060(B) of the County's Cannabis Ordinance, which prohibits the use of generators associated with a

commercial grow between the hours of 10 p.m. and 7 a.m. (see pages 10 and 59 of the IS/MND).

- 13) Mitigation Measure Bio-1 includes a measure that states: “No loud noises including heavy machinery, hammering, discharge of firearms, or unmuffled generators are allowed during the breeding and nesting window to avoid impacts to Northern Spotted Owl (*Strix occidentalis*) and American Peregrine Falcon (*Falco peregrinus anatum*), which is generally February 1 to September 1.” This measure could be more effective if there were specific noise buffers around known nest or activity sites, as preventing “loud noises” across a 640-acre parcel is difficult to consistently enforce.

Response to Comment 13: Mitigation Measure BIO-1 has been revised to establish a specific noise buffer (0.25 mile) around known nest or activity sites (see page 31 of the IS/MND).

- 14) Since electricity demands appear limited to security lighting and occasional equipment use, the Department recommends generators be enclosed within a permanent structure which will muffle all noise. The use of portable on-demand generators for equipment needs and solar security lighting would likely prevent the need to build enclosures for large generators.

Response to Comment 14: The IS/MND has been revised to note that each generator is proposed to be located within a covered structure that would buffer noise levels during operation (see pages 10 and 59 of the IS/MND).

- 15) At its December 2019 meeting, the California Fish and Game Commission took action regarding the proposed listing for Foothill yellow-legged frog and decided that listing the North Coast clade is not warranted at this time. While it is still considered a Species of Special Concern, a CESA permit is not required should this species be present within the project footprint. The MND should reflect the current status and propose avoidance and minimization measures for this species.

Response to Comment 15: The IS/MND has been revised to include updated information on the status of Foothill yellow-legged frog (see page 29 of the IS/MND). Mitigation Measure BIO-2 has also been revised to remove the statement about obtaining a CESA permit if Foothill yellow-legged frog is observed during biological surveys conducted prior to the proposed bridge improvements (see page 32 of the IS/MND).

- 16) To minimize additional avoidance, minimization, and mitigation requirements by the Department pursuant to FGC section 1600 et seq. and/or under CEQA, the CEQA document should fully identify the potential impacts to lakes, streams and associated riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement.

Response to Comment 16: The IS/MND identifies that the proposed project would replace one bridge and install three culvert crossings to meet CDFW standards. It notes that the recommendations from the October 3, 2019 Incomplete Letter from CDFW for Notification no. 1600-2019-07332-R1 related to the culvert crossings and bridge replacement have been included as Mitigation Measure BIO-2. It states the Project does not propose any development or impacts to riparian habitat or any sensitive natural community. It finds that with the implementation of the proposed mitigation measures and compliance with existing regulatory requirements of State agencies, the project would result in less than significant impacts on special status species, habitats, and wetlands (see pages 10-11 and 29-32 of the IS/MND).

### **GENERAL PLAN CONSISTENCY:**

The project site has been designated Resource (RE) in the County General Plan. As discussed in the General Plan Land Use Element, resource designated areas are intended to indicate the desirable location for the production of the variety of natural resources that occur within the County. Natural resources may include timber production, mineral production, and important grazing areas. The County General Plan did not specifically anticipate commercial cannabis cultivation when it was developed. However, when the County adopted its Cannabis Ordinance, it determined that several General Plan designations and zoning districts were appropriate for commercial cannabis cultivation. The RE designation and U zone were both determined to be appropriate locations for cannabis cultivation. Therefore, the expansion of an existing cannabis cultivation operation on property designated for Resource, is found to be consistent with the General Plan.

### **COUNTY CODE COMPLIANCE:**

Both the County General Plan and County Code did not specifically anticipate development of commercial cannabis when they were developed and adopted. In response to California State Law that allows commercial cannabis activities under permitted and controlled conditions, Trinity County developed County-specific ordinances to regulate commercial cannabis cultivation, testing, nurseries, manufacturing, distribution, microbusiness, events and sales within the County. Ordinances 315-823, 315-829, 315-830 and 315-841 regulate cultivation and are all specifically titled "An Ordinance of the Board of Supervisors of the County of Trinity Amending Zoning Ordinance No. 315 Creating Section 28: Commercial Cannabis Cultivation Regulations". In addition, the County adopted an Amended Cannabis Program Ordinance on 12/28/20 (Ordinance No. 315-849) that contains new requirements and performance standards for cannabis cultivation activities. All of these ordinances are referred to, collectively, in this section as the "Cannabis Ordinance."

The project site is located in the Unclassified (U) zoning district, which is contained in Chapter 17.11 of the County Code. The U zoning was applied to those areas of the county not classified into zoning districts for a particular use at that time. Per Section 17.11.020, single-family dwellings and row and field crops are principally permitted in the U zoning

district. The proposed project consists of developing a residence and agricultural related activities. Therefore, the project is considered consistent with the purpose and intent of the U zoning district.

Per Section 17.43.040.B of the County Cannabis Ordinance, to be eligible for a Type 3 (Outdoor – Medium) cultivation license, the applicant must be applying for property that is fifty acres or more, and apply for and obtain a Conditional Use Permit. This Conditional Use Permit application is for a property that is 640 acres in size, making the property eligible for a Type 3 cultivation license.

One of the proposed cultivation areas (Area 4) does not comply with the Trinity County Cannabis Ordinance Section 17.43.050.A.8, which requires a 500 ft setback from the property lines for a medium (up to one acre of canopy) cannabis cultivation site (see Attachment 7 – Project Site Plans). To allow cultivation in Area 4, the applicant has applied for a variance (Application No. CCV-2018-010). As a condition of approval of the use permit, the variance must be approved before the applicant can proceed with cultivation in the proposed cultivation area requiring the variance. The purposes of the 500 ft property line setback requirement provision in Trinity County Code 17.43.050.A.8. is to mitigate potential impacts (e.g., odors, noise, lighting, fugitive dust, etc.) to adjacent neighbors from cannabis cultivation activities. The project site is surrounded by USFS land and there are no structures or sensitive receptors on any of the surrounding properties. The nearest sensitive receptor (residence) is located over 1 mile from the project site. Since there are no sensitive receptors within close proximity to proposed cultivation Area 4, the reduced setback from the property line is not anticipated to result in adverse impacts from cultivation activity.

Table 3 compares the design of the proposed project (i.e., proposed residence, accessory structures, and cultivation structures) to the applicable development standards in the County Code (see Chapter 17.11 – Unclassified or “U” District and Section 17.30.090 – Off-street parking requirements).

**Table 3: Summary of County Code Compliance**

<b>County Code Development Standard</b>	<b>County Code Requirement</b>	<b>Proposed by Project</b>	<b>Compliant with County Code?</b>
Minimum Lot Area	5 acres	>5 acres	Yes
Minimum Lot Depth	300 feet	>300 feet	Yes
Minimum Lot Width	100 feet	>100 feet	Yes
Maximum Lot Coverage	25% of total lot area	<1%	Yes
Minimum Front Yard	20 feet	>20 feet	Yes
Minimum Side Yard	10 feet	>10 feet	Yes
Minimum Rear Yard	20 feet	>20 feet	Yes
Maximum building height	40 feet	<30 feet	Yes
Off-Street Parking	No standards applicable to crop production such as cannabis cultivation	Sufficient for the proposed	NA

County Code Development Standard	County Code Requirement	Proposed by Project	Compliant with County Code?
		number of employees	

As illustrated on the Project Site Plans (see Attachment 5) and noted in Table 3, the proposed project has been designed to be consistent with the development standards in the County Code.

### **ENVIRONMENTAL REVIEW:**

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

As required by CEQA Guidelines Section 15073(d), the CEQA document prepared for the project was sent to the State Clearinghouse (SCH#: 2020110041) and was circulated for review from 11/3/2020 to 12/3/2020. As required by CEQA Guidelines Section 15072(a), a 'Notice of Availability' was provided to the public, responsible agencies, and trustee agencies, and the County Clerk. As previously stated, comments were received from CDFA and CDFW on the IS/MND. See a summary of the comments received and responses from County staff in the section on Public Comments above. As discussed in the section on Public Comments, the IS/MND was revised to address the comments from CDFA and CDFW. The revisions made to the IS/MND clarify the information in the IS/MND and/or provide minor corrections or edits to the text. The revisions to the IS/MND do not identify new significant environmental impacts, do not constitute significant new information, and do not alter the conclusions of the environmental analysis. Where revisions consist of added or modified text, that text is underlined (example text), while deleted text is struck out (~~example text~~).

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

After the CEQA IS/MND for the project was circulated (circulation period ended on 12/3/20), the County adopted an Amended Cannabis Program Ordinance and a corresponding Environmental Impact Report (EIR) (SCH#: 2018122049) on 12/28/20. The EIR contains a number of mitigation measures that were also incorporated into the County's Amended Cannabis Program Ordinance as enforceable regulations. These

regulations are primarily performance standards and will be required, where applicable, as conditions of approval for the proposed project. This will ensure that the project is consistent with the requirements of the County's Amended Cannabis Program Ordinance and do not change any of the significance determinations in the CEQA IS/MND prepared for the proposed project.

## **FINDINGS OF FACT**

### **Conditional Use Permit Findings**

Trinity County Code Section 17.32.010 states the following:

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

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

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

Finding: As required by the County's Cannabis Ordinance, the applicant is applying for a Conditional Use Permit to allow an existing cannabis cultivation operation to expand up to 1 acre of cultivation area. Evaluation of the project has determined that the project as proposed, conditioned, and mitigated is: 1) compatible with the General Plan land use designation, neighborhood character, and the limited intensity uses of the surrounding area; 2) consistent with the County Cannabis Ordinance; and 3) compliant with CEQA.

