
TRINITY COUNTY



PLANNING DEPARTMENT

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PROJECT INITIAL STUDY - ENVIRONMENTAL CHECKLIST AND EVALUATION OF ENVIRONMENTAL IMPACT

This document has been prepared by the County of Trinity as lead agency in accordance with the California Environmental Quality Act, CEQA (Public Resource Code, § 21000 *et seq.*).

Date: September 27, 2017

Lead Agency:

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Project Information:

Project Name:

Trinity County Commercial Cannabis Cultivation Ordinance

Project Applicant(s):

Trinity County Building and Development Services

Agent:

Leslie Hubbard, Interim Planning Director

Project Location:

County-wide

General Plan Designation:

Various

Zoning:

Various

Chapter 1. Introduction

This Initial Study (IS) addressing the proposed Trinity County ordinance to create commercial Cannabis cultivation regulation (Proposed Project), was prepared in accordance with the requirements of the California Environmental Quality Act (CEQA), as amended, and Public Resources Code Section 21000 et seq., and the CEQA Guidelines, California Code of Regulations Section 15000 et seq.

An IS is prepared to determine whether an action or project may have a significant effect on the environment. If an IS indicates that a proposed project may have a potential significant impact that cannot be avoided or mitigated to a level less than significant, an Environmental Impact Report (EIR) would need to be prepared. If the IS indicates that no significant impacts would occur, then the preparation of a Negative Declaration or Mitigated Negative Declaration would be appropriate.

1.1 Purpose of the Initial Study

The Trinity County Building and Development Services Department is the lead agency for the proposed ordinance to create commercial Cannabis cultivation regulation and has determined that an IS/MND is the appropriate document for compliance with CEQA. The purpose of this document is to disclose to the public and reviewing agencies the environmental consequences of implementing the project. This disclosure document is being made available to the public for review and comment. The IS/MND is available for a 30-day public review period from September 27, 2017 to October 27, 2017.

The public is invited to submit comments to:

Leslie Hubbard, Interim Planning Director
Trinity County Planning Department
61 Airport Road
Weaverville, CA 96093
Phone: (530) 623-1351, ext 3
E-Mail: lhubbard@trinitycounty.org

Comments received from the public and reviewing agencies will be considered by the County in its decision to approve projects implemented under the proposed ordinance.

This IS/MND is available for public review at the Trinity County Planning Department and is posted at the Trinity County Planning Department's website:

<http://www.trinitycounty.org/index.aspx?page=73>

The document is also available on the Trinity County Commercial Cannabis website:

<http://www.trinitycounty.org/index.aspx?page=371>

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

In addition, copies are also available at the following locations:

Trinity County Clerk Recorder
11 Court St
Weaverville, CA 96093

Trinity County Library – Weaverville
351 Main Street
Weaverville, CA 96093

Trinity County Library – Hayfork
6641 CA-3
Hayfork, CA 96041

1.2 Document Organization

This document is divided into the following sections:

Notice of Availability and Intent to Consider Adoption of a Proposed MND. The notice of availability and intent to consider adoption of a proposed MND provides notice to responsible and trustee agencies, interested parties, and organizations of the availability of this IS, as well as Trinity County’s intent to consider adopting an MND for the Proposed Project.

Chapter 1, “Introduction.” This chapter briefly summarizes the Proposed Project and describes the purpose of the IS/MND, summarizes findings, determination, and describes the organization of this IS/MND.

Chapter 2, “Project Description.” This chapter describes the purpose of and need for the proposed ordinance, general background on state legislation for Cannabis and current efforts being undertaken by state agencies to develop regulations for cannabis cultivation, and project objectives, and description of the ordinance (i.e., limits on cultivation location, cultivation performance standards, status of applications to date).

Chapter 3, “Environmental Checklist.” This chapter presents an analysis of environmental issues identified in the CEQA environmental checklist and determines whether implementation of the Proposed Project would result in a beneficial impact, no impact, a less-than-significant impact, a less-than-significant impact with mitigation incorporated, a potentially significant impact, or a significant impact on the environment in each issue area. Should any impacts be determined to be potentially significant or significant, an EIR would be required. For this project, however, mitigation measures have been incorporated as needed to reduce all potentially significant and significant impacts to a less-than-significant level.

Chapter 4, “References.” This chapter lists the references used in preparation of this IS/MND.

Summary of Findings

This Initial Study has determined that the proposed project would not result in significant impacts that cannot be mitigated to less-than-significant levels for any of the resources listed

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

below. The project includes measures that would avoid or minimize potentially significant impacts for the resources marked with an “x” below, and no additional mitigation measures have been identified in this Initial Study.

<u> </u> Aesthetics	<u> </u> Mineral Resources
<u> X </u> Agricultural Resources	<u> X </u> Noise
<u> X </u> Air Quality	<u> </u> Population and Housing
<u> X </u> Biological Resources	<u> </u> Public Services
<u> X </u> Cultural Resources	<u> </u> Recreation
<u> X </u> Geology and Soils	<u> </u> Transportation/Traffic
<u> X </u> Hazards and Hazardous Materials	<u> </u> Utilities
<u> X </u> Hydrology and Water Quality	<u> </u> Mandatory Findings of Significance
<u> </u> Land Use/Planning	

Summary of Mitigation Measures

AG-1: The Trinity County Planning Department will participate in reviewing timber conversions and providing information to CAL FIRE to verify if a Cannabis cultivation license has been issued that corresponds with the bona fide intent for conversion as stated in the Applicant’s conversion request.

AQ-1: The Trinity County Planning Department shall amend the proposed ordinance to prohibit the burning of excess Cannabis plant materials associated with the cultivation and preparation of Cannabis.

BR-1: The Trinity County Planning Department shall amend the proposed ordinance to require acknowledgement from CDFW for each proposed Cannabis cultivation site to verify if there is potential for presence of a sensitive species. Prior to submittal of the cultivation license application, licensees will need to coordinate with CDFW who may recommend approval of the proposed cultivation operation, ask to conduct a site inspection, or request additional studies in order to make the determination that no impacts to sensitive species will occur. If it is determined that a sensitive species could occur, the licensee will revise their application to incorporate measures to protect sensitive species that address CDFW concerns. A licensee that cannot demonstrate to the satisfaction of CDFW that there will be no or less than significant impacts to sensitive biological resources will not be issued a cultivation license. The County may eliminate this requirement at such time that CDFW authorizes the County to perform this function with qualified staff or third-party qualified inspectors to identify sensitive species habitat. CDFW will remain involved when a sensitive resource is identified.

BR-2: The Trinity County Planning Department shall amend the proposed ordinance to require that each proposed Cannabis cultivation site is prohibited from being effective until the licensee has complied with provisions relating to a streambed alteration agreement or has received written verification from the Department of Fish and Wildlife that a streambed alteration agreement is not required.

CR-1: The Trinity County Planning Department shall amend the proposed ordinance to require licensees to notify the appropriate Native American tribe in which a Cannabis cultivation site is located to allow the tribe to verify that there is no presence of a known cultural resource at the cultivation site.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

HM-1: The Trinity County Planning Department shall amend the proposed ordinance to expand the minimum setback from an existing school to a proposed Cannabis cultivation site from 1,000 feet to ¼ mile.

HYD-1: The Trinity County Planning Department shall amend the proposed ordinance to include a provision that any cultivator utilizing a water storage system provide evidence that a properly sized anti-back-flushing valve has been installed.

HYD-2: The Trinity County Planning Department shall amend the proposed ordinance to include as part of the well report, documentation that verifies that within the past five years the well's recovery rate is a minimum of three (3) gallons-per-minute.

NO-1: The Trinity County Planning Department shall amend the proposed ordinance to revise the maximum allowable noise level limit for the hours of 7:00 p.m. to 10:00 p.m. to 50 dBA and for the hours of 10:00 p.m. to 7:00 a.m. to 45 dBA to be consistent with the County's Noise Element.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Determination

On the basis of this initial evaluation:

- I find that the project COULD NOT have a significant effect on the environment and a NEGATIVE DECLARATION will be prepared.
- I find that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the project MAY have a "Potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

By:


Name/ Rick Tippett
Title: Department Head, Building and Development Services

Date: September 27, 2017

Chapter 2. Project Description

2.1 Background

The State of California enacted the Medical Marijuana Regulation and Safety Act (MMRSA) with the adoption of three legislative bills (Assembly Bills 243 and 266, and Senate Bill 643) on September 11, 2015 and amended by Senate Bill (SB) 837 on June 27, 2016 (CBMCR 2017). On June 27, 2017, the State adopted SB 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which established a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of both of the following: (1) Medicinal cannabis and medicinal cannabis products for patients with valid physician's recommendations; (2) Adult-use cannabis and adult-use cannabis products for adults 21 years of age and over.

These statutes mandated the establishment of state licensing and regulatory framework for the cultivation, manufacture distribution, transportation, testing, and dispensing of Cannabis on a commercial basis.

Among various actions, SB 837 clarifies that medical Cannabis businesses operating in compliance with local laws on or before January 1, 2018 can continue to operate if the business continues to operate in compliance with local laws and submits a completed application with the appropriate licensing authority by the to-be-established deadlines.

County Ordinance No. 315-816 EXT(A1) was initially adopted by the Trinity County Board of Supervisors on August 30, 2016, then amended on October 13, 2016, and once more on December 21, 2016 as an urgency ordinance to create commercial Cannabis cultivation regulation (Appendix A) and allowed the issuance of up to 500 licenses. On August 15, 2017, the Trinity County Board of Supervisors did not vote to extend the urgency ordinance for an additional year, until August 30, 2018.

The intention of the Proposed Project is to create regulation for Cannabis cultivation based on most of the parameters established by the urgency ordinance and to "grandfather" licensees and applicants covered by the urgency ordinance in to a permanent ordinance (Appendix B). The Proposed Project includes Cannabis cultivation activities conducted under the proposed permanent ordinance.

Based on initial site inspections conducted by County staff as part of the license application review, it has been determined that activities allowed by the licensing process outlined in the proposed permanent ordinance will have the potential to result in environmental impacts. Therefore, the County has determined that it is appropriate to prepare an Initial Study and Mitigated Negative Declaration (IS/MND) in accordance with the requirements of the California Environmental Quality Act (CEQA), as amended, to support the Proposed Project.

2.2 Purpose and Need for the Proposed Project

Trinity County determined that County Ordinance No. 315-816 EXT(A1) was necessary for the immediate preservation of the public peace, health and safety by balancing the needs of medical

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

patients and their caregivers with the needs of the community to be protected from public safety and nuisances associated with the cultivation of Cannabis. Because of the passage of MMRSA and the Adult Use of Marijuana Act (AUMA) in California, there is a concern that left unregulated at the local level, there will be a substantial increase in marijuana activity in the County. The application and regulatory authority established by the urgency ordinance provided the County with the additional enforcement capability and ability to limit environmental degradation.

Because County Ordinance No. 315-816 EXT(A1) terminated on August 15, 2017, the County now proposes a permanent ordinance in an effort to continue implementing the regulatory framework and licensing process established to protect public safety and avoid nuisances associated with the cultivation of Cannabis established by the urgency ordinance. Adoption of the proposed permanent ordinance is intended to address the same purpose and need as the urgency ordinance.

2.3 Project Objectives

The objectives for the proposed ordinance are to:

- Continue to develop local regulations for the cultivation of Cannabis within the unincorporated areas of Trinity County, consistent with existing State Law;
- Promote the health, safety, and general welfare of the businesses and residences within Trinity County by balancing the need to comply with existing State Law for Cannabis, with the needs of neighbors and communities to be protected from public safety and nuisance impacts and limiting potentially significant impacts to the environment associated with Cannabis cultivation;
- Provide a local licensing structure for Cannabis cultivation; and
- Provide an opportunity for current Cannabis cultivators to identify site improvements needed to bring their operations into compliance with applicable State and local regulations as conditions of receiving a license.

2.4 Project Setting and Location

Trinity County occupies an area of about 3,208 square miles (2.053 million acres). Of this total acreage, about 75% or about 1.54 million acres are under federal ownership and management by agencies including the U.S. Forest Service, Bureau of Reclamation, and the Bureau of Land Management. The remaining lands, about 513,000 acres, are privately-owned properties under the land use authority of the Trinity County Board of Supervisors.

Trinity County is located in the Coast Range Mountains which are characterized by a series of steep mountain lands interspersed by narrow river valleys. The Klamath Mountains makeup the Coast Range in Trinity County and are composed of the Trinity Mountains, Trinity Alps, Scott Mountains, and Yolla-Bolly Mountains. The primary waterways that divide these mountains include the Trinity River and South Fork Trinity River. Other secondary waterways feed these rivers along their path through Trinity County.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Lands in private ownership are primarily located in the adjacent valleys and along the primary waterways. The largest unincorporated communities in Trinity County includes Weaverville, Hayfork, and Lewiston where about 50% of the approximate 13,800 residents are located. The remaining population resides in other smaller communities and forest lands throughout the County.

The proposed project applies throughout the unincorporated areas of Trinity County, excluding areas under federal ownership (e.g., U.S. National Forest). The following zoning districts have been identified as appropriate locations for issuance of Cannabis cultivation licenses:

- Agricultural (A)
- Agricultural Forest (AF)
- Agricultural Preserve (AP)
- General Commercial (C-2)
- Heavy Commercial (C-3)
- Industrial (I)
- Rural Residential-10 acres(RR-10)
- Rural Residential-5 acres (RR-5)
- Rural Residential-2.5 acres (RR-2.5)
- Rural Residential-Single Family (RR-1)
- Specific Unit Development (SUD)

There are 572 parcels within permissible cultivation zones in Trinity County that are encroached upon by some part of the ordinance (bus stop or church/school), totaling 11988.65 ac. Conversely, there are 6948 parcels totaling 187782.09 ac that are completely unencumbered by any part of the ordinance. The total area available for Cannabis cultivation based on allowable zoning districts in the proposed ordinance are summarized in Table 1.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Table 1. Areas of Zoning Districts Potentially Available for Cannabis Cultivation

ZONING	Count	Acres	Parcels w/ Inconsistent Acreage
A	11	251.27	0
A10	298	2768.453	197
A20	287	4919.931	175
A40	29	1883.85	7
A80	4	1175.325	0
AF	25	1961.338	0
AF10	12	256.4997	3
AF20	125	2705.593	45
AF40	123	5354.903	20
AF60	3	168.37	1
AF80	49	2411.976	36
AF160	21	2895.29	10
AF320	1	2.65	1
AP	16	555.57	0
C1	5	5.491551	0
C2	9	424.3615	0
HC	88	489.843	0
I	4	20.12551	0
M2	4	254.38	0
MHP	7	71.89853	0
MN	1	40	0
OS	20	462.6978	0
PF	8	104.1047	0
RR	109	518.27	0
RR1	102	213.5976	55
RR2.5	596	2693.058	219
RR5	522	3255.273	250
RR10	279	3895.494	147
RR20	56	1102.31	38
SUD	38	1441.427	0
TPZ	49	7736.377	0
UNC	4667	149516.9	0

The acreage above may imply greater opportunity for Cannabis cultivation in the County than is realistic as the number of “Available Parcels” is based on the number of separate Assessor’s Parcel Numbers (APNs) assigned to each zoning designation; actual cultivation licenses will be based on legal lots of record, which may vary from the APNs.

2.5 Project Description

The adoption of the proposed ordinance would allow existing licensees, licensed pursuant to the urgency ordinance, to continue to cultivate Cannabis within the proposed regulatory framework established by the proposed ordinance, assuming they successfully applied for a license under the urgency ordinance or apply for a license under the proposed permanent ordinance. A copy of the County's Commercial Cannabis Cultivation Regulation Application Overview and Resources for application under the urgency ordinance is provided as Appendix D. The application process for the proposed ordinance is anticipated to be very similar. After receipt of a license, licensees who cultivate Cannabis in accordance with the proposed ordinance and applicable State law, will be exempt from the plant count restrictions specified in Trinity County Ordinance No. 315-797.

2.5.1 County Licensing Phases

County Ordinance No. 315-816 EXT(A1) required potential licensees to be enrolled in the North Coast Regional Water Quality Control Board (NCRWQCB) General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region, 2015 (Order No. R1-2015-0023), available online at: http://www.waterboards.ca.gov/northcoast/board_decisions/adopted_orders/pdf/2015/15_0023_Cannabis_Order.pdf

The purpose of this Order is “to provide a water quality regulatory structure to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land.” The same enrollment requirement is included in the proposed permanent ordinance. Key elements of the NCRWQCB's program include measures addressing:

- Maintenance of developed areas and drainage features
- Stream crossing maintenance and improvement
- Activities in and adjacent to watercourses, wetlands and riparian zones
- Spoil storage and disposal
- Water diversion, storage, and use
- Irrigation runoff from cultivated areas
- Fertilizer, soil amendments, petroleum products and pesticide/herbicide storage, use, and waste disposal
- Cultivation-related waste handling and disposal
- Household refuse and domestic wastewater (including human waste) handling and disposal
- Site remediation/cleanup/restoration

The priority by which applications received under the urgency ordinance were processed was based on enrollment dates with the NCRWQCB as follows:

- Phase I – consisted of persons or entities who completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County based operation by August 1, 2016.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

- Phase II – consisted of persons or entities who completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County based operation by December 31, 2016.
- Phase III – consisted of persons or entities who completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County based operation by March 1, 2017.

2.5.2 License Types

The types of licenses that are currently proposed under the permanent ordinance, consistent with the MMRSA and/or AUMA are:

- Type 1 (Specialty Outdoor) – for outdoor cultivation up to a 5,000 square-foot area or up to 50 mature plants.
- Type 1B (Specialty Mixed Light) – for cultivation using mixed-light up to a 5,000 square-foot area.
- Type 1C (Specialty Cottage) – for cultivation using a mixed-light up to a 2,500 square-foot area, or up to 25 mature plants for outdoor cultivation, or 500 square feet or less of total canopy size for indoor cultivation, on one premise.
- Type 2 (Outdoor) – for outdoor cultivation up to a 10,000 square-foot area.
- Type 2B (Mixed Light) – for cultivation using a mixed-light in an area between 5,001 and 10,000 square feet.
- Type 3 (Medium Outdoor) – for outdoor cultivation from 10,001 sq. ft. to one acre (43,560 sq. ft.).

Licensed cultivations would be obligated to continue meeting the requirements of the ordinance and other applicable law or regulations including the *Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation* issued by California Regional Water Quality Control Board North Coast Region Order No. R1-2015-0023.

2.5.3 Limits on Cultivation Location

Cultivation would be allowed in Trinity County except for the following locations:

- Within one thousand feet (1,000) feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined in the ordinance; or within five hundred (500) feet of an authorized school bus stop; or within 30 feet of a property line.
- On a legal parcel without a permitted housing structure or active building permit.
- On lands within Whiskey-Shasta-Trinity National Recreation Area located in Trinity County, or lease lots in the Ruth Lake Community Services District.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

- Timber Production Zones (TPZ), excepting qualified Phase 1 applicants.
- Residential land use zones (R1, R2, or R3).
- Within the legal boundaries of the Trinity County Waterworks District #1, Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Service District and within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, 13, which are in proximity to high density areas, and, therefore, create a substantial risk of a public nuisance. An exception to this limitation applies to applicants who have submitted an application for enrollment in NCRWQCB Order #2015-0023 by December 31, 2016 for the Weaverville Community Services District; January 15, 2017 for the Lewiston Community Services District; and November 30, 2017 for the Trinity County Waterworks District #1, Coffee Creek Volunteer Fire District and Trinity Center Community Service District.
- The size of the cultivation areas (Designated Area) shall not exceed 150% of the Cannabis canopy coverage (Area) unless otherwise approved by the Planning Director. Cannabis cultivation will not be allowed within 350 feet of a residential structure on any adjoining parcels. Applications for a variance from this provision will be considered on a case-by-case basis by the Trinity County Planning Commission.

2.5.4 Cultivation Performance Standards

During the cultivation of Cannabis, the following performance standards, specified in the County's proposed permanent ordinance, Section (6) paragraphs (a) through (u) must be met, including:

- Cultivation activities shall not cause exceedance of General Plan noise level standards consisting of 55 decibels (db) from 7:00 a.m. – 7:00 p.m. and 50db from 7:00 p.m. – 7:00a.m. as measured at the parcel property line. Generators associated with the commercial cultivation of Cannabis shall not be used between 10:00 p.m. and 7:00 a.m.
- Licensee must comply with applicable State law regarding surface water diversion, use, and/or storage.
- Licensee must be enrolled in the program adopted as part of the General Waiver of Waste Discharge Requirements and a General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (NCRWQCB Order No. R1-2015-0023) or applicable State Water Resources Control Board applicable water quality program.
- Cultivation water must be sourced on-site from a permitted well or diversion.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

- If water is hauled to the site for emergencies, a bill of sale from the legal source must be kept on file.
- All buildings where Cannabis is cultivated or stored shall be secured from unauthorized entry.
- Rodenticides that require a California Restricted Materials permit shall not be used. The following rodent repellents may be used in or around the cultivation:
 - *Capiscum* Oleoresin
 - Putrescent whole egg solids
 - Garlic
- All lighting associated with cultivation shall be downcast, shielded or screened to keep from emanating off-site or into the sky.
- Cultivations shall comply with requirements of CalFire, California Department of Fish and Wildlife, or other agencies with jurisdiction over activities affecting clearing of land, stream crossings, water diversions, or riparian buffer zones.
- Applicants must obtain a General Permit for Discharges of Storm Water Associated with Construction Activity for activities that disturb one or more acres of land area.
- Use of gas products, such as but not limited to butane, is prohibited consistent with County Ordinance No. 315-797.
- All provisions stated in Section (6) shall apply regardless if the activities existed or occurred prior to adoption of the proposed ordinance.

2.6 Enforcement

As part of the initial application process, the County will inspect the property to ensure that the proposed activity meets all the requirements set forth in the proposed ordinance prior to issuance of the license. In the event that a violation of the license conditions occurs following issuance of the license, the licensee will be subject to fines and abatement pursuant to Chapters 8.64 and 8.90 of the Trinity County Code. In terms of abatement, when unlawful marijuana cultivation constitutes an immediate threat to public health or safety, and where there is insufficient time to: 1) obtain an inspection warrant; and 2) comply with the abatement procedures set forth in Chapter 8.64 of the Trinity County Code, to mitigate the threat; the County Enforcement Official may direct any officer or employee of the County to summarily abate the nuisance. The County Enforcement Official shall also make reasonable efforts to notify the owner or alleged violator. The County may recover its costs for summarily abating the nuisance in the manner set forth in Chapter 8.64 and may include any costs on the property owner's tax bill.

2.7 Zoning District Consistency

Trinity County issued 90 licenses in accordance with County Ordinance No. 315-816 EXT(A1).

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

The proposed permanent ordinance includes the same zoning districts as were included in the urgency ordinance and adds an additional license type. A total of five Type 3 (Medium Outdoor)-for outdoor cultivation from 10,001 sq. ft. to one acre (43,560 sq. ft.) licenses have been added to the available license types under the proposed permanent ordinance.

2.8 Baseline Conditions

The project description is required to identify the existing baseline (i.e., set of physical characteristics), pursuant to Section 15125 of the CEQA Guidelines. This usually includes the conditions present at a single point in time that apply to the project location prior to implementation. For purposes of this IS, the environmental baseline date is December 21, 2016, the date the urgency ordinance was adopted by the County.