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

Finding: The project, as proposed, conditioned, and mitigated, will not cause detrimental effects to public health, safety, welfare or result in the creation of a public nuisance. Land uses surrounding the project site consist of large parcels (approximately 600 acres) that are designated Resources (RE) and managed as timberlands by the U.S. Forest Service. The closest sensitive receptors to the project site are more than 1-mile from the project site and will not be significantly impacted by potential impacts from the project.

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

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

Variance Findings

Trinity County Code Section 17.31.010 states the following:

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

In considering the variance (CCV-2018-010), the following findings are recommended pursuant to Section 17.31.010 of the Trinity County Code:

**1. No Special Privilege: A variance cannot be a special privilege extended to one individual property owner. The circumstances must be such that the same variance would be appropriate for any property owner facing similar circumstances.**

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

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

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

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

Finding: The purposes of the 500 ft property line setback requirement provision in Trinity County Code 17.43.050.A.8. is to mitigate potential impacts (e.g., odors, noise, lighting, fugitive dust, etc.) to adjacent neighbors from cannabis cultivation activities. The project site is surrounded by USFS land and there are no structures or sensitive receptors on any of the surrounding properties. The nearest sensitive receptor (residence) is located over 1 mile from the project site. Since there are no sensitive receptors within close proximity to proposed cultivation Area 4, the reduced setback from the property line would not be injurious to the public welfare or to adjacent properties.

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

Finding: The general purpose of the zoning requirements in the County Code is to promote and protect the public health by providing a definite plan of development, protecting the character and the social and economic stability of land uses, and assuring orderly and beneficial development. The proposed project is substantially in compliance with the County Code provisions for commercial cannabis cultivation, which the County has found are necessary to reduce the potential impacts associated with unregulated cannabis cultivation. The one exception for the proposed project is the request for a reduction in the property line setback requirement in Section 17.43.050.A.8 of the County Code for one of the proposed cultivation areas (Area 4). Section 17.43.050.A.8 allows for variances from this standard, consistent with the requirements for variances in State law and the County Code. The subject parcel contains special circumstances (i.e., topography, terrain, drainages, vegetation, access) that justify the granting of a variance from the property line setback requirement and would be appropriate for any applicant facing similar circumstances. Given the topography, forested terrain, surrounding drainages, and existing disturbed areas and access roads on the site, the applicant would not otherwise be able to utilize the full 1-acre canopy size of a Type III (Outdoor-Medium) cultivation license as other program applicants in the County. As such, the proposed variance is consistent with the general purpose and intent of the County Code and would not adversely affect the general plan or specific plans of the County.

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

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

**STAFF RECOMMENDATION:**

Staff recommends that the Planning Commission Adopt a resolution to:



- a) Adopt the California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration and the Mitigation, Monitoring, and Reporting Program (MMRP);
- b) Approve the Conditional Use Permit (CCUPT3-2018-001) and Variance (CCV-2018-010) based on the recommended findings in Resolution 2021-02 and subject to the conditions of approval set forth in Exhibit A to Resolution 2021-02.

**ATTACHMENTS:**

- 1) Resolution 2021-02 and Conditions of Approval
- 2) CEQA Mitigation Monitoring and Reporting Plan (MMRP)
- 3) Location Map
- 4) Project Aerial
- 5) Zoning Map
- 6) General Plan Designation Map
- 7) Project Site Plans
- 8) Conditions of Approval - Department of Transportation dated March 4, 2021

**Environmental Review:**

The CEQA Initial Study/Mitigated Negative Declaration environmental document for the can be found on the Planning Department/Cannabis Division's Environmental Review Page under the "Cannabis Project" heading.

Environmental Review Page: <https://www.trinitycounty.org/node/2609>

## **RESOLUTION NO. 2021-02**

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE COUNTY OF TRINITY APPROVING CONDITIONAL USE PERMIT AND VARIANCE (Caccavo, CCUPT3-2018-001 & CCV-20-46)**

**WHEREAS**, Olivia Caccavo filed an application dated January 3, 2018 for a Cannabis Cultivation Conditional Use Permit (CCUPT3-2018-001) and Variance (CCV-2018-010). The CUP is for the expansion of an existing cannabis cultivation operation to allow up to one-acre (43,560 sq ft) of outdoor and/or mixed-light cannabis canopy area. The Variance is for an exception to the 500-foot property line setback requirement for a medium (up to one acre of canopy) cannabis cultivation site in County Code Section 17.43.050.A.8. The project is located at 3800 Barker Creek Road, Hayfork, California on Trinity County assessor parcel number 015-030-001; and

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

**WHEREAS**, the project is subject to environmental review pursuant to the California Environmental Quality Act (CEQA) and the County of Trinity is the lead agency for the project. A proposed Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared with respect to said project and a Notice of Availability was published in a newspaper of general circulation, filed with the County of Trinity Clerk-Recorder's Office, and filed with the Governor's Office of Planning and Research CEQA State Clearinghouse (State Clearinghouse). The IS/MND was made available for review and comment by the general public and public agencies for a period of 30 days (11/3/2020 to 12/3/2020) by posting it on the County of Trinity website and filing with the State Clearinghouse (SCH#: 2020110041); and

**WHEREAS**, after due notice of public hearing in accordance with applicable laws, the matter came on for hearing before the Planning Commission of the County of Trinity on December 10, 2020 and was continued to the February 25, 2021 and March 11, 2021 meetings; and

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

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

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

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

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

2. Pursuant to Chapter 17.32 (Use Permits) of the County Code of Ordinances, the Planning Commission of the County of Trinity makes the following findings for the Use Permit:
  - A. As required by the County's Cannabis Ordinance, the applicant is applying for a Conditional Use Permit to allow an existing cannabis cultivation operation to expand up to 1 acre of cultivation area. Evaluation of the project has determined that the project as proposed, conditioned, and mitigated is: 1) compatible with the General Plan land use designation, neighborhood character, and the limited intensity uses of the surrounding area; 2) consistent with the County Cannabis Ordinance; and 3) compliant with CEQA.
  - B. The project, as proposed, conditioned, and mitigated, will not cause detrimental effects to public health, safety, welfare or result in the creation of a public nuisance. Land uses surrounding the project site consist of large parcels (approximately 600 acres) that are designated Resources (RE) and managed as timberlands by the U.S. Forest Service. The closest sensitive receptors to the project site are more than 1-mile from the project site and will not be significantly impacted by potential impacts from the project.
  - C. The project, as proposed and conditioned, is consistent with the goals and objectives of the County General Plan and U zoning district, as the proposed project consists of the expansion of existing agricultural related activities on a site designated as Resource (RE).
3. Pursuant to Chapter 17.31 (Variances) of the County Code of Ordinances, the Planning Commission of the County of Trinity makes the following findings for the Variance:
  - A. There are special circumstances (i.e., topography, terrain, drainages, vegetation, access) applicable to the project parcel that, with strict application of the Trinity County Zoning Code, deprives the property owner of privileges available to other property owners with similar zoning that plan to establish or have established a Type 3 (Outdoor-Medium) cannabis cultivation license (up to 1-acre of canopy).
  - B. This variance is from the 500 ft property line setback requirement provision in Trinity County Code 17.43.050.A.8. The variance would not locate a use which is prohibited by ordinance in the U zoning district.
  - C. The purposes of the 500 ft property line setback requirement provision in Trinity County Code 17.43.050.A.8. is to mitigate potential impacts (e.g., odors, noise, lighting, fugitive dust, etc.) to adjacent neighbors from cannabis cultivation activities. The project site is surrounded by USFS land and there are no structures or sensitive receptors on any of the surrounding properties. The nearest sensitive receptor (residence) is located over 1 mile from the project site. Since there are no sensitive receptors within close proximity to proposed cultivation Area 4, the reduced setback from the property line would not be injurious to the public welfare or to adjacent properties.
  - D. The general purpose of the zoning requirements in the County Code is to promote and protect the public health by providing a definite plan of development, protecting the character and the social and economic stability of land uses, and assuring orderly and beneficial development. The proposed project is substantially in compliance with the County Code provisions for commercial cannabis cultivation, which the County has found are necessary to reduce the potential impacts

associated with unregulated cannabis cultivation. The one exception for the proposed project is the request for a reduction in the property line setback requirement in Section 17.43.050.A.8 of the County Code for one of the proposed cultivation areas (Area 4). Section 17.43.050.A.8 allows for variances from this standard, consistent with the requirements for variances in State law and the County Code. The subject parcel contains special circumstances (i.e., topography, terrain, drainages, vegetation, access) that justify the granting of a variance from the property line setback requirement and would be appropriate for any applicant facing similar circumstances. Given the topography, forested terrain, surrounding drainages, and existing disturbed areas and access roads on the site, the applicant would not otherwise be able to utilize the full 1-acre canopy size of a Type 3 (Outdoor-Medium) cultivation license as other program applicants in the County. As such, the proposed variance is consistent with the general purpose and intent of the County Code and would not adversely affect the general plan or specific plans of the County.

4. The Planning Commission of the County of Trinity hereby approves the Conditional Use Permit (CCUPT3-2018-001) and Variance (CCV-20-46), subject to the conditions set forth in Exhibit "A", attached hereto and made a part hereof.

**DULY PASSED AND ADOPTED** this 11<sup>th</sup> day of March, 2021 by the Planning Commission of the County of Trinity by motion of Commissioner \_\_\_\_\_, seconded by Commissioner \_\_\_\_\_, and the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

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

ATTEST:

By:

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

**EXHIBIT “A” to Resolution PC-2021-21**  
**CONDITIONAL USE PERMIT AND VARIANCE**  
**CONDITIONS OF APPROVAL**

(Caccavo, CCUPT3-2018-001 & CCV-2018-010)

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

1. The Permittee shall comply with all County cannabis regulations, as are applicable for the cannabis cultivation activity proposed by the Permittee 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, 315-833, 315-834, 315-835, and 315-849, and as amended.
2. The Permittee must be in compliance with all County building permit requirements including, but not limited to, structures, roads, electrical, and water and sewer connections. Prior to issuance of building permits, a detailed and to scale site plan depicting the existing and proposed development of the site, including building envelopes or footprints, setbacks, parking and circulation shall be provided for review and approval by Trinity County. Adequate area for parking and internal circulation shall be provided.
3. Structures on the property shall be in compliance with the California Building Code and Trinity County Code.
4. An encroachment permit from the Trinity County Department of Transportation should be required for the private road encroachment onto the County maintained Barker Creek Road, (County Road No. 331). The encroachments onto Barker Creek Road shall conform to the current County Department of Transportation standards for a private road encroachment.
5. Proof of legal access shall be provided.
6. The access road to this property and proposed structures shall meet both the Trinity County fire safe ordinance requirements and the SRA Fire Safe Regulations.
7. The proposed access road is much longer than the maximum length for a dead-end road, as required by the Fire Safe ordinance. Exceptions are provided in County Codes Section 8.30.220, provided mitigation measures are met. The proposed pond may be acceptable mitigation, if approved by CalFire as an adequate mitigation.
8. A hydrology and hydraulics study showing the ability to convey 100-year storm flows through all culverts on the access road shall be approved by the Director of Transportation. All driveway and ditch relief culverts shall be a minimum of 18” diameter unless an alternative size is approved by the Director of Transportation. Ditches shall be designed and constructed to prevent 100-year flows from encroaching more than 2 feet into the travel way.
9. A road name for the private access road shall be submitted to the Planning Department for approval in accordance with Title 12, chapter 12.17 of Trinity County code of ordinances.

10. Road name signs shall be installed at all road intersections to facilitate locating a fire and to avoid delays in response. Road name signs shall meet the requirements of Article III of the Trinity County Fire Safe Ordinance.
11. All improvements required for this development and as described in these conditions of approval shall be shown on construction drawings (the final improvement plans) to be submitted to the Trinity County Department of Transportation for review and approval. Approval of the construction drawings is required prior to construction of the improvements or issuance of the Use Permit.
12. The improvement plans shall include a grading plan and erosion and sediment control plan, which incorporates standard erosion control practices and best management practices, subject to the approval of the County Engineer for disturbed areas. The plan shall be prepared by a Qualified SWPPP Developer (QSD) and shall be included in an agreement with the construction contractor. The following measures shall be included:
  - a. Any mass grading shall be restricted to dry weather periods between April 1 and October 31.
  - b. If other grading activity is to be undertaken in wet-weather months, permanent erosion and sediment controls shall be in place by October 15, and construction shall be limited to areas as approved by the County Engineer. A winterization plan shall be submitted by September 15 and implemented by October 15.
  - c. In the event construction activity including clearing, grading, disturbances to the ground, such as stockpiling, or excavation result in soil disturbances of at least one acre of total land area, the applicant shall obtain and provide a Notice of Intent (NOI) from the Regional Water Quality Control Board.
  - d. Should a NOI be required, Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to issuing a construction permit. The SWPPP shall have provisions to provide at minimum monthly monitoring reports to the County during wet weather and to 1 year after completion of construction.
  - e. Projects less than one acre are exempt from obtaining a NOI unless construction activity is expected to create soil disturbances that could cause significant water quality impairment.
  - f. The internet site for information and application on the NOI can be found at [http://waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)
  - g. Sedimentation basins, traps, or similar BMP controls shall be installed prior to the start of grading.
  - h. Mulching, hydro seeding, or other suitable revegetation measures shall be implemented. Planting shall also occur on areas of cut and fill to reduce erosion and stabilize exposed areas of later construction phases. All disturbed areas with a slope greater than 5% shall receive erosion control.
  - i. Excavated materials shall not be deposited or stored where the materials could be washed away by storm water runoff.

13. Prior to construction of improvements, the construction drawings shall be stamped by an engineer and approved by the County Engineer.
14. Inspection of the improvements will be performed by Trinity County Department of Transportation staff or a County selected inspection firm. The developer will coordinate inspections with the Department of Transportation prior to start of construction.
15. The developer will be responsible for all actual costs on an hourly basis associated with the development improvements, including review of construction improvement plans, performing improvement inspections, and all other related costs.
16. 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.
17. 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 cultivation 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.
18. 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.
19. 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.
20. The variance from property line setback requirements in County Code Section 17.43.050.A.8 shall be approved by the Trinity County Planning Commission before the Permittee can proceed with cultivation activities in Area 4. The variance shall become effective after all applicable appeal periods have been expired or appeal processes have been exhausted. The variance is approved for a period of one year and shall expire on the same date as the Type 3 Commercial Cannabis License date that this variance is proposed for; provided, however, that the variance shall be renewed annually according to the following requirements:
  - The applicant has the sole responsibility for renewing the variance before the expiration date listed above. The County will not provide a notice prior to the expiration date.
  - Application for renewal shall be submitted by the applicant prior to expiration of the variance and preferably no later than 60 days in advance;
  - Application for renewal shall be subject to a filing fee as specified by resolution of the Board of Supervisors;

- The renewal shall not require a formal public hearing, unless specified by the Planning Director or referred to the Planning Commission; however, written notice shall be provided by the County to surrounding property owners at least ten (10) days prior to the Planning Director's decision to approve or deny the annual renewal;
- The Planning Director, at their discretion, may approve, deny or refer the annual renewal request to the Planning Commission. The director shall not add or modify conditions of approval applied by the Planning Commission. If submitted to the Planning Commission by the Planning Director for action, no additional fees will be required; and
- Action to renew the variance by the Planning Director may be appealed to the Planning Commission in accordance with Chapter 17.34 of the County Code, including the required appeal fee.

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

21. The Permittee shall comply with the following requirements from the January 29, 2018 referral response email from CDFW:

- Nesting Bird Surveys  
If tree removal and vegetation clearing will be associated with the Project, these activities should be conducted outside of the bird nesting season (generally no work during February 1-August 31) in order to avoid 'take' as defined and prohibited by Fish and Game Code sections 86, 3503, 3503.5, 3513, and by the Federal Migratory Bird Treaty Act (16 U.S. Code 703 et seq). If work must be conducted during the bird nesting season, a qualified ornithologist (someone who is able to identify Northern California birds, and who has experience in nest-searching for passerines and raptors) shall thoroughly survey the area no more than seven days prior to tree/vegetation removal to determine whether active nests (nests containing eggs or nestlings) are present. If active nests are found, appropriate buffers shall be developed in consultation with CDFW and the U.S. Fish and Wildlife Service to avoid take. These surveys shall occur within and surrounding all areas of the Project site in which Project activities take place, as discussed above. Survey results shall be sent to CDFW at Attn: CEQA, 601 Locust Street, Redding, CA, 96001.
- Fish and Game Code Section 1602 Compliance  
Applicant must demonstrate compliance with Fish and Game Code section 1602. Compliance must be demonstrated with a Lake or Streambed (LSA) Agreement, a General Agreement, or written verification that an LSA Agreement is not required.
- Stream Crossings  
Existing stream crossings shall be evaluated by a qualified person to determine whether they are adequately sized and properly functioning. Stream crossings must be sized to accommodate 100-year flow events and associated debris.
- Rodenticides  
Anticoagulants and other rodenticides can have harmful impacts on non-target species and secondary poisoning of wildlife may occur. Anticoagulants are toxins found in major rodent poisons, and anticoagulants such as bromadiolone and brodifacoum prevent blood clotting, causing uncontrollable internal bleeding. As these poisons move up the food chain, other wildlife including mammalian predators and raptors are secondarily poisoned. This secondary poisoning has been documented in fisher, bear, fox, mountain lion, and coyote, as well as others. Anticoagulant use is prohibited.



- Pesticides  
Pesticides with targets other than rodents may harm native insect pollinators and other desirable arthropods which can have cascading adverse ecosystem impacts in adjoining areas. Chemical pesticides are prohibited.

The following conditions of approval include the mitigation measures from the Initial Study-Mitigation Negative Declaration (SCH#: 2020110041) that was prepared for the proposed project. The responsibility for implementation and timing of these mitigation measures is identified in the Mitigation, Monitoring, and Reporting Program.

11. **BIO-1:** Recommendations in Appendix H of the Biological Assessment prepared by Pinecrest Environmental Consulting (2020), as modified, shall be implemented as follows:

- All employees and contractors including one-time contractors and day-laborers shall be distributed cards with visual identifications of all of the aforementioned special-status species, including both male and female, and juvenile and adult forms, and be briefed on all of the following mitigation measures. Species cards may be obtained from PEC on request.
- Operator shall obtain signatures from all employees at the bottom of a copy of these mitigation measures on an annual basis to demonstrate understanding of these measures.
- Observation of any of the special status species onsite shall result in immediate stoppage of all work and notification of a qualified biologist and/or CDFW.
- All animals, whether special status species or not, shall not be molested and shall be allowed to leave the premises voluntarily.
- Vehicle speeds shall be limited to 5 mph all year, with 3 mph limit during amphibian breeding and migration season from October to June.
- No unmuffled, non-street legal, or two-stroke vehicles are allowed on the road due to proximity to American peregrine falcon (*Falco peregrinus anatum*) site.
- No loud noises including heavy machinery, hammering, discharge of firearms, or unmuffled generators are allowed within 0.25 miles of active nest sites, known activity centers, or designated critical habitat during the breeding and nesting season to avoid impacts to Northern spotted owl (*Strix occidentalis*), American peregrine falcon (*Falco peregrinus anatum*), and other raptors, which is generally February 1 to September 1.
- Access within 100 feet of the rock outcrops is not allowed to prevent impacts to American peregrine falcon (*Falco peregrinus anatum*) and other special status species. Signs stating there is a sensitive habitat ahead and no entry is permitted shall be posted at the bend in the road (see Figure 4 [Special-Status Species & Habitat] of the PEC BA) and other visible and accessible locations where encroachment into the 100-foot buffer area may be possible.
- Avoid ground disturbance including trenching, grading, or road scraping to a depth of greater than 10" without first having a qualified biologist clear the site to avoid disturbing estivating amphibians.
- All roadways and culverts shall be inspected once before major rain events and once after to ensure that all erosion control materials are effective and not discharging sediment to Barker Creek or other watercourses.