It is not possible to characterize baseline conditions for each individual parcel for such a large geographic area that would be subject to the proposed permanent ordinance. For purposes of the analysis presented in this IS, we assume that the regional setting in the unincorporated area of the County has not substantially changed since the adoption of the urgency ordinance. It should be noted that prior to adoption of the original urgency ordinance, areas within the County have been subjected to environmental impacts associated with prior and on-going Cannabis cultivation. Impacts of prior Cannabis cultivation are further discussed in the following section.

The adopted Mitigated Negative Declaration for the NCRWQCB Order R1-2015-0023, General Waiver of Waste Discharge Requirements and General Water Quality Certification for Dischargers of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (herein referred to as “Order”), acknowledges some general reported difference between cultivation practices occurring on trespass grows on public lands versus practices occurring on private lands:

“For example, cultivation activities on public lands often occur in remote areas with difficult access and (have) visually indistinct features from a bird’s-eye view. These are often areas where people rarely go because entry is made difficult by physical barriers such as cliff faces or dense poison oak. For site access and supply in remote areas, cultivators wear or cut trails into the landscape which leads to destruction of small vegetation and can introduce non-native species to new areas via seeds or spores on the cultivator’s clothing or equipment. Additionally, there are often significant differences regarding chemical use practices in Cannabis cultivation on public lands, as Cannabis monocultures on public lands are especially susceptible to mold, mites, and wildlife. Many reports cite widespread usage of chemicals for Cannabis cultivation on public lands.”

The adopted Mitigated Negative Declaration for the Order acknowledges, “though different in some ways, development and land use of land for Cannabis cultivation on public and private lands share a number of similarities in environmental impacts as well.”

Without parcel-specific data on cultivation sites throughout the County, and while recognizing the wide range of cultivation practices and their potential environmental impacts, for this IS, the County assumes that existing operations, which may qualify for licenses under the proposed cultivation ordinance, are physically similar to, but are presumed to not be as intense, both in size of operations and severity of impacts, as illegal/trespass sites that would not qualify for a

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Cannabis cultivation license under the proposed ordinance. Therefore, the environmental impacts of existing cultivation sites which may qualify for licenses previously pursuant to the urgency ordinance and now covered by the proposed permanent ordinance are assumed to be less severe in magnitude and intensity than those of illegal/trespass sites and such impacts will be further reduced as existing sites are brought into compliance with current Cannabis cultivation license requirements.

CEQA case law declares that illegal and unpermitted uses currently in operation when the existing conditions baseline is established should be included in the baseline description (Kenneth F. Fat v. County of Sacramento [2002] 97 Cal. App. 4th 1270). For purposes of this IS, the County is relying on existing physical conditions to characterize the baseline. A description of the baseline which does not include the current cultivation of Cannabis throughout the County, both licensed and unlicensed/illegal trespass, would be misleading and speculative and, therefore, will not be used in this IS.

2.9 Prior Impacts of Cannabis Cultivation

The environmental setting for this IS includes a landscape that has been altered by illegal/trespass cultivation, as well as recently licensed Cannabis cultivation. Current cultivation sites vary widely in their physical characteristics, level of maintenance, and previous efforts to comply with regulatory standards. Even in instances where cultivators were cognizant in cultivation practices, they may have been lacking in the appropriate level of expertise to address site features or activities that could have an impact on the environment.

The County conducted a preliminary assessment of existing/past Cannabis cultivation sites throughout private land holdings within the County using current aerial imagery. Based on this preliminary assessment, approximately 3,927 potential Cannabis cultivation sites were identified, with the largest concentrations occurring in the Trinity Pines, Hayfork, Hyampom, and Wildwood communities. No formal evaluation of existing sites was made to distinguish between sites which might qualify for a Cannabis cultivation license under the proposed ordinance and those which cannot receive a license because they fail to meet one or more of the conditions set forth in the ordinance.

The California Department of Fish and Wildlife, North Coast Regional Water Quality Control Board, and other State and local agencies have documented the impacts of existing Cannabis cultivation sites on the environment, as summarized in Table 2.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Table 2. Potential Impacts to the Environmental Baseline from Prior Cannabis Cultivation Activities (Illegal and Legal)

Resource Topic	Potential Environmental Impacts
Aesthetics	<ul style="list-style-type: none"> ▪ Vegetation removal and other site improvements or development features may affect scenic vistas/resources (e.g., ridgeline views) ▪ Degraded views along roadway segments designated as scenic roads ▪ Light pollution from security-related and cultivation-related lighting
Agriculture and Forestry Resources	<ul style="list-style-type: none"> ▪ Timber cleared to support cultivation sites, including supporting infrastructure like water storage, roads, and cultivation sites ▪ Substantial conversion of forest lands to other uses ▪ Increased fire risk
Air Quality	<ul style="list-style-type: none"> ▪ Portable diesel and gasoline generators used on a stationary basis and operating for lengthy periods may result in emissions of particulate matter (PM₁₀ and PM_{2.5}) and other emissions ▪ Grading, travel on unpaved roads, and construction of support structures could generate fugitive dust and elevate particulate matter emissions ▪ Objectionable and detectable odors from fuels, fertilizers, and Cannabis plants ▪ Burning of Cannabis waste products
Biological Resources	<ul style="list-style-type: none"> ▪ Habitat modification due to tree removal and vegetation clearing ▪ Inappropriate storage, use, and disposal of pesticides, fertilizers, and related materials adversely affecting sensitive plant and wildlife species ▪ Illegal or unpermitted water diversions resulting in degraded riparian habitat and aquatic species, including listed salmonids ▪ Cultivation impacts on oak woodland, endangered and threatened species, designated critical habitat, riparian/wetlands, and native resident nurseries or migratory wildlife corridors ▪ Inadequate setbacks from sensitive areas like streams, wetlands, riparian vegetation ▪ Adverse effects to wildlife from noise and artificial lighting ▪ Impoundments/damming of streams resulting in impediments to fish passage
Cultural Resources	<ul style="list-style-type: none"> ▪ Destruction of known or unknown cultural sites ▪ Diversion of tribal water and associated impacts to fish
Geology and Soils	<ul style="list-style-type: none"> ▪ Illegal or unpermitted grading for roads, cultivation sites, and water storage ponds that contributes to erosion and slope failure ▪ Over-grading as a result of not taking into account site topography, soils types, geologic conditions, and hydrology ▪ Lack of suitable erosion control measures to reduce sedimentation ▪ Non-compliance with slope restrictions ▪ Improperly graded roads and transport of sediment into adjacent waterways
Greenhouse Gas Emissions	<ul style="list-style-type: none"> ▪ Emissions associated with power generation to run lights and other cultivation equipment ▪ Increased emissions associated with vehicles needed to support cultivation operations, particularly in remote areas

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Table 2. Potential Impacts to the Environmental Baseline from Prior Cannabis Cultivation Activities (Illegal and Legal)

Resource Topic	Potential Environmental Impacts
Hazards and Hazardous Materials	<ul style="list-style-type: none"> ▪ Improper storage, usage, and disposal of petroleum products, fertilizers, herbicides, and various pesticides above minimal amounts with no response plan ▪ Increased fire risk associated with operation of gasoline-powered equipment adjacent to dry vegetation ▪ Close proximity to wildland areas with a high fire hazard and non-compliance with fire codes and State Responsibility Area regulations (e.g., no sprinklers, inadequate defensible space)
Hydrology and Water Quality	<ul style="list-style-type: none"> ▪ Substantial reduction of water resources and associated impacts to or loss of beneficial uses ▪ Cultivation without implementation of control measures required by state regulations to protect water quality ▪ Lack of a legal water supply (e.g., surface water right or permitted groundwater well) ▪ Permitted or unpermitted surface water withdrawals from stream and rivers ▪ Illegal water storage, impoundments, and illegally constructed dams/diversions ▪ Improper storage, use, and disposal of fertilizers and pesticides resulting in a risk or actual contamination of ground or surface water ▪ Illegally constructed or unpermitted wells with associated impacts on neighboring wells, surface water supplies, in-stream flows, and groundwater supply ▪ Alteration of natural drainage and runoff patterns, as well as channels of bed-and-bank features ▪ Elevation of in-stream water temperatures due to geomorphological changes and creation of habitat/migration barriers ▪ Improper stream crossings that result in a sediment source ▪ Improper disposal of human waste during cultivation season ▪ Illegal trucking of water to cultivation sites
Land Use and Planning	<ul style="list-style-type: none"> ▪ Lands developed and structures built without required permits or in accordance with County regulations ▪ Non-compliance with General Plan policies and zoning regulations (i.e., cultivation in areas where use/similar uses are not allowed)
Noise	<ul style="list-style-type: none"> ▪ Increased in ambient noise levels associated with cultivation site preparation (grading, construction of structures) ▪ Operational noise associated with generator and water pumps
Population and Housing	<ul style="list-style-type: none"> ▪ Increased population in rural or remote areas
Transportation/Traffic	<ul style="list-style-type: none"> ▪ Construction of illegal or improperly graded access roads ▪ Increased vehicle traffic on local roadways and private roads due to cultivation activities ▪ Lack of road maintenance agreements for new access roads ▪ Lack of prior evaluation of driveway encroachments, new roads or road improvements, sight distance, adequate access/turn-around space for emergency vehicles

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Table 2. Potential Impacts to the Environmental Baseline from Prior Cannabis Cultivation Activities (Illegal and Legal)

Resource Topic	Potential Environmental Impacts
Utilities and Service Systems	<ul style="list-style-type: none"><li data-bbox="524 348 1421 411">▪ Increase in energy consumption (e.g., electrical, water, wastewater) and disposal of solid waste<li data-bbox="524 415 1421 478">▪ Undocumented source of water demand that may be in conflict with other water rights and potentially subject to water availability restrictions<li data-bbox="524 483 1421 541">▪ Illegal connections to existing utilities (i.e., bypass of electrical meter and circuit breaker, water theft)

Chapter 3. Environmental Checklist

This checklist identifies physical, biological, social and economic factors that might be affected by the proposed project. In many cases, background studies performed in connection with the projects indicate no impacts. A NO IMPACT answer in the last column reflects this determination. Where there is a need for clarifying discussion, the discussion is included either following the applicable section of the checklist or is within the body of the environmental document itself. The words "significant" and "significance" used throughout the following checklist are related to CEQA impacts. The questions in this form are intended to encourage the thoughtful assessment of impacts and do not necessarily represent thresholds of significance.

3.1 Aesthetics

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
I. AESTHETICS — Would the Project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.1.1 Discussion

Prior Cannabis cultivation activities have demonstrated the capability to adversely affect scenic vistas and degrade views along roadways or other public right of ways if established without restriction. Visual impacts would occur from activities that would result in tree canopy and vegetation removal, grading of new roads and cultivation sites, and installation of other equipment and facilities such as irrigation piping, nurseries, and storage structures. In addition, security-related and cultivation-related lighting has the potential to alter night-time conditions when light may scatter across property boundaries or conflict with nighttime darkness.

Items I. a) and b) Less than Significant

Trinity County has two National Forest Scenic Byways. The Trinity Heritage Scenic Byway is an 86-mile stretch located on the State Highway 3 corridor between Weaverville in Trinity County and Weed, in Siskiyou County. The Trinity Scenic Byway is 138 miles in length and traverses across Trinity County on the State Highway 299 corridor, with the two ends of the route being located in Humboldt and Shasta Counties.