- All containers and other vessels left outside unattended shall be checked before use to ensure that no animals are inside.
- Vessels including buckets shall be turned over on their sides to allow animals to escape.
- No holes greater than 6" deep shall be left exposed and uncovered to avoid making "pitfall traps" into which animals can enter but cannot escape. If holes such as post holes must be left for more than 24-hours, they should be checked daily to ensure no animals are inside.
- Areas within 100 feet of any watercourse shall be cleared by a biological monitor prior to disturbing the ground more than 6".
- Only native woody species shall be planted wherever revegetation is required such as along the sides of roadcuts and bridge abutments.
- Dewatering of the creek during bridge repair is discouraged and all construction for bridge repair should occur outside the wetted channel.
- All construction for bridge footings shall occur 24-36 hours after a qualified biologist clears the site to ensure that no aquatic species or egg masses are present.
- Preconstruction breeding bird surveys for Northern spotted owl (*Strix occidentalis*) and other migratory birds are required if tree removal is to take place.
- No tree or vegetation removal is permitted during breeding bird period from February to September.
- No aerial wires or lines are permitted that may impede the flight path of nesting birds.
- No upward pointed lights are permitted during anytime during the year, and ambient outdoor night-time lights are prohibited during the breeding bird period from February to September.
- Use of rodenticides is prohibited under all circumstances due to the hazard of secondary ingestion by raptors.

12. **BIO-2:** CDFW recommendations, as modified, in the October 3, 2019 Incomplete Letter for Notification No. 1600-2019-0732-R1:

- American Peregrine Falcon Surveys: Multiple years of surveys have documented a successful breeding pair of peregrine falcons (*Falco peregrinus anatum*) nesting on this parcel as recently as 2016 (USFS). The applicant shall hire a qualified biologist to conduct follow up surveys once the project is operational to ensure no project activities impact this Fully Protected species or encroach on its habitat. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.
- Bridge Replacement Biological Surveys: If it is determined that Barker Creek needs to be dewatered for bridge abutment work, a biological survey must be conducted by a qualified biologist during the appropriate time of year to determine if there are special status animals inhabiting the reach of stream that will be dewatered.

13. **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.

14. **CR-2:** If In the event that previously unidentified evidence of human burial or human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5), the Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. when the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American Heritage Commission and/or the most likely descendent have been implemented.
15. **GEO-1:** If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County. A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.

The following conditions of approval include the relevant mitigation measures from the Environmental Impact Report (SCH#: 2018122049) that was prepared for the Amended Cannabis Program Ordinance adopted by the County Board of Supervisors on December 28, 2020:

**16. 3.1-1b: Maintain Cultivation Parcel**

License applications for new cultivation sites and requests for license renewal will maintain the parcel clear of trash and debris piles. No trash or debris, including abandoned cars, various woody materials, plastic tarps, cannabis waste, or household appliances, will be allowed to accumulate

on the parcel for a period greater than two weeks for the life of the license. The County will inspect compliance with this measure prior to license renewal.

**17. 3.3-1a: Prohibit Burning Vegetation**

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

**18. 3.3-1b: Implement Diesel Engine Exhaust Control Measures and Dust Control**

Exhaust Control Measures: All diesel-powered off-road equipment used in construction shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068. Tier 3 models or best available construction equipment can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors.

Dust Control: Construction activities will implement measures to control dust such as:

- Water all exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) two times per day.
- Cover all haul trucks transporting soil, sand, or other loose material off-site.
- Remove all visible mud or dirt track-out onto adjacent roads.
- Limit all construction vehicle speeds on unpaved roads to 15 miles per hour.

**19. 3.3-1c: Use Alternative Fuels**

Renewable diesel (RD) fuel shall be used in diesel-powered construction equipment if commercially available in reasonable proximity. RD fuel must meet the following criteria:

- meet California's Low Carbon Fuel Standards and be certified by CARB Executive Officer;
- be hydrogenation-derived (reaction with hydrogen at high temperatures) from 100 percent biomass material (i.e., non-petroleum sources), such as animal fats and vegetables;
- contain no fatty acids or functionalized fatty acid esters; and
- have a chemical structure that is identical to petroleum-based diesel and complies with American Society for Testing and Materials D975 requirements for diesel fuels to ensure compatibility with all existing diesel engines.

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

**20. 3.3-2a: Limit the Use of Fossil Fuel-Powered Outdoor Power Equipment at All Commercial Cannabis Cultivation and Noncultivation Sites**

Limit the use of off-road equipment that is powered by gasoline, diesel, or other fossil fuels where available. This requirement does not apply to generators.

**21. 3.3-2b: Require Use of Low Emission Diesel Back-Up Generators at All Commercial Cannabis Cultivation and Noncultivation Sites**

All generators shall meet EPA's Tier 4 emission standards as defined in 40 CFR 1039 and comply with the exhaust emission test procedures and provisions of 40 CFR Parts 1065 and 1068.

Tier 3 models or best available model can be used if a Tier 4 version of the equipment type is not available. This measure can also be achieved by using battery-electric off-road equipment as it becomes available. Implementation of this measure shall be required in the contract the project applicant establishes with its construction contractors.

**22. 3.4-1c: Implement Measures to Avoid Introduction or Spread of Invasive Plant Species**

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

- The application will include identification of invasive plant species that occur on the site to the extent practicable and where they are located, including noxious weed species prioritized by the Trinity County Weed Management Association. The application will identify specific measures to be employed for the removal invasive species and on-site management practices.
- All invasive plant species shall be removed from the site using measures appropriate to the species to the extent practicable. For example, species that cannot easily reroor, resprout, or disperse seeds may be left on site in a debris pile. Species that resprout readily (e.g., English ivy) or disperse seeds (e.g., Pampas grass) should be hauled off-site and disposed of appropriately at a landfill site.
- Applicants shall monitor annually to ensure successful removal and prevention of new infestations of invasive species.
- Heavy equipment and other machinery shall be inspected for the presence of invasive species before on-site use, and shall be cleaned before entering the site, to reduce the risk of introducing invasive plant species.
- Only weed-free erosion control materials and mulch shall be used on-site.

**23. 3.4-2n: Implement Generator Noise Reduction Measures**

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

The following additional noise performance standards shall apply to generator use:

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

**24. 3.8-1c: Renewable Electricity Requirements**

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

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

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

**25. 3.10-1a: Demonstrate Compliance with Water Resource Standards**

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

- All cultivation sites (new and licensed renewals) are required to demonstrate compliance with all applicable requirements of SWRCB Order WQ 2019-0001-DWQ or any subsequent water quality standards that apply to all new commercial cannabis cultivation operations and will not be limited by a minimum area of disturbance as part of application review and at annual licensed renewal. This will include documentation, Site Management Plan, and grading details prepared by a qualified professional to help ensure that any grading of the site will be stable and describing how stabilization will be achieved. The documentation will also identify the location of all water quality control features for the site and associated access roads. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Road Handbook, per CCR Title 14, Chapter 4. Compliance with water diversion standards and restrictions of SWRCB Order WQ 2019-0001-DWQ will also be provided to the County. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.
- On-site sewage systems shall be designed to accommodate employees and seasonal employees during harvest consistent with the requirements of County Code of Ordinances Section 16.48.122.
- Applications will identify drainage and water quality controls for the site, including roads leading to and from a site, that ensure no sedimentation or other pollutants leave the site as part of project construction and operation. Compliance with this requirement may be combined with the NPDES Construction General Permit compliance measures. Roadway design, water quality control, and drainage features shall be designed and maintained to accommodate peak flow conditions and will be consistent with the Five Counties Salmonid Conservation Roads Maintenance Manual. The County will annually inspect compliance with this measure as part of license issuance or license renewal to confirm compliance.

**26. 3.10-2: Conduct Groundwater Monitoring and Adaptive Management**

As part of the application and license renewal process, applicants shall provide the County with groundwater monitoring data for existing on-site well facilities that documents well production and changes in groundwater levels during each month of the year. Should this monitoring data identify potential drawdown impacts on adjacent well(s), surface waters, and waters of the state and sensitive habitats, and indicate a connection to operation of the on-site wells, the cannabis operators, in conjunction with the County, shall develop adaptive management measures to allow for recovery of groundwater levels that would protect adjacent wells and habitat conditions that could be adversely affected by declining groundwater levels. Adaptive management measures may include forbearance (e.g., prohibition of groundwater extraction from the months of May to October), water conservation measures, reductions in on-site cannabis cultivation, alteration of the groundwater pumping schedule, or other measures determined appropriate. Adaptive management measures will remain in place until groundwater levels have recovered and stabilized based on annual monitoring data provided to the County as part of subsequent annual inspections. Any monitoring cannabis cultivation irrigation wells that demonstrate hydrologic

connection to surface waters shall be subject to surface water diversion requirements and restrictions in SWRCB Order WQ 2019-0001- DWQ. Wells shall also be sited outside of the stream setbacks as set forth in SWRCB Order WQ 2019-0001-DWQ.