Potential Cannabis cultivation sites may be located in areas or near areas or which may be considered scenic resources by the public. Ordinance No. 315-816.EXT (A1) required that eligible cultivation sites be located where they are not visible from a public right-of-way, or if visible, employ approved organic or landscape screening to minimize visibility. This requirement prevented disturbing visual character from County Scenic Roadways identified in Policy 1.15A of the Trinity County General Plan Circulation Element (Trinity County 2002). The requirement to shield Cannabis cultivation sites from public view is not included in the proposed permanent ordinance, although the ordinance requires a minimum distance of 350-feet from a residential structure located on adjoining parcels. Although several segments of State Highways in Trinity County are eligible to be designated as State Scenic Highways, none are officially designated at this time, thus the proposed project does not cause impacts to state scenic highways.

Item I. c) Less than Significant

Development of newly-licensed cultivation sites, particularly on previously undeveloped parcels, has the potential to modify the existing visual character of the area. Visual changes would be more pronounced in more rural areas with sparse development. As previously noted, the proposed ordinance requires that eligible cultivation sites be located where they are not visible from adjoining parcels, thus minimizing the visual character and quality of the site and its immediate surroundings.

Item I. d) Less than Significant

Operation of a new Cannabis cultivation may result in the installation and operation of new, artificial light sources for greenhouses as well as security purposes. Some lighting may remain on throughout the night, although lighting would be subject to performance standards described in the proposed ordinance that limits light from being visible from neighboring properties between sunset and sunrise, thus minimizing the emission of artificial night-time light from cultivation sites that emanate from greenhouses, to off-site locations, or to the sky.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

3.2 Agricultural Resources

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
II. AGRICULTURAL RESOURCES — In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land [as defined in PRC section 12220(g)] or timberland (as defined by PRC section 4526)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use, or conversions of forest land to non-forest use?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

3.2.1 Discussion

Cannabis cultivation has the potential to affect agriculture and timber production lands by displacing existing timberlands, crops, or range resources. The extent that cultivation would adversely affect these land uses would depend on the size, location, and type of existing land uses.

Items II. a) and b) No Impact

Issuance of cultivation licenses under the proposed ordinance would not result in the conversion of designated important farmland to a non-agricultural land use. Cannabis is considered to be an agricultural product by the State Board of Conservation and its cultivation is consistent with and similar to other agricultural crops. As a result, licenses issued under the ordinance would not conflict with existing zoning for agricultural uses or Williamson Act contract. No other changes in the existing environment would occur with adoption of the proposed ordinance that could result in conversion of farmland to non-agricultural uses.

Item II. c) No Impact

The proposed ordinance specifically excludes lands designated Timber Production Zones (TPZ) as defined in Ordinance No. 315 Section 14.1 (Trinity County 2017) from commercial Cannabis cultivation activities that would be enabled by the proposed ordinance unless a potential licensee completed enrollment in the NCRWQCB Order No. 2015-0023 by August 1, 2016. In addition, the recent update to the County's Agricultural-Forest (AF) zoning district would allow for the issuance of a cultivation license on forest-producing lands identified as poorly suited for forestry (Site Class IV or V, Dunning Scale) without need for a separate use permit. Lands identified as more suitable for the production of timber (Site Class 1, II, and II, Dunning Scale) will be required to obtain a Planning Director's issued use permit before converting forest lands to commercial Cannabis cultivation. The Director's review will ensure that the use will be located in a manner that will minimize conflicts with timber management activities on the remainder of the site and not interfere with future timber harvest operations.

Items II. d) and e) Less than Significant Impact with Mitigation

In the existing baseline condition, substantial Cannabis cultivation has occurred in remote, isolated settings, typically in areas which are naturally forested. These practices have resulted in substantial changes to forest lands including tree removal, water diversion, grading, and other activities which together constitute conversions of forest lands to non-forest use. Baseline and future conversion of agricultural lands is not a significant concern as Cannabis is an agricultural crop.

The opportunities for continued forest land conversion with adoption of the proposed ordinance are limited, and will likely come with requests for Less-Than-Three-acre conversions on allowed zoning districts for Cannabis which support timberlands. California Department of Forestry and Fire Protection (CAL FIRE) has reported a substantial increase in the number of CEQA-exempt Less-Than-Three-acre Conversions as a large number of Cannabis cultivators have developed practices in forested landscapes. There is potential for new cultivation license issued in the future by the County under the proposed ordinance to result in the conversion of timberland. Beginning in 2017, CAL FIRE has begun to review requests for Less-Than-Three-acre and other Timber Conversions with County participation. Conversion requests to CAL FIRE require the applicant to state the proposed alternate use (bona fide intent) for the site once the timber is removed. CAL FIRE now requests that counties in California appoint an authorized designee to review Less-Than-Three-acre Conversions to verify that the intended conversion is consistent

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

with a county's regulatory requirements. In Trinity County, the authorized designee is the Planning Director. In support of the new process of review, Mitigation Measure AG-1 is proposed to reduce this impact to less than significant.

3.2.2 Mitigation Measures

AG-1: The Trinity County Planning Department will participate in reviewing timber conversions and providing information to CAL FIRE to verify if a Cannabis cultivation license has been issued that corresponds with the bona fide intent for conversion as stated in the Applicant's conversion request.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

3.3 Air Quality

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

3.3.1 Discussion

Cannabis cultivation has the potential to affect air quality with the introduction and emission of particulates from operation of gasoline engines and generators, grading and the emission of dust, and creating a source for pollutants associated with engine exhaust, pesticide use, and herbal odors. These emissions have the potential to conflict with applicable air quality plans, exceed air quality standards, or pose a nuisance to the public.

Items III. a), c) and d) No Impact

Cultivation practices and activities at cultivation sites are not expected to be on a scale large enough to result in a significant conflict with or obstruction of an applicable air quality plan or expose sensitive receptors to substantial pollutant concentrations.

Trinity County is not designated as in non-attainment with applicable state or federal air quality standards. Because measures are required by the proposed ordinance to minimize or avoid emissions dust, particulate matter, exhaust and odors, the maximum 530 licenses that could be issued to commercial cultivation sites would not result in a cumulatively considerable net increase of any criteria pollutant in a designated non-attainment region.

Item III. b) Less than Significant with Mitigation Incorporated

Cultivation practices could include earthwork and heavy equipment use, which could generate dust, particulate matter, and exhaust that would temporarily impact ambient air quality, and possibly create objectionable odors. Naturally-occurring asbestos may be present and cause exposure during grading and roadwork activities at proposed cultivation sites. Any such impacts would be temporary, and implementation of Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects best management practices (BMPs) identified in the NCRWQCB's Order 2015-0023 (included as Appendix C) would minimize impacts associated with these activities to less than significant levels.

Item III. e) Less than Significant with Mitigation Incorporated

Cannabis cultivation operations may have odors associated with them, especially during the budding season. The proposed ordinance requires cultivation sites be located a minimum 350-feet from nearest residential structure on adjoining parcels. This distance would allow dispersion of odors and minimize potential nuisance or exposure of neighbors with excessive odors. There currently is insufficient evidence that the burning of vegetated matter associated with Cannabis cultivation would not result in significant odors that would affect adjacent receptors located beyond the 350-foot setback. Therefore, Mitigation Measure AQ-1 is proposed.

3.3.2 Mitigation Measures

AQ-1: The Trinity County Planning Department shall amend the proposed ordinance to prohibit the burning of excess Cannabis plant materials associated with the cultivation and preparation of Cannabis.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

3.4 Biological Resources

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
IV. BIOLOGICAL RESOURCES — Would the Project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.4.1 Discussion

Impacts to biological resources can potentially occur with the establishment and operation of commercial Cannabis cultivation by removing vegetation and modifying wildlife habitat; improper use, storage, or disposal of fertilizers, pesticides, or other similar substances; creating new sources of light and noise affecting local wildlife behavior, impounding waterways causing obstacles to aquatic species movement or diverting surface water required to support local aquatic or riparian species; and, conducting activities that directly affect special-status species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service.

Items IV. a), b), c), d), and e) Less than Significant with Mitigation Incorporated

The proposed ordinance only applies to persons who have complied with requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) Order #2015-0023 *General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (NCRWQCB 2015). Enrollment in this program and certification of discharges applies only to existing Cannabis cultivation sites which have adequately mitigated environmental impacts to less-than-significant levels. Because of this limited applicability, only Cannabis cultivation sites that would avoid significant unavoidable environmental impacts including permanent impacts to wetlands and other waters from dredge and fill activities, and/or violation of water quality standards; or direct or indirect take of any listed species would be permitted (NCRWQCB 2015).

Specific provisions of Order #2015-0023 include the application of Best Management Practices (BMPs) to avoid excess sediment and other waste discharges; the protection and maintenance of riparian conditions and shade; inventories, prioritization and remediation of sediment delivery sites; implementation and effectiveness monitoring of BMPs and documentation of the monitoring results; and, water conservation and measures to ensure that water diversions do not unreasonably impact beneficial uses. Appendix C of this Initial Study lists the required standard conditions and measures that are required by Order #2015-0023 which must be implemented to be eligible for a cultivation license under the proposed ordinance. Mitigation Measure BR-1 incorporates Appendix C standard conditions as part of the license.

To be protective of potential upland sensitive species that may not be otherwise protected through other agency involvement (e.g., Order #2015-0023), mitigation is necessary to avoid and

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

or minimize potentially significant impacts. Mitigation Measure BR-1 requires involvement with CDFW to determine if sensitive species will be affected by a proposed Cannabis cultivation site while Mitigation Measure BR-2 requires verification from CDFW that a Lake or Streambed Alteration Agreement is required or not necessary for a specific site, consistent with requirements for State licensure pursuant to SB 94.

Item IV. f) No Impact

No adopted Habitat Conservation Plan (HCP) applies to the activities enabled by the proposed ordinance. The only HCP affecting lands in Trinity County is the Green Diamond Resource Company California Timberlands Northern Spotted Owl HCP (HCP Permit #767798) (USFWS 2017). The proposed project would have no impact on applicable HCPs or other state habitat conservation plans.

3.4.2 Mitigation Measures

BR-1: The Trinity County Planning Department shall amend the proposed ordinance to require acknowledgement from CDFW for each proposed Cannabis cultivation site to verify if there is potential for presence of a sensitive species. Prior to submittal of the cultivation license application, licensees will need to coordinate with CDFW who may recommend approval of the proposed cultivation operation, ask to conduct a site inspection, or request additional studies in order to make the determination that no impacts to sensitive species will occur. If it is determined that a sensitive species could occur, the licensee will revise their application to incorporate measures to protect sensitive species that address CDFW concerns. A licensee that cannot demonstrate to the satisfaction of CDFW that there will be no or less than significant impacts to sensitive biological resources will not be issued a cultivation license. The County may eliminate this requirement at such time that CDFW authorizes the County to perform this function with qualified staff or third-party qualified inspectors to identify sensitive species habitat. CDFW will remain involved when a sensitive resource is identified.

BR-2: The Trinity County Planning Department shall amend the proposed ordinance to require that each proposed Cannabis cultivation site is prohibited from being effective until the licensee has complied with provisions relating to a streambed alteration agreement or has received written verification from the Department of Fish and Wildlife that a streambed alteration agreement is not required.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

3.5 Cultural Resources

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
V. CULTURAL RESOURCES — Would the Project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.5.1 Discussion

The establishment of commercial Cannabis cultivation sites has the potential to adversely affect existing cultural resources, prehistoric artifacts, and resources culturally important to existing Native Americans and tribes where ground-disturbing activities or grading would occur. Such physical impacts could adversely affect tribal resources and values.

Most of Trinity County, northeast of South Fork Mountain, is part of the Nor Rel Muk Band of Wintu’s territory. The Tsnungwe, Chimariko, and Hoopa occupy territory along the Trinity River in far western Trinity County, and the Round Valley Reservation/Covelo Indian Community represent several tribes southwest of South Fork Mountain.

Items V. a), b), c) and d) Less than Significant Impact

The proposed ordinance only applies to persons who have complied with requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) Order #2015-0023 General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (NCRWQCB 2015). Enrollment in this program and certification of discharges applies only to existing Cannabis cultivation sites which have adequately mitigated environmental impacts to less-than-significant levels. Because of this limited applicability, only Cannabis cultivation sites that would avoid significant

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

unavoidable environmental impacts including potential effects to cultural or paleontological resources would be permitted.

Order#2015-0023 requires the preparation of a plan that includes a cultural resource investigation and paleontological survey prior to any excavation in previously undisturbed areas which could adversely affect these resources. At a minimum, the cultural resource investigations will include a records search of previously identified cultural resources and prior studies that have addressed the project parcel and vicinity. In coordination with the information center or a qualified archaeologist, a determination regarding whether previously identified cultural resources would be affected by the proposed activity must be made and if previously conducted investigations were performed. The purpose of this measure is to identify cultural and paleontological resources before they are affected and avoid the impact. (NCRWQCB 2015). These measures required by Order #2015-0023 are listed in Appendix C of this document. Mitigation Measure CR-1 incorporates Appendix B standard conditions as part of the license.

Public Resources Code Section 7050.5 established a mandatory process to follow whenever human remains are found outside a cemetery. All excavation or similar work in the vicinity is required to cease. The Trinity County Coroner will be contacted to determine if the cause of death must be investigated. If the coroner determines that the remains are of Native American origin, it is necessary to comply with state laws regarding the disposition of Native American burials, which fall under the jurisdiction of the California Native American Heritage Commission (NAHC). In such cases, the coroner will contact NAHC. The descendants or most likely descendants of the deceased will be contacted, and work will not resume until they have made a recommendation to the landowner or person responsible for excavation work with direction regarding appropriate means of treatment and disposition, with appropriate dignity, of the human remains and any associated grave goods, as provided in Public Resources Code, Section 5097.9. Adherence to these state requirements provide adequate protection of resources and guidance to property owners/licensees in the event of the unexpected or inadvertent discovery of cultural resources during grading or similar activities.

3.5.2 Mitigation Measures

CR-1: The Trinity County Planning Department shall amend the proposed ordinance to require licensees to notify the appropriate Native American tribe in which a Cannabis cultivation site is located to allow the tribe to verify that there is no presence of a known cultural resource at the cultivation site.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

3.6 Geology and Soils

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
VI. GEOLOGY AND SOILS — Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.6.1 Discussion

The development of commercial Cannabis cultivation sites can generate potential adverse environmental effects with the grading of roads, cultivation sites, and water storage ponds that can potentially contribute to erosion and slope failure, failure to install suitable erosion control measures, and conducting other activities that can transport sediment into adjacent waterways.

Items VI. a), c), and d) Less than Significant Impact

The proposed ordinance only applies to persons who have complied with requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) Order #2015-0023 General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (NCRWQCB 2015). Enrollment in this program and certification of discharges applies only to existing Cannabis cultivation sites which have adequately mitigated environmental impacts to less-than-significant levels. Because of this limited applicability, only Cannabis cultivation sites that would avoid significant unavoidable environmental impacts including potential hazards or threats from seismic activity or increased erosion, unstable slopes, or installing structures on expansive soils would be permitted.

Order #2015-0023 specifically requires the implementation of measures to mitigate the exposure of people or structures to potential substantial adverse effects related to landslides. The Order specifies that plans will be prepared to consider 1) the presence and location of identifiable existing landslides which could be affected by site activities and 2) slopes which may become unstable as a result of site activities.

Item VI. b) Less than Significant Impact

Grading to level cultivation sites and to create access roads may occur as a result of issuance of a Cannabis cultivation license under the proposed ordinance. To avoid or decrease the potential for erosion the NCRWQCB issued Order #2015-0023 General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (NCRWQCB 2015). The Order requires the implementation of BMPs to control erosion and sedimentation that could occur by commercial Cannabis cultivation. Example BMPs to minimize substantial soil erosion or loss of topsoil are presented in Appendix C of this document. Enrollment in the NCRWQCB's will require licensees to implement these BMPs to mitigate substantial soil erosion and the loss of topsoil.

Item e) No Impact

It is not expected that activities enabled by the proposed ordinance will directly result in the installation of septic tanks or alternate wastewater disposal systems. However, if such systems are proposed to be installed simultaneously with the development or operation of commercial Cannabis cultivation, such systems must be sited, designed, and constructed in accordance with

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

applicable Trinity County Environmental Health Division requirements and/or the State Water Board's Onsite Wastewater Treatment System (OWTS) policy (SWRCB, 2012). These existing regulatory requirements would eliminate or minimize the potential adverse impact of these systems on the environment.

3.7 Greenhouse Gas Emissions

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
VII. GREENHOUSE GAS EMISSIONS —				
Would the Project:				
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with any applicable plan, policy or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.7.1 Discussion

Analysis of prior cultivation sites indicates that cultivation of marijuana can result in greenhouse gas emissions associated with power generation for lighting and exhaust fans.

Item VII. a) Less than Significant Impact

Emissions of greenhouse gases would occur to some degree by the activities enabled by the proposed ordinance. These activities, however, are not expected to be on a scale large enough to result in substantial level of emissions that would cause a significant environmental impact. Cannabis cultivation sites could generate seasonal increases in traffic. Based on observations made during the prior growing season, it is anticipated that trips would occur intermittently over time and/or seasonally when the need for additional workers increases at the start of the growing season and at end of the season for harvesting and processing. Although this is a substantial number of vehicle trips to remote areas, they are dispersed throughout the County and the impact would occur for short-time frame, twice a year. When evaluated against the current condition of very low traffic volumes in these rural areas, the impact, over the course of an entire year, would not be significant. Other emissions associated with Cannabis cultivate may come from generators and some pesticides, which would also contribute to the total greenhouse gases emissions from Trinity County; this contribution would be relatively minor.

Item VII. b) No Impact

Cultivation sites enabled by the proposed ordinance are not expected to be on a scale large enough to result in conflict with any applicable plan, policy or agency adopted regulation for the purpose of reducing the emissions of greenhouse gases. There are nor currently adopted County plans or policies for the purpose of reducing greenhouse gas emissions.

3.8 Hazards and Hazardous Materials

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
VIII. HAZARDS AND HAZARDOUS MATERIALS — Would the project:				
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

3.8.1 Discussion

The development and operation of commercial Cannabis cultivation sites has the potential to generate hazards that could pose a threat to environmental quality and public health. Cultivation activities may a threat through improper storage, usage, and disposal of petroleum products, fertilizers, herbicides, and various pesticides, increasing fire risk associated with operation of gasoline-powered equipment adjacent to dry vegetation, and operating in close proximity to wildland areas with a high fire hazard.

Items VIII. a) and b Less than Significant Impact

The proposed ordinance only applies to persons who have complied with requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) Order #2015-0023 General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (NCRWQCB 2015). Enrollment in this program and certification of discharges applies only to existing Cannabis cultivation sites which have adequately mitigated environmental impacts to less-than-significant levels. Because of this limited applicability, only Cannabis cultivation sites that would avoid significant unavoidable environmental impacts including potential release of hazardous substances because of routine transport, use, or disposal of hazardous materials. Such hazardous substances may include oil, pesticides, or other chemicals.

Order #2015-0023 specifically requires the implementation of measures that: 1) any pesticide or herbicide product application be consistent with product labelling and be managed to ensure that they will not enter or be released into surface or ground waters; and 2) petroleum products and other liquid chemicals be stored in containers and under conditions appropriate for the chemical with impervious secondary containment and 3) implementation of spill prevention, control, and countermeasures (SPCC) and have appropriate cleanup materials available onsite ; 4) standard construction BMPs be used during cleanup and restoration activities; and 5) plans be developed for any on-site water quality management or remediation/cleanup/restoration activities.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

The proposed ordinance specifically establishes standards for the storage and use of hazardous materials and wastes from agricultural businesses and rodenticides. These performance standards would effectively control the potential release or discharge of such toxic materials to the environment.

Item VIII. c) Less than Significant Impact with Mitigation Incorporated

The proposed ordinance establishes a 1,000-foot exclusion distance from an existing school for the location of commercial Cannabis cultivation sites. This distance is less than the ¼ -mile significant impact threshold established by Appendix G of CEQA. The establishment of commercial Cannabis cultivation sites which use, handle, or emit hazardous materials within ¼-mile of existing schools would be considered a significant impact.

Mitigation Measure HM-1 will avoid this impact by expanding the 1,000-foot exclusion zone to ¼-mile from existing schools. This exclusion would include commercial Cannabis cultivation sites that use, handle, or emit hazardous materials. With implementation of this mitigation measure, the impact would be considered less than significant.

Item VIII. d) No Impact

The proposed ordinance is not applicable to sites included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5, therefore no impact would occur.

Items VIII. e) and f) Less than Significant Impact

While there is potential for Cannabis cultivation facilities licensed under the proposed ordinance to be located within an airport land use plan or within two miles of a public or private airport, the heights of structures associated with the operations will be too low to affect airport safety. Therefore, this impact will be less than significant.

Item VIII. g) No Impact

Commercial Cannabis cultivation activities have the potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. However, the BMPs required by Order #2015-0023 includes a construction measure regarding maintenance of emergency vehicle access that would minimize potential adverse conditions. Therefore, no impact will occur.

Item VIII. h) Less than Significant Impact

It is likely that a large number of Cannabis cultivation facilities licensed under the proposed ordinance would be located in wildland areas with a moderate to high potential for wildfire. Under current baseline conditions, fires related to cultivation pose an increased hazard to first responders including but not limited to: unknown hazardous chemicals (e.g., pesticides, improperly contained fuels) and large quantities of butane. In addition, there may be poorly constructed access roads and watercourse crossings not suited for fire-fighting equipment which

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

may result in hampered ingress and egress during emergencies. Lack of road and address signage could also reduce emergency response time.

For any Cannabis cultivation facility licensed under the proposed ordinance, the licensee must demonstrate compliance with the requirements of Public Resources Code 4290:

- Road standards for fire equipment access;
- Standards for signs identifying streets, roads, and buildings;
- Minimum private water supply reserves for emergency fire use; and
- Defensible space/fuel breaks and greenbelts.

By implementing these standards, there will be an improvement over the baseline condition.

There is increasing evidence connecting fires with illicit electrical connections and faulty generator wiring associated with Cannabis cultivators seeking to live off-grid, power fans, and connect power to wells. Existing and new structures associated with Cannabis cultivation licensed under the proposed ordinance will need to be compliance with California Building Code.

3.8.2 Mitigation Measures

HM-1: The Trinity County Planning Department shall amend the proposed ordinance to expand the minimum setback from an existing school to a proposed Cannabis cultivation site from 1,000 feet to ¼ mile.

3.9 Hydrology and Water Quality

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
IX. HYDROLOGY AND WATER QUALITY				
— Would the project:				
a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Inundation of seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.9.1 Discussion

Development and operation of commercial Cannabis cultivation sites has the capability to generate adverse effects to water resources and water quality. These impact could occur through reduction of surface or groundwater resources and associated impacts to or loss of beneficial uses, improper storage, use, and disposal of fertilizers and pesticides resulting in a risk or actual contamination of ground or surface water, alteration of natural drainage and runoff patterns, as well as channels of bed-and-bank features, impacts to in-stream water temperatures resulting from tree canopy or geomorphological changes and creation of habitat/migration barriers, and other activities that could alter water volumes and water quality which would adversely affect beneficial uses of these surface waters.

Items IX. a) and f) Less than Significant Impact

The proposed ordinance only applies to persons who have complied with requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) Order #2015-0023 *General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (NCRWQCB 2015). Enrollment in this program and certification of discharges applies only to existing Cannabis cultivation sites which have adequately mitigated environmental impacts to less-than-significant levels. Because of this limited applicability, only Cannabis cultivation sites that would avoid significant unavoidable environmental impacts.