**27. 3.12-1: Implement Construction Noise Mitigation**

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

**28. 3.14-3: Provide Site Access Free of Hazards Due to Geometric Roadway Design**

Applications for new commercial cannabis activities and license renewals for existing cannabis operations shall provide documentation showing that roadways providing site access are in compliance with Chapter 12.10: Design Policies of the Trinity County Code of Ordinances. New roadway water quality control and drainage features or new drainage features on existing roadways shall be designed to accommodate peak flow conditions and will be consistent with the Road Handbook, per CCR Title 14, Chapter 4 and SWRCB Order WQ 2019-0001-DWQ.

**29. 3.14-4: Provide Adequate Emergency Access**

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

**30. 3.15-3: Implement a Cannabis Waste Composting Management Plan**

Applicants for new commercial cannabis operations and relicensed sites will develop and implement a cannabis waste composting management plan if the operator proposes to dispose of cannabis waste through onsite composting. The plan shall meet all state requirements and the following requirements that will be confirmed by the County during inspections:

- Designation of the composting area on a site plan that is contained within the site boundaries (must be located within the Designated Area for cultivation operations) that is of adequate size to accommodate site cannabis waste needs.
- Identification of water quality control features that ensure no discharge of cannabis waste or other pollutants.
- Details on routine management and equipment used in the composting area that ensures proper composting and control of odors, potential fuel hazards, and pests for the life of the cannabis operation.

**31. 3.16-2b: Implement Fire Prevention Measures for On-Site Construction and Maintenance Activities**

The operation of outdoor motorized equipment on-site for construction and maintenance activities shall be required to be covered under a fire protection plan that includes the following provisions:

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

Resolution No. 2021-02  
March 11, 2021

**END OF CONDITIONS**

**NOTE:** Approval of this use permit will expire on March 12, 2022. Any request for a time extension and accompanying fees must be received by the Trinity County Planning Department 30 days prior to this expiration date.



CEQA Mitigation, Monitoring, and Reporting Program (MMRP)  
Caccavo Cannabis Cultivation Conditional Use Permit and Variance (CCUPT3-2018-001)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
Aesthetics							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Agriculture and Forestry Resources							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Air Quality							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Biological Resources							
<b>BIO-1: Biological Assessment Mitigation</b> Recommendations in Appendix H of the Biological Assessment prepared by Pinecrest Environmental Consulting, as modified, shall be implemented as follows (see Section 5 – Technical Appendix; PEC, 2020): <ul style="list-style-type: none"><li>All employees and contractors including one-time contractors and day-laborers shall be distributed cards with visual identifications of all of the aforementioned special-status species, including both male and female, and juvenile and adult forms, and be briefed on all of the following mitigation measures. Species cards may be obtained from PEC on request.</li><li>Operator shall obtain signatures from all employees at the bottom of a copy of these mitigation measures on an annual basis to demonstrate understanding of these measures.</li><li>Observation of any of the special status species onsite shall result in immediate stoppage of all work and notification of a qualified biologist and/or CDFW.</li><li>All animals, whether special status species or not, shall not be molested and shall be allowed to leave the premises voluntarily.</li><li>Vehicle speeds shall be limited to 5 mph all year, with 3 mph limit during amphibian breeding and migration season from October to June.</li><li>No unmuffled, non-street legal, or two-stroke vehicles are allowed on the road due to proximity to American peregrine falcon (Falco peregrinus anatum) site.</li><li>No loud noises including heavy machinery, hammering, discharge of firearms, or unmuffled generators are allowed within 0.25 miles of active nest sites, known activity centers, or designated critical habitat during the breeding and nesting season to avoid impacts to Northern spotted owl (Strix occidentalis), American peregrine falcon (Falco peregrinus anatum), and other raptors, which is generally February 1 to September 1.</li><li>Access within 100 feet of the rock outcrops is not allowed to prevent impacts to American peregrine falcon (Falco peregrinus anatum)</li></ul>	Permittee responsibility throughout construction and operation of the project.	Permittee responsibility throughout construction and operation of the project.	Trinity County Planning, CDFW, and USFWS	Less than significant			

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)  
Caccavo Cannabis Cultivation Conditional Use Permit and Variance (CCUPT3-2018-001)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
<p>and other special status species. Signs stating there is a sensitive habitat ahead and no entry is permitted shall be posted at the bend in the road (see Figure 4 [Special-Status Species &amp; Habitat] of the PEC BA) and other visible and accessible locations where encroachment into the 100-foot buffer area may be possible.</p> <ul style="list-style-type: none"><li>• Avoid ground disturbance including trenching, grading, or road scraping to a depth of greater than 10" without first having a qualified biologist clear the site to avoid disturbing estivating amphibians.</li><li>• All roadways and culverts shall be inspected once before major rain events and once after to ensure that all erosion control materials are effective and not discharging sediment to Barker Creek or other watercourses.</li><li>• All containers and other vessels left outside unattended shall be checked before use to ensure that no animals are inside.</li><li>• Vessels including buckets shall be turned over on their sides to allow animals to escape.</li><li>• No holes greater than 6" deep shall be left exposed and uncovered to avoid making "pitfall traps" into which animals can enter but cannot escape. If holes such as post holes must be left for more than 24-hours, they should be checked daily to ensure no animals are inside.</li><li>• Areas within 100 feet of any watercourse shall be cleared by a biological monitor prior to disturbing the ground more than 6".</li><li>• Only native woody species shall be planted wherever revegetation is required such as along the sides of roadcuts and bridge abutments.</li><li>• Dewatering of the creek during bridge repair is discouraged and all construction for bridge repair should occur outside the wetted channel.</li><li>• All construction for bridge footings shall occur 24-36 hours after a qualified biologist clears the site to ensure that no aquatic species or egg masses are present.</li><li>• Preconstruction breeding bird surveys for Northern spotted owl (<i>Strix occidentalis</i>) and other migratory birds are required if tree removal is to take place.</li><li>• No tree or vegetation removal is permitted during breeding bird period from February to September.</li><li>• No aerial wires or lines are permitted that may impede the flight path of nesting birds.</li><li>• No upward pointed lights are permitted during anytime during the year, and ambient outdoor night-time lights are prohibited during the breeding bird period from February to September.</li><li>• Use of rodenticides is prohibited under all circumstances due to the hazard of secondary ingestion by raptors.</li></ul>							
<p><b>BIO-2: CDFW Mitigation</b> CDFW Recommendations, as modified, in the October 3, 2019 Incomplete Letter for Notification No. 1600-2019-0732-R1:</p>	<p><b>Permittee responsibility during construction and operation of the project</b></p>	<p><b>Permittee responsibility during construction and operation of the project</b></p>	<p><b>Trinity County Planning and CDFW</b></p>	<p><b>Less than significant</b></p>			

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)  
Caccavo Cannabis Cultivation Conditional Use Permit and Variance (CCUPT3-2018-001)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
<ul style="list-style-type: none"><li><u>American Peregrine Falcon Surveys</u>: Multiple years of surveys have documented a successful breeding pair of peregrine falcons (Falco peregrinus anatum) nesting on this parcel as recently as 2016 (USFS). The applicant shall hire a qualified biologist to conduct follow up surveys once the project is operational to ensure no project activities impact this Fully Protected species or encroach on its habitat. Fully Protected species may not be taken or possessed at any time and no licenses or permits may be issued for their take except for collecting these species for necessary scientific research and relocation of the bird species for the protection of livestock.</li><li><u>Bridge Replacement Biological Surveys</u>: If it is determined that Barker Creek needs to be dewatered for bridge abutment work, a biological survey must be conducted by a qualified biologist during the appropriate time of year to determine if there are special status animals inhabiting the reach of stream that will be dewatered.</li></ul>							
Cultural Resources							
<b>CR-1: Cultural and Archeological Resources</b> If cultural resources, such as chipped or ground stone, or bone are discovered during ground-disturbance activities, work shall be stopped within 50 feet of the discovery, as required by the California Environmental Quality Act (CEQA; January 1999 Revised Guidelines, Title 14 California Code of Regulations [CCR] 15064.5 (f)). Work near the archaeological finds shall not resume until a professional archaeologist, who meets the Secretary of the Interior’s Standards and Guidelines, has evaluated the material and offered recommendations for further action.	Permittee and Construction Contractor responsibility during ground-disturbing activities	Permittee and Construction Contractor responsibility during ground-disturbing activities	Trinity County Planning and the THPOs for the Nor-Rel-Muk Nation, Wintu Tribe of Northern California, Wintu Educational and Cultural Council, and the Redding Rancheria.	Less than significant			
<b>CR-2: Unidentified Human Remains</b> If In the event that previously unidentified evidence of human burial or human remains are discovered during project construction, work will stop at the discovery location, within 20 meters (66 feet), and any nearby area reasonably suspected to overlie human remains (Public Resources Code, Section 7050.5), the Trinity County Coroner must be informed and consulted, per State law. If the coroner determines the remains to be Native American, he or she shall contact the Native American Heritage Commission within 24 hours. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent. The most likely descendent will be given an opportunity to make recommendations for means of treatment of the human remains and any associated grave goods. when the commission is unable to identify a descendant or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reintier the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. Work in the area shall not continue until the human remains are dealt with according to the recommendations of the County Coroner, Native American	Permittee and Construction Contractor responsibility during ground-disturbing activities	Permittee and Construction Contractor responsibility during ground-disturbing activities	Trinity County Coroner and Native American Heritage Commission	Less than significant			