Measures required by the Order include: measures to preserve, protect and restore riparian buffers; control discharges of sediment, nutrients, pesticides, or herbicides, implementation of standard construction BMPs including, but not limited to, temporal restrictions on construction; limitations on earthmoving and construction equipment; guidelines for removal of plants and revegetation; conditions for erosion and sediment control; and limitations on work in streams, as well as protection of riparian and wetland areas; implementation of secondary containment and spill prevention control and countermeasures plans, and use of a qualified, licensed professional

for design of watercourse replacements and development and oversight of ground disturbing activities. These measures are listed in Appendix C of this document.

Implementation of measures in accordance with standard conditions in the Order and incorporating appropriate BMPs mitigates the potential to violate water quality standards and waste discharge requirements to a less than significant level.

Item IX. b) Less than Significant Impact with Mitigation Incorporated

The proposed ordinance only applies to persons who have complied with requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) Order #2015-0023 *General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (NCRWQCB 2015). Enrollment in this program and certification of discharges applies only to existing Cannabis cultivation sites which have adequately mitigated environmental impacts to less-than-significant levels. Because of this limited applicability, only Cannabis cultivation sites that would avoid significant unavoidable environmental impacts.

Order #2015-0023 states that Tier 1 permits, associated with sites that present a lower threat to water quality by, in part, not withdrawing surface waters from May 15 through October 31. Tier 2 Dischargers may opt to install groundwater wells in accordance with an analysis included within a water resource protection plan. The Order requires all Tier 2 and Tier 3 dischargers to document monthly water use and to develop an approach to ensure that water use is not impacting water quality. These measures are listed in Appendix C of this document. As part of the current County Cannabis cultivation license process, applicants are required to provide evidence of a permitted well or water source and a well report documenting gallons-per-minute and recovery rate; however, a specific recovery rate has not been stipulated. For those parcels with well reports not having sufficient volumes and recovery rates, they would need to demonstrate sufficient water storage on site. The use of water storage facilities may result in some cultivators mixing fertilizers and other chemical agents into the water storage system. This could result in the treated storage water back-flushing into the well and contaminating the groundwater supply. To prevent this potential impact, the County shall implement Mitigation Measure HYD-1 which would require the installation of anti-back-flushing valves on all water storage systems.

Regulated Cannabis cultivation represents a potential for increased groundwater pumping throughout the study, particularly during the dry months and drought conditions. Order #2015-0023 requires the implementation of water conservation measures, irrigation at agronomic rates, and limiting groundwater withdrawals in consideration of beneficial uses by other water users in the same watershed. In addition, cultivators registered with the North Coast RWQCB are required to implement water conservation practices to document their monthly water use and develop an approach to ensure water use is not impacting water quality. Although water conservation provisions may reduce overall water use, there is potential for severely limited watershed and sub-watersheds to experience a significant loss of available groundwater, particularly under drought conditions. As previously indicated, as part of the current County Cannabis cultivation license process, applicants are required to provide a well report

documenting gallons per-minute and recovery rate; however, a specific recovery rate has not been stipulated. To further refine this requirement and provide additional protection against depletion of groundwater supplies within watershed and sub-watershed, the County shall implement Mitigation Measure HYD-2 which identifies a minimum well recovery rate.

Implementation of Mitigation Measures HYD-1 and HYD-2, as well as the standard conditions in the Order and appropriate BMPs for groundwater, will mitigate this impact to a level that is less than significant.

Items IX. c), d), and e) Less than Significant Impact

The proposed ordinance only applies to persons who have complied with requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) Order #2015-0023 *General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (NCRWQCB 2015). Enrollment in this program and certification of discharges applies only to existing Cannabis cultivation sites which have adequately mitigated environmental impacts to less-than-significant levels.

Order #2015-0023 contains conditions for site maintenance, erosion control, and drainage features that require roads and other graded site features to be maintained to avoid developing surface ruts, gullies, and surface erosion, and to have adequate ditch relief drains or rolling dips. Certain management practices, such as infiltration basins, field leveling or road maintenance, bioengineering and instream restoration, could potentially cause an alteration of the existing drainage pattern of a site. In addition, the Order contains conditions designed to remedy existing site features and operations that create or contribute runoff that would exceed storm water drainage systems, add substantial sources of polluted runoff, and substantially degrade water quality. Other possible mitigation measures that could be implemented to comply with the Order include streambank stabilization, riparian and floodplain restoration, establishment of natural riparian buffers, and soil and water management actions that promotes infiltration and flood peak attenuation. These measures are listed in Appendix C of this document.

With implementation of these measures, potential impacts to surface water flow, drainage, and water quality would be less than significant.

Items IX. g) and h) No Impact

Commercial Cannabis cultivation activities enabled by the proposed ordinance do not include the construction or installation of buildings, structures, or other enclosures. The construction or installation of any buildings, structures, or other enclosures would require appropriate permit and authorization by Trinity County Planning Department under existing authority and regulations. The proposed ordinance would not place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. The ordinance does not contain provisions for relocation of existing housing or the construction of new housing. There would be no impact to this topic.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Item IX. i) No Impact

None of the commercial Cannabis cultivation activities enabled by the proposed ordinance would expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding resulting from the failure of a levee or dam.

Item IX. j) No Impact

Commercial Cannabis cultivation activities would not cause inundation by seiche, tsunami, or mudflow. Implementation of provisions in the ordinance are unlikely to cause or result in impacts by inundation via seiche, tsunami, or mudflow.

3.9.2 Mitigation Measures

HYD-1: The Trinity County Planning Department shall amend the proposed ordinance to include a provision that any cultivator utilizing a water storage system provide evidence that a properly sized anti-back-flushing valve has been installed.

HYD-2: The Trinity County Planning Department shall amend the proposed ordinance to include as part of the well report, documentation that verifies that within the past five years the well's recovery rate is a minimum of three (3) gallons-per-minute.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

3.10 Land Use

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

3.10.1 Discussion

Development and operation of commercial Cannabis cultivation sites have the capability to generate adverse effects to land use. These impacts could occur as a result of cultivation sites being developed without required permits or in accordance with County regulations. Unlicensed cultivation could result in non-compliance with General Plan policies and zoning regulations (i.e., cultivation in areas where use/similar uses are not allowed).

Item X. a) No Impact

New Cannabis cultivation facilities licensed under the proposed ordinance would be located in areas where similar uses are already allowed or where Cannabis cultivation is considered an allowable use. No subdivision of land or installation of new infrastructure is anticipated to occur. No changes to the General Plan land use designations, zoning classifications, or substantial changes to the allowed uses or purpose of any zoning classification are proposed which could divide an established community. The maximum size of any Cannabis cultivation site is 10,000 square feet (License Type 2 and 2B). Therefore, the project will not divide an established community and no impact would occur.

Item X. b) No Impact

Issuance of Cannabis cultivation licenses under the proposed ordinance would not conflict with any applicable land use plan, policy, or regulation of agency with jurisdiction (general plan or zoning ordinance).

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Item X. c) No Impact

No adopted Habitat Conservation Plan (HCP) applies to the activities enabled by the proposed ordinance. The only HCP affecting lands in Trinity County is the Green Diamond Resource Company California Timberlands Northern Spotted Owl HCP (HCP Permit #767798) (USFWS 2017). The proposed project would have no impact on applicable HCPs or other state habitat conservation plans.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

3.11 Mineral Resources

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
XI. MINERAL RESOURCES — Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.11.1 Discussion

Cannabis cultivation is an agricultural activity which does not render the locations on which it occurs unavailable for future mineral extraction. As with other types of agricultural operations, mineral extraction and Cannabis cultivation could occur on the same or contiguous parcels assuming the minimum setback requirements and other operational standards are not impacted by comingling the activities.

Item XI. a) No Impact

Though a variety of mineral resources are known to existing in Trinity County, commercial Cannabis cultivation activities enabled by the proposed ordinance would not result in the loss of availability of known mineral resources that would have future value to the region and residents of the state. All Cannabis cultivation operations would be subject to the conditions of the ordinance and would need to be consistent with all policies provided in the County General Plan. As such, there be no loss of availability of a known mineral resource and no impact would occur.

Item XI. b) No Impact

Issuance of Cannabis licenses under the proposed ordinance would not result in the loss of availability of a locally important mineral resource recovery site delineated in the County General Plan. As noted above in XI.a), all Cannabis operations would be subject to the conditions of the ordinance and would need to be consistent with all policies provided in the County General Plan. As such, no impact would occur.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

3.12 Noise

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
XII. NOISE — Would the Project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.12.1 Discussion

Development and operation of commercial Cannabis cultivation sites has the capability to generate adverse effects on ambient noise levels associated with cultivation site preparation (grading, construction of structures) and operational noise associated with generators and water pumps. Increased noise levels could potentially exceed levels acceptable to existing land uses, General Plan limits, or pose a nuisance to nearby residents.

Items XII. a), c), and d) Less than Significant Impact with Mitigation Incorporated

Construction and installation of Cannabis cultivation facilities at licensed sites may require earthwork and use of heavy equipment, which has the potential to result in temporary increases

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

of noise levels in the project vicinity. These impacts are temporary in nature and can be addressed by restricting hours when such activities may occur. The proposed ordinance includes requirements to limit noise generated by commercial Cannabis cultivation activities to 55db from 7:00 a.m. to 7:00 p.m. and 50db from 7:00 p.m. to 7:00 a.m. as measured at the project property line. Operation of Cannabis cultivation facilities has the potential to result in a more permanent source of noise, such as the use of generators. To address this potential impact, the use of generators for commercial Cannabis cultivation is prohibited between 10:00 p.m. and 7:00 a.m.

The limits currently specified in the ordinance generally comply with noise levels consistent with maximum allowable noise levels specified in Table VII of the Trinity County General Plan Noise Element (Trinity County 2003). Only during the 10:00 p.m. to 7:00 a.m. would the permissible noise levels exceed the Nighttime maximum allowable levels of 45db specified in the Noise Element. Mitigation Measure NO-1 is needed to restrict noise levels associated with commercial Cannabis cultivation activities occurring during the 10:00 p.m. to 7:00 a.m. period to be consistent with the Trinity County General Plan Noise Element.

When combined with Mitigation Measure NO-1, noise levels permissible by the proposed ordinance would not result in a substantial temporary or permanent increase in noise that would exceed ambient noise levels. Maximum noise levels consistent with the Trinity County General Plan Noise Element would not constitute a substantial increase and therefore, would be considered a less-than-significant impact.

Item XII. b) Less than Significant Impact

The proposed ordinance only applies to persons who have complied with requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) Order #2015-0023 *General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region* (NCRWQCB 2015). Enrollment in this program and certification of discharges applies only to existing Cannabis cultivation sites which have adequately mitigated environmental impacts to less-than-significant levels.

Measures required by Order #2015-0023 include construction BMPs and time restrictions to prevent noise impacts. The implementation of these mitigation measures would effectively avoid significant impacts associated with ground-borne vibrations or ground-borne noise levels. Appendix C identifies the measures available to mitigate noise impacts to a less-than-significant level. With the exception of temporary vibrations created from earthwork and use of heavy equipment that may be utilized during construction and installation of new Cannabis cultivation facilities at licensed sites, there will be no elements that would expose persons to or generate excessive ground-borne vibration or ground-borne noise levels. Therefore, this impact is less than significant.

Items XII. e) and f) No Impact

Commercial Cannabis cultivation activities licenses issued under the proposed ordinance would not increase exposure of people to excessive noise levels where located within two miles of a public airport or private airstrip. Because the Ordinance would only enable commercial

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Cannabis cultivation to occur where there is a permitted/legal housing structure, such existing structures would need to comply with applicable airport land use plans and would not expose excessive noise levels to persons residing or employed on the property. No impact would occur from enabling commercial Cannabis cultivation at such locations.

3.12.2 Mitigation Measures

NO-1: The Trinity County Planning Department shall amend the proposed ordinance to revise the maximum allowable noise level limit for the hours of 7:00 p.m. to 10:00 p.m. 50 dBA and to 45 dBA for the hours of 10:00 p.m. to 7:00 a.m. to be consistent with the County's Noise Element.

3.13 Population and Housing

<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
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XIII. POPULATION AND HOUSING —

Would the project:

- | | | | | | |
|----|--|--------------------------|--------------------------|-------------------------------------|-------------------------------------|
| a) | Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) | Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) | Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

3.13.1 Discussion

The development and operation of commercial Cannabis cultivation sites has the capability to generate impacts to population and housing by increasing population in rural or remote areas which, in turn, would create a new demand for public services, infrastructure, or utilities.

Item XIII. a) Less than Significant Impact

The proposed ordinance would not authorize new construction that would induce population growth by proposing new homes or improved infrastructure. Only activities associated with the commercial cultivation of Cannabis are permitted under this ordinance. There is potential for the issuance of licenses under the ordinance to result in a temporary increase in seasonal populations during the Cannabis growing season, specifically during the initial planting and harvesting periods. Most existing licensees have indicated they would not need to utilize outside employees to operate proposed Cannabis cultivation operations; however, there is potential for new licensees to require seasonal workers to support planned operations. The County currently allows only one permanent single-family dwelling per parcel, which limits potential for permanent population growth. Additionally, temporary accommodations for seasonal works will be allowed in guest houses or labor camps. As a result, this impact is considered less than significant.

Item XIII. b) No Impact

Issuance of licenses under the proposed ordinance would not displace substantial numbers of existing housing that would necessitate the construction of replacement housing elsewhere.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Licensees will still need to comply with all the allowable uses and restrictions associated with their parcel(s) specific zoning designation. Therefore, even though Cannabis cultivation would be an allowable use for the designated zoning districts, since they will need to comply with specific zoning restrictions, the issuance of new licenses would not displace substantial numbers of existing housing and would therefore not necessitate the construction of replacement housing elsewhere. As such, no impact would occur.

Item XIII. c) No Impact

Issuance of licenses under the proposed ordinance would not displace substantial numbers of people, necessitating the construction of replacement housing elsewhere. As noted above under item XIII.b), licensees will still need to comply with all the allowable uses and restrictions associated with their parcel(s) specific zoning designation. Therefore, even though Cannabis cultivation would be an allowable use for the designated zoning districts, since they will need to comply with specific zoning restrictions, the issuance of new licenses would not displace substantial numbers of people and would therefore not necessitate the construction of replacement housing elsewhere. As such, no impact would occur.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

3.14 Public Services

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
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XIV. PUBLIC SERVICES — Would the project:

- a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.13.2 Discussion

The development and operation of commercial Cannabis cultivation sites has the capability to generate new demand for public services with an increase in population in rural or remote areas. Such an increase in population could have a direct effect on the level of public services needed in an area.

Items XIV. A-1, 2) Less than Significant Impact

Issuance of new licenses under the proposed ordinance will not create the need for additional police or fire protection facilities. The existing baseline conditions (e.g., unlicensed and illegal Cannabis operations) definitely resulted in increased pressure on local fire and law enforcement services. However, for Cannabis cultivation sites that are licensed by the County, there should be a reduced need for these public services as compared to cultivation sites that are not licensed. The proposed ordinance specifically requires the secured storage of fuels and toxic substances and prohibits the use of gas products, not limited to butane. Such restrictions would minimize the need for additional fire protection services. Commercial Cannabis cultivation activities would not increase demand for public schools or parks or other public facilities. The ordinance also requires all buildings where Cannabis is cultivated or stored to be properly secured and

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

outdoor cultivation areas fenced, minimizing the need for increased law enforcement protective services. Therefore, this impact is less than significant.

Items XIV. A-3-5) No Impact

Commercial Cannabis cultivation activities enabled by the proposed ordinance would not result in the need for physically altered governmental facilities or need for new or physically altered governmental facilities, including public schools, parks, and other facilities. As a result, no impact is anticipated.

3.15 Recreational Resources

	<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
XV. RECREATION — Would the project:				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

3.15.1 Discussion

Vetting of Cannabis cultivation sites and activities has demonstrated the potential for the activities to cause adverse effects to recreation resources. The presence of commercial Cannabis cultivation sites in rural and remote areas could adversely affect use of existing recreational facilities or induce a need for new or expanded facilities.

Items XV. a) and b) No Impact

The proposed ordinance could affect use of recreational facilities, particularly in areas of the County with policies of encouraging recreational, residential, and commercial development on lands associated with wilderness or forested areas as identified in the Land Use Element. In the North Lake area of the County, there is a strong commitment to protect these recreation and tourism values. The proposed ordinance includes the Coffee Creek Volunteer Fire District and Trinity Center Community Services District as opt-out areas where cultivation is prohibited unless a potential licensee has enrolled with the NCRWQCB by November 30, 2017. Thus, no impact would occur to recreation resources in this area identified as being the most likely to have recreation resources that could be adversely affected by Cannabis cultivation.

Cannabis cultivation within the State Hwy 3 corridor (that runs through the communities of Trinity Center and Coffee Creek) is not consistent with the highway’s National Forest Scenic Byway designation, nor with recreational opportunities related to Trinity Lake, the Trinity Alps Wilderness Area, or the Whiskeytown-Shasta-Trinity National Recreation Area. Cultivation is also prohibited in these areas. Therefore, no impact will occur.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

Activities on cultivation sites would not result in an increase in use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of such facilities would occur or be accelerated; or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

3.16 Transportation and Traffic

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

3.16.1 Discussion

The development and operation of commercial Cannabis cultivation sites has the potential to generate adverse effect to transportation systems and local traffic. These impacts could occur through construction of illegal or improperly graded access roads, increased vehicle traffic on local roadways and private roads in association with cultivation activities, lack of road maintenance on new access roads, inadequate sight distance, and adequate access/turn-around space for emergency vehicles.

Items XVI. a) and b) Less than Significant Impact

Commercial Cannabis cultivation may increase vehicle trips near cultivation sites with the increase of materials and equipment deliveries, employee trips, and other miscellaneous trips that may be associated with cultivation and distribution of Cannabis crops. Commercial Cannabis cultivation activities are not expected to result in exceeding the capacity of the existing circulation system or conflict with applicable congestion management program or roadway standards established by Trinity County. The limited increase in vehicle trips or use of cultivation equipment would not result in a significant impact.

Item XVI. c) No Impact

Though there are public and private airports in Trinity County, issuance of licenses under the proposed ordinance would not impact the circulation or approach patterns of any airports during construction and operation of Cannabis cultivation facilities. Therefore, no impact will occur.

Items XVI. d) and e) Less than Significant Impact

Issuance of licenses under the proposed ordinance would not substantially increase hazards due to design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). All Cannabis cultivation operations would need to be in conformance with all established policies and regulations in order to be licensed by the County. Specifically, conformance with the requirements of Public Resources Code 4290 which requires from CAL FIRE safe standards such as road widths, turnouts, turnarounds, and maximum slopes to ensure safe access for emergency responders. Issuance of licenses also would not result in inadequate emergency access. Although inadequate access may be a baseline condition, the standards contained in the proposed ordinance offer improvements to this condition and require licensed Cannabis cultivation sites to comply with adequate emergency access standards. Each of these impacts are less than significant.

Item XVI. f) No Impact

Issuance of licenses under the proposed ordinance would not impact public parking as proposed Cannabis cultivation facilities will be located on private parcels, primarily in rural areas where designated parking spaces are not present. Therefore, no impact will occur.

Item XVI. g) No Impact

Issuance of licenses under the proposed ordinance would not conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. The County will require the applicant to conform with all established policies and regulations in order to receive a license to cultivate Cannabis. Therefore, no impact will occur.

3.17 Tribal Cultural Resources

<i>Potentially Significant Impact</i>	<i>Less than Significant with Mitigation Incorporated</i>	<i>Less than Significant Impact</i>	<i>No Impact</i>
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XVII. TRIBAL CULTURAL RESOURCES —

Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- | | | | | | |
|----|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) | Listed or eligible for listing in the California Register of Historical Places, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) | A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

3.17.1 Discussion

Items XVII. a) and b) No Impact:

Assembly Bill (AB) 52, passed by the State in 2014, requires the County to consult with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if the tribe requested to the lead agency, in writing, to be informed of proposed projects in that geographic area. Most of Trinity County, northeast of South Fork Mountain, is part of the Nor Rel Muk Band of Wintu’s territory. The Tsnungwe, Chimariko, and Hoopa occupy territory along the Trinity River in far western Trinity County, and the Round Valley Reservation/Covelo Indian Community represents several tribes southwest of South Fork Mountain. None of these Tribes, or any other California Native American tribe, has requested to be informed of proposed projects on Trinity County in accordance with AB 52. However, Trinity County routinely consults with Native American tribes in the region, and a copy of this IS/MND will be sent to the above-listed tribes, along with a request for their comments.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

3.18 Utilities and Service Systems

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

3.18.1 Discussion

Analysis of prior Cannabis cultivation sites have shown a potential to cause adverse effects on utilities and other service systems resulting from increases in energy consumption (e.g., electrical, water, wastewater) and disposal of solid waste, increased water demand that may

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

conflict with other water rights and potentially subject to water availability restrictions, and unauthorized connections to existing utilities (i.e., bypass of electrical meter and circuit breaker).

Item XVIII. a) No Impact

Commercial Cannabis cultivation sites are expected to be served with onsite wastewater treatment facilities that must be sited, designed, and constructed in accordance with applicable Trinity County Environmental Health Division requirements and/or the State Water Board's Onsite Wastewater Treatment System (OWTS) policy (SWRCB, 2012). These existing regulatory requirements would eliminate or minimize the potential adverse impact of these systems on the environment.

Items XVIII. b) and e) Less than Significant Impact

Issuance of licenses under the proposed ordinance would result in the construction of new water or wastewater facilities or expansion of existing facilities. Given the rural nature of the County, this will likely be in the form of new or expanded on-site sewage disposal systems, wells, or water withdrawals with an approved water right. These potential impacts are covered in the Hydrology and Water Quality section of this IS/MND. Some Cannabis cultivation sites may have access to community water and sewer; however, as part of the requirements of the proposed ordinance applicants for a license must provide evidence from the service provider that they have adequate capacity to support the proposed Cannabis facility. Therefore, this impact is less than significant.

Item XVIII. c) Less than Significant Impact

Issuance of licenses under the proposed ordinance would not require or result in the construction of new storm water drainage facilities or expansion of existing facilities; the construction of which could result in significant environmental impacts. Given the rural nature of the County, it is anticipated that storm water from licensed Cannabis cultivation sites will be handled on-site and addressed through the standard conditions of the North Coast Regional Water Quality Control Board (NCRWQCB) Order #2015-0023 General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (NCRWQCB 2015). Therefore, this impact will be less than significant.

Item XVIII. d) Less than Significant Impact

The proposed ordinance only applies to persons who have complied with requirements of the North Coast Regional Water Quality Control Board (NCRWQCB) Order #2015-0023 General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region (NCRWQCB 2015). Enrollment in this program and certification of discharges applies only to existing Cannabis cultivation sites which have adequately mitigated environmental impacts to less-than-significant levels. Order # 2015-0023 requires implementation of measures to prevent or minimize impacts associated with water diversion, storage and use. These measures are listed in Appendix C of this document and

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

include restricting the size of the cultivation site, implementing water conservation actions, and providing water storage for use during dry periods. Additionally, as part of the Cannabis cultivation license process administered by the County, applicants are required to provide evidence of sufficient water supply (e.g., documentation of water rights/diversion, proof of permitted well and well report documenting gallons per-minute and recovery rate).