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)  
Caccavo Cannabis Cultivation Conditional Use Permit and Variance (CCUPT3-2018-001)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
Heritage Commission and/or the most likely descendent have been implemented.							
Energy							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Geology and Soils							
<b>GEO-1: Paleontological Resources</b> If a paleontological discovery is made during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery and shall immediately contact the County. A qualified paleontologist shall be retained to observe all subsequent grading and excavation activities in the area of the find and shall salvage fossils as necessary. The paleontologist shall establish procedures for paleontological resource surveillance and shall establish, in cooperation with the project developer, procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of fossils. If major paleontological resources are discovered that require temporarily halting or redirecting of grading, the paleontologist shall report such findings to the County. The paleontologist shall determine appropriate actions, in cooperation with the applicant and the County, that ensure proper exploration and/or salvage. Excavated finds shall first be offered to a state-designated repository such as the Museum of Paleontology, University of California, Berkeley, or the California Academy of Sciences. Otherwise, the finds shall be offered to the County for purposes of public education and interpretive displays. The paleontologist shall submit a follow-up report to the County that shall include the period of inspection, an analysis of the fossils found, and the present repository of fossils.	Permittee and Construction Contractor responsibility during ground-disturbing activities	Permittee and Construction Contractor responsibility during ground-disturbing activities	Trinity County Planning	Less than significant			
Greenhouse Gas Emissions							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Hazards and Hazardous Materials							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Hydrology and Water Quality							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Land Use and Planning							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							

CEQA Mitigation, Monitoring, and Reporting Program (MMRP)  
Caccavo Cannabis Cultivation Conditional Use Permit and Variance (CCUPT3-2018-001)

Mitigation Measure	Implementation Phase	Monitoring Phase	Enforcement Agency	Level of Significance After Mitigation	Verification Compliance		
					Initials	Date	Remarks
Mineral Resources							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Noise							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Population and Housing							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Public Services							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Recreation							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Transportation							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Tribal Cultural Resources							
Implementation of Mitigation Measure CR-1.	Per CR-1	Per CR-1	Per CR-1	Less than significant			
Utilities and Service Systems							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Wildfire							
The IS/MND does not identify significant effects or mitigation measures in this resource area.							
Mandatory Findings of Significance							
Implementation of Mitigation Measures BIO-1, BIO-2, CR-1, CR-2, and GEO-1.	Per BIO-1, BIO-2, CR-1, CR-2, and GEO-1	Per BIO-1, BIO-2, CR-1, CR-2, and GEO-1	Per BIO-1, BIO-2, CR-1, CR-2, and GEO-1	Less than significant			





APN 015-030-01  
CCUPT3-18-01 & CCV-20-46 | O. Caccavo  
Type 3 CCL & Variance  
Project Location

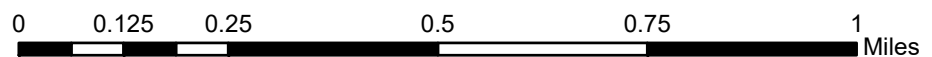
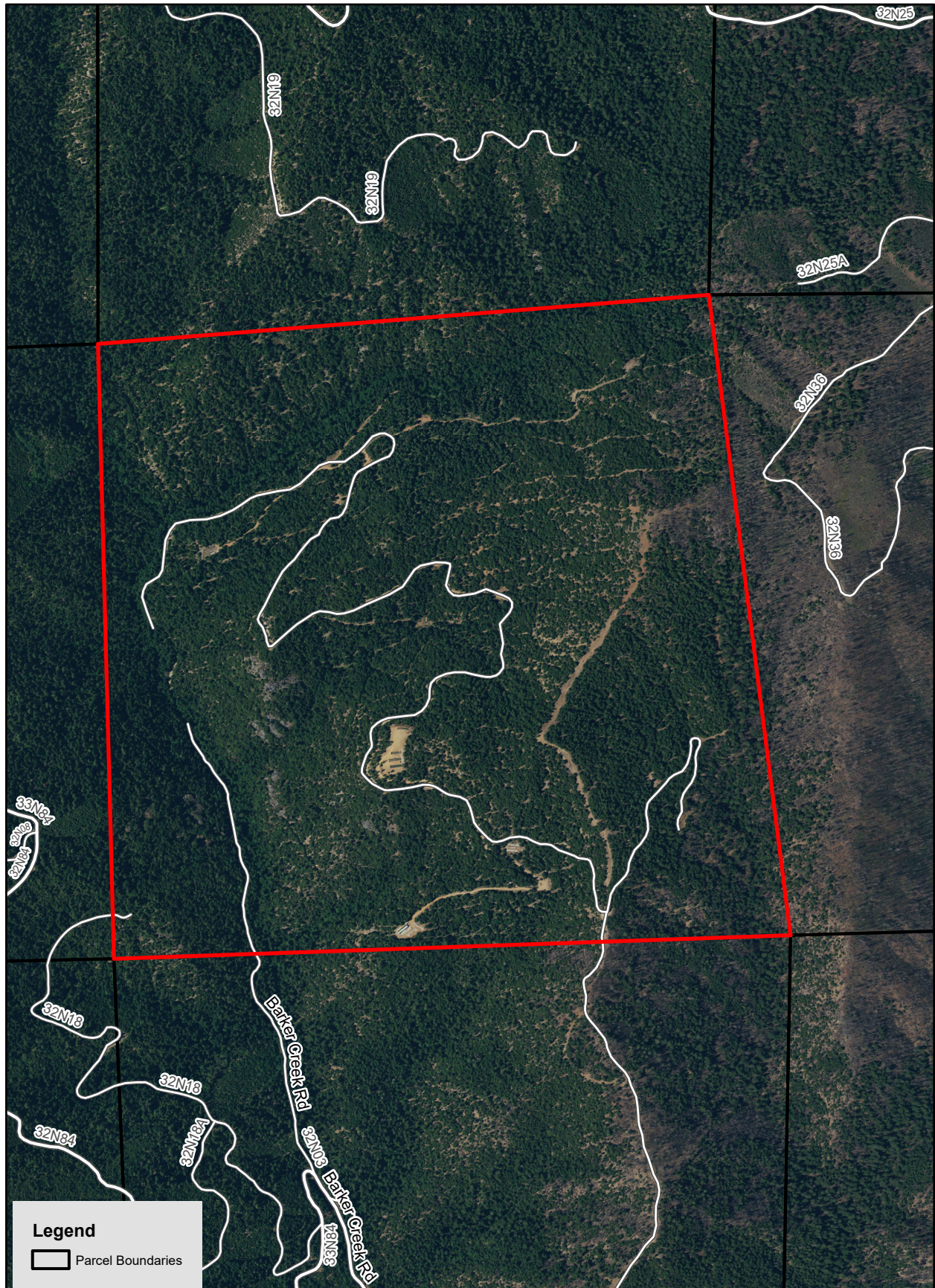


0 0.5 1 2 3 4 Miles





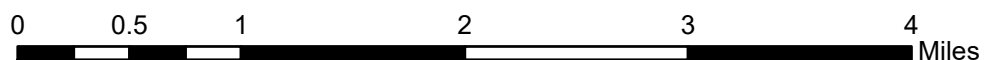
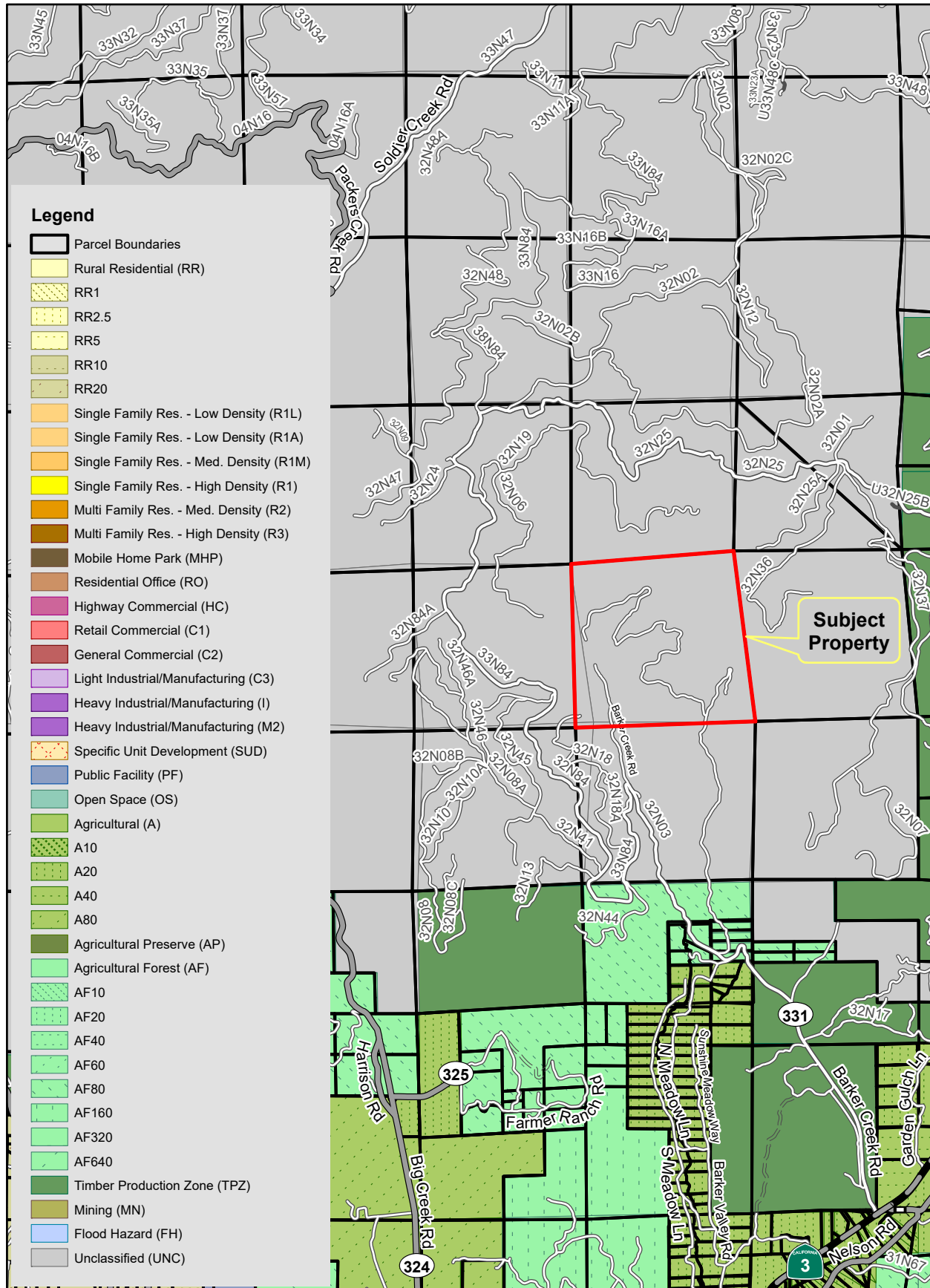
APN 015-030-01  
CCUPT3-18-01 & CCV-20-46 | O. Caccavo  
Type 3 CCL & Variance  
2018 NAIP Aerial Imagery







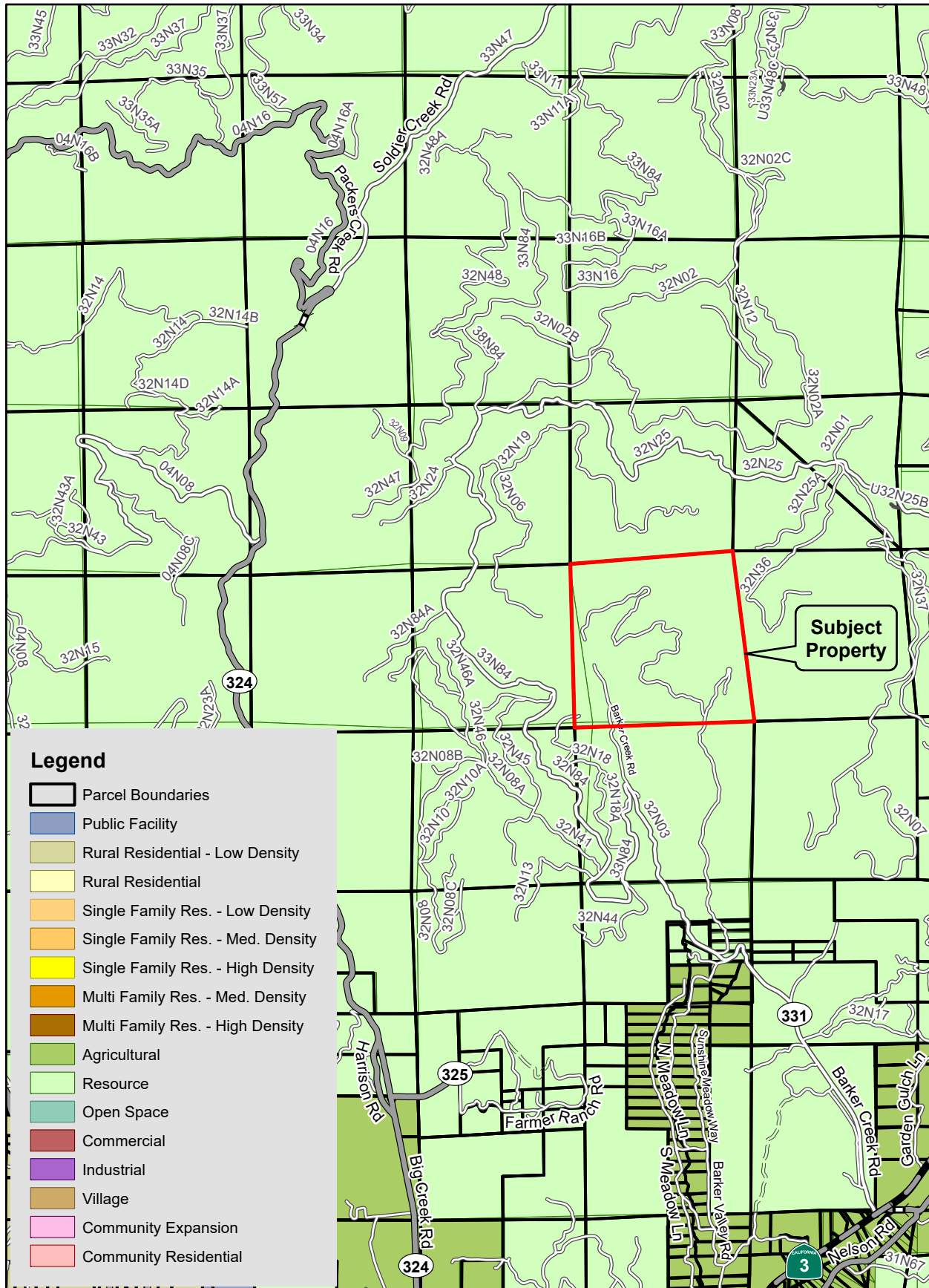
APN 015-030-01  
CCUPT3-18-01 & CCV-20-46 | O. Caccavo  
Type 3 CCL & Variance  
Zoning Map







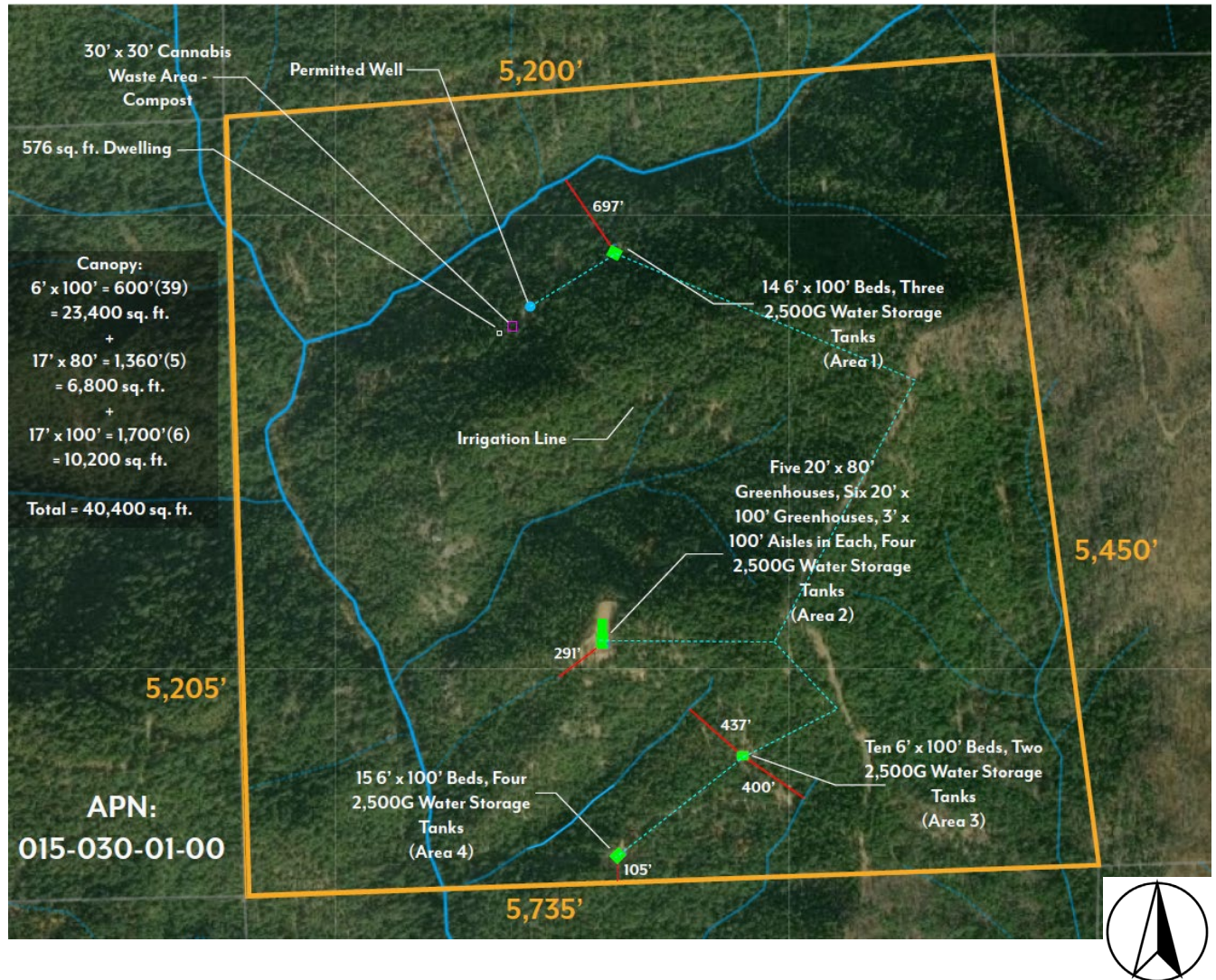
APN 015-030-01  
CCUPT3-18-01 & CCV-20-46 | O. Caccavo  
Type 3 CCL & Variance  
General Plan Designation Map



**Legend**

- Parcel Boundaries
- Public Facility
- Rural Residential - Low Density
- Rural Residential
- Single Family Res. - Low Density
- Single Family Res. - Med. Density
- Single Family Res. - High Density
- Multi Family Res. - Med. Density
- Multi Family Res. - High Density
- Agricultural
- Resource
- Open Space
- Commercial
- Industrial
- Village
- Community Expansion
- Community Residential

0 0.5 1 2 3 4 Miles



Source: Project Applicant



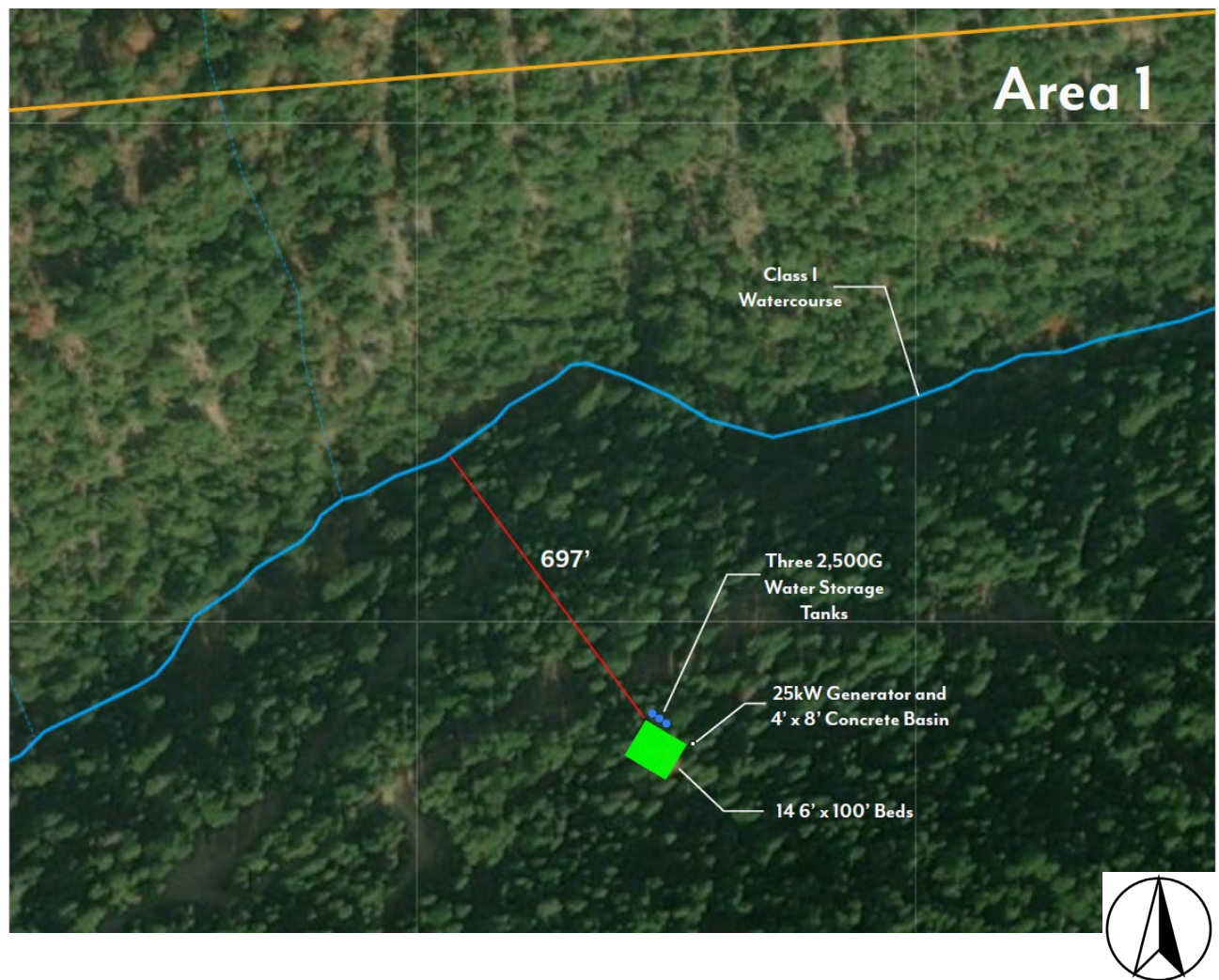
**Caccavo Type 3 Cannabis Conditional Use Permit and Variance (CCUPT3-2018-001)**  
**APN 015-030-01**  
**Hayfork, Trinity County, California**

February 2021

Revised Site Plan

Figure 2





Source: Project Applicant



**Caccavo Type 3 Cannabis Conditional Use Permit and Variance (CCUPT3-2018-001)**  
**APN 015-030-01**  
**Hayfork, Trinity County, California**

February 2021

Revised Site Plan - Area 1

Figure 2a



Source: Project Application CCUPT3-2018-001



**Caccavo Type 3 Cannabis Conditional Use Permit and Variance (CCUPT3-2018-001)**  
**APN 015-030-01**  
**Hayfork, Trinity County, California**

September 2020


Site Plan - Area 2

**Figure  
2b**






Source: Project Application CCUPT3-2018-001

	<p><b>Caccavo Type 3 Cannabis Conditional Use Permit and Variance (CCUPT3-2018-001)</b>  <b>APN 015-030-01</b>  <b>Hayfork, Trinity County, California</b></p>		
	<p>September 2020</p>	<p>Site Plan - Area 3</p>	<p>Figure 2c</p>



Source: Project Application CCUPT3-2018-001

	<p><b>Caccavo Type 3 Cannabis Conditional Use Permit and Variance (CCUPT3-2018-001)</b>  <b>APN 015-030-01</b>  <b>Hayfork, Trinity County, California</b></p>		
	<p>September 2020</p>	<p><b>Site Plan - Area 4</b></p>	<p><b>Figure 2d</b></p>



# TRINITY COUNTY

## DEPARTMENT OF TRANSPORTATION

P.O. BOX 2490, WEAVERVILLE, CALIFORNIA 96093

PHONE (530) 623-1365

FAX (530) 623-5312

Email; [tcdot@trinitycounty.org](mailto:tcdot@trinitycounty.org)

Olivia Caccavo  
File CCUP-18-01  
APN: 015-030-01

March 4, 2021

### Road Department Requirements

1. An encroachment permit from the Trinity County Department of Transportation should be required for the private road encroachment onto the County maintained Barker Creek Road, (County Road No. 331). The encroachments onto Barker Creek Road shall conform to the current County Department of Transportation standards for a private road encroachment.
2. Proof of legal access shall be provided.
3. The access road to this property and proposed structures shall meet both the Trinity County fire safe ordinance requirements and the SRA Fire Safe Regulations.
4. The proposed access road is much longer than the maximum length for a dead-end road, as required by the Fire Safe ordinance. Exceptions are provided in County Codes Section 8.30.220, provided mitigation measures are met. The proposed pond may be acceptable mitigation, if approved by CalFire as an adequate mitigation.
5. A hydrology and hydraulics study showing the ability to convey 100-year storm flows through all culverts on the access road shall be approved by the Director of Transportation. All driveway and ditch relief culverts shall be a minimum of 18" diameter unless an alternative size is approved by the Director of Transportation. Ditches shall be designed and constructed to prevent 100-year flows from encroaching more than 2 feet into the travel way.
6. A road name for the private access road shall be submitted to the Planning Department for approval in accordance with Title 12, chapter 12.17 of Trinity County code of ordinances.
7. Road name signs shall be installed at all road intersections to facilitate locating a fire and to avoid delays in response. Road name signs shall meet the requirements of Article III of the Trinity County Fire Safe Ordinance.
8. All improvements required for this development and as described in these conditions of approval shall be shown on construction drawings (the final improvement plans) to be submitted to the Trinity County Department of Transportation for review and approval.

Approval of the construction drawings is required prior to construction of the improvements or issuance of the Use Permit.

9. The improvement plans shall include a grading plan and erosion and sediment control plan, which incorporates standard erosion control practices and best management practices, subject to the approval of the County Engineer for disturbed areas. The plan shall be prepared by a Qualified SWPPP Developer (QSD) and shall be included in an agreement with the construction contractor. The following measures shall be included:
  - a. Any mass grading shall be restricted to dry weather periods between April 1 and October 31.
  - b. If other grading activity is to be undertaken in wet-weather months, permanent erosion and sediment controls shall be in place by October 15, and construction shall be limited to areas as approved by the County Engineer. A winterization plan shall be submitted by September 15 and implemented by October 15.
  - c. In the event construction activity including clearing, grading, disturbances to the ground, such as stockpiling, or excavation result in soil disturbances of at least one acre of total land area, the applicant shall obtain and provide a Notice of Intent (NOI) from the Regional Water Quality Control Board.
  - d. Should a NOI be required, Storm Water Pollution Prevention Plan (SWPPP) shall be provided prior to issuing a construction permit. The SWPPP shall have provisions to provide at minimum monthly monitoring reports to the County during wet weather and to 1 year after completion of construction.
  - e. Projects less than one acre are exempt from obtaining a NOI unless construction activity is expected to create soil disturbances that could cause significant water quality impairment.
  - f. The internet site for information and application on the NOI can be found at [http://waterboards.ca.gov/water\\_issues/programs/stormwater/constpermits.shtml](http://waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml)
  - g. Sedimentation basins, traps, or similar BMP controls shall be installed prior to the start of grading.
  - h. Mulching, hydro seeding, or other suitable revegetation measures shall be implemented. Planting shall also occur on areas of cut and fill to reduce erosion and stabilize exposed areas of later construction phases. All disturbed areas with a slope greater than 5% shall receive erosion control.
  - i. Excavated materials shall not be deposited or stored where the materials could be washed away by storm water runoff.
10. Prior to construction of improvements, the construction drawings shall be stamped by an engineer and approved by the County Engineer.



11. Inspection of the improvements will be performed by Trinity County Department of Transportation staff or a County selected inspection firm. The developer will coordinate inspections with the Department of Transportation prior to start of construction.
12. The developer will be responsible for all actual costs on an hourly basis associated with the development improvements, including review of construction improvement plans, performing improvement inspections, and all other related costs.