Therefore, with implementation of these required measures, activities enabled by the proposed ordinance would not have a significant impact on existing water entitlements or need new or increased water entitlements.

Items XVIII. f) and g) Less than Significant Impact

Commercial Cannabis cultivation activities could potentially impact local landfills, with the disposal of solid wastes required by NCRWQCB Order #2015-0023. The Order includes conditions requiring that waste be handled in accordance with state and local laws. This requirement could cause an influx of materials deposited at local transfer stations and thence to (primarily) out-of-Region landfills in the short term. It is not expected that waste generation would occur on a scale that would impact the capacity of landfills accepting waste. Therefore, the impact is less than significant.

3.19 Mandatory Findings of Significance

Potentially Significant Impact
 Less than Significant with Mitigation Incorporated
 Less than Significant Impact
 No Impact

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <p>a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| <p>c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?</p> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

3.19.1 Discussion

Item XIX. a) Less Than Significant Impact

Commercial Cannabis cultivation activities enabled by the proposed ordinance and, which are in compliance with the NCRWQCB Order #2015-0023, will result in a wide range of environmental improvements, including reduction of sediment input into creeks and streams; improving water quality; requiring secured water rights; improving channel stability; reducing hazards and unstable features; improving fish habitat; and preserving riparian habitat. Order #2015-0023 identifies numerous standards and measures that need to be implemented to avoid significant environmental impacts.

The proposed Ordinance includes provisions requiring evidence of a secure water right or other water source. The environmental impacts of new operations will be reduced through regulatory requirements and permitting processes described above and in previous sections of this IS. In

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

order to prevent possible cumulative impacts to biological resources or conflicts with new regulations or science, the proposed Ordinance includes annual license renewals at which time the terms and conditions of the license may be adjusted.

The proposed ordinance specifically requires that licensees enroll in the NCRWQCB program and demonstrate compliance with its requirements during a provisional application period to develop a record of environmental compliance. Licensees are required by the NCRWQCB Order #2015-0023 to implement measures, as listed in Appendix C of this document, to avoid and minimize significant impacts. The requirements and management measures of both the proposed Ordinance and Order #2015-0023 would not degrade the quality of the environment; reduce fish or wildlife habitat; cause fish or wildlife populations to drop below self-sustaining levels; threaten to eliminate a plant or wildlife community; reduce or restrict the range of a rare or endangered plant or wildlife species; or eliminate important examples of major period of California history or prehistory, but rather would serve to eliminate or minimize these impacts. Therefore, this would be a less than significant impact.

Item XIX. b) Less Than Significant Impact

On a cumulative basis, the impacts of the proposed ordinance would bring a substantial number of existing Cannabis cultivation operations into compliance with a wide variety of resource protection laws and regulations and/or relocate Cannabis cultivation operations to environmentally superior locations (i.e., setback from riparian areas, avoiding steep slopes, etc.). While individual cultivation operations licensed by the County may have non-negligible but less than significant impacts of the environment, the overall impact of the proposed ordinance is expected to reduce rather than increase the environmental footprint of the Cannabis industry in Trinity County.

Environmental topics that could be susceptible to impacts that are cumulatively considerable include air quality/odor, biological resources, soils (erosion), groundwater depletion, water quality, and noise. The extent and magnitude of the impacts which may be cumulatively considerable depends on the location, density, and site characteristics of the commercial cannabis cultivation sites. The proposed ordinance, as well as the existing NCRWQCB Order #2015-0023, increase environmental protections and requires a reduction in sediment and runoff from existing and future Cannabis cultivation sites as compared to industry practices in the absence of regulation. Requirements to demonstrate adequate water supply, comply with a variety of state and local conservation regulations, setbacks from streams and sensitive uses, minimum parcel sizes, maximum cultivation sites, energy efficient requirements, and other restrictions will guide the Cannabis industry over time to locate in less sensitive areas and to operate in a manner which will have fewer impacts that would otherwise occur. Therefore, the proposed ordinance will not have a cumulatively considerable effect on the environment in the context to other projects.

Item XIX. c) Less Than Significant Impact

The proposed ordinance would not cause any substantial adverse impacts to human beings, either directly or indirectly. The proposed ordinance provides a mechanism to correct an on-going detrimental situation by allowing existing and future Cannabis cultivators to conduct their activities within a regulatory framework that provides for the appropriate siting of operations, manages interactions with neighboring land uses, and offers resource protections. In the absence

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

of such regulations, the informal and unregulated Cannabis industry is likely to continue as it has been operating during the baseline condition, with negative impacts to environmental resources, water quantity and quality, and imposing increasing demands for public services in the enforcement of regulations and resolution of conflicts. In addition, as part of this IS/MND, the County is proposing additional mitigation measures for several resource topics which will be incorporated into a revised permanent ordinance and Cannabis cultivation application process. Therefore, the proposed Ordinance will have a less than significant impact on human beings, either directly or indirectly.

INITIAL STUDY - EVALUATION OF ENVIRONMENTAL IMPACT

Project Name: Trinity County Commercial Cannabis Cultivation Ordinance

References

CBMCR, 2017. Summary of Some of the Key Components of the Laws that Establish the Medical Cannabis Regulation and Safety Act. California Bureau of Medical Cannabis Regulation. URL http://bmcr.ca.gov/laws_regs/index.shtml. Accessed on March 28, 2017.

NCRWQCB Order No. R1-2015-0023. North Coast Regional Water Quality Control Board General Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region, 2015.

State of California, SB 837. Amendments to the Medical Cannabis Regulation and Safety Act. Approved by Governor June 27, 2016. Filed with Secretary of State June 27, 2016

State of California, SB 94. Cannabis: medicinal and adult use. Approved by Governor June 27, 2017. Available online at:
https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB94

Trinity County, County Ordinance No. 315-816 EXT(A1). An Urgency Ordinance of the Board of Supervisors of the County of Trinity Enacting Section 32(o) of the zoning Ordinance No. 315 to Create Commercial Marijuana Cultivation Regulation. Enacted December 21, 2016.

Appendix A

County Ordinance No. 315-816 EXT(A1)

To Create Commercial Marijuana Cultivation Regulation

ORDINANCE NO. 315-816.EXT(A1)

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ENACTING SECTION 32(O) OF THE
ZONING ORDINANCE NO. 315 TO CREATE COMMERCIAL MARIJUANA
CULTIVATION REGULATION**

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

SECTION I. This Urgency Ordinance is adopted pursuant to California Constitution, Article XI, Section 7, and Government Code Section 65858 and Government Code Section 25123.

This Urgency Ordinance is necessary for the immediate preservation of the public peace, health and safety by balancing the needs of medical patients and their caregivers with the needs of the community to be protected from public safety and nuisance issues associated with the cultivation of cannabis. Due to the passage of the Medical Marijuana Regulation and Safety Act (MMRSA) and the Adult Use of Marijuana Act (AUMA) in California, there is a concern that if left unregulated, there will be a substantial increase of marijuana activity in the County. This Application process is necessary to provide for additional enforcement capability by the County and limit further degradation of the environment.

SECTION II. Purpose.

The Board of Supervisors of the County of Trinity hereby States the Purposes of the Urgency Ordinance are as follows:

- (1) The needs of medical patients and their caregivers for enhanced access to medical marijuana;
- (2) The needs of the neighbors and communities to be protected from public safety and nuisance impacts;
- (3) The need to limit harmful environmental impacts that are sometimes associated with marijuana cultivation; and
- (4) The need to create an orderly process for legal marijuana business.

Nothing in this Chapter shall be construed to:

- (1) Allow persons to engage in conduct that endangers others or causes a public nuisance as defined herein;
- (2) Allow any activity relating to the cultivation, distribution or consumption of marijuana that is otherwise illegal under California State law; or
- (3) Allow any additional activity that would create significant impacts to the environment.

SECTION III. Findings and Declarations

The Board of Supervisors of the County of Trinity hereby finds and declares the following:

- (1) The voters of the State of California approved Proposition 215 (codified as Health and Safety Code section 11362.5 and entitled "The Compassionate Use Act of 1996").
- (2) The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where medical use is deemed appropriate and has been recommended by a physician, and to ensure that patients and their primary caregivers who obtain and use marijuana for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction. The Act further provides that "nothing in this section shall be construed to supersede

legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of marijuana for non-medical purposes.”

- (3) The intent of AUMA is to allow the legal use of marijuana for persons over the age of 21. AUMA provides that California residents are entitled to cultivate up to 6 plants indoors and for personal use.
- (4) Local governments in California may restrict or completely ban commercial marijuana activities, except deliveries and transportation through local jurisdiction.
- (5) The State enacted SB 420 in 2004, known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7 et seq.) to clarify the scope of The Compassionate Use Act of 1996, facilitate the prompt identification of qualified patients and primary caregivers, avoid unnecessary arrest and prosecution of these individuals, provide needed guidance to law enforcement officers, promote uniform and consistent application of the Act, enhance the access of patients and caregivers to medical marijuana through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420.
- (6) The Medical Marijuana Program Act defines “primary caregiver” as an individual who is designated by a qualified patient or person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person.
- (7) The right of qualified patients and their primary caregivers under State law to cultivate marijuana plants for medical purposes does not confer upon them the right to create or maintain a public nuisance.
- (8) Marijuana plants, whether grown indoors or outdoors, especially as they mature prior to harvest, may produce a distinctive odor that may be detectable far beyond property boundaries.
- (9) The strong smell of marijuana has been deemed a nuisance and can alert persons to the location of the valuable plants, creating a risk of burglary, robbery and armed robbery.
- (10) In recent years there has been an increased number of marijuana related incidents of burglary, robbery and armed robbery; some including acts of violence resulting in injury or death.
- (11) Marijuana that is grown indoors may require excessive use of electricity which may overload standard electrical systems creating an unreasonable risk of fire. If indoor grow lighting systems are powered by diesel generators, improper maintenance of the generators and fuel lines and the improper storage and disposal of diesel fuel and waste oil may create an unreasonable risk of fire and pollution.
- (12) The County also revised the definition of legal parcel for the purpose of this Chapter, from defining an unlimited number of contiguous parcels under common ownership or control as one parcel eligible for a single exemption, to defining any portion of a parcel with a separate Assessor’s Parcel number as a separate parcel, resulting in an individual owner of multiple contiguous parcels.
- (13) Trinity County’s geographic and climatic conditions, low population density, availability of resource lands previously utilized for forestry and grazing and history and reputation as a cannabis producing region have attracted a steady influx of individuals for the purpose of participating in cannabis activity, whether for medical or commercial reasons.
- (14) The State Water Resources Control Board (“SWRCB”), the North Coast Regional Water Quality Control Board (“NCRWQCB”) and the State Department of Fish and Wildlife (“SDFW”) have documented a dramatic increase in the number of marijuana cultivation sites, corresponding increases in impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. These impacts result from the widespread unpermitted, unmitigated, and unregulated impacts of land grading, road development, vegetation removal, timber clearance, erosion of disturbed surfaces and stream banks, stream diversion for irrigation, temporary human occupancy without proper sanitary or waste disposal facilities, and threaten the survival of endangered fish species. In addition, the actions of some marijuana growers, either directly or through irresponsible

practices, result in the killing of wildlife, including further endangering other threatened species such as the Pacific Fisher and Coho Salmon.

- (15) California Regional Water Control Board, North Coast Region Order #2015-0023 (Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region) was passed on August 13, 2015. The purpose of this order is to provide a water quality structure to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land.
- (16) Trinity County is negatively impacted and vulnerable to numerous large-scale, trespass commercial marijuana cultivation operations on public and private lands, yet law enforcement consistently estimates that each year they eradicate only a small fraction of these operations.
- (17) Effective enforcement is further hampered by conflicting local, state and federal laws which create ambiguity in determining which marijuana cultivation operations are legal or not, and whether those that are non-compliant ought to be subject to civil or criminal enforcement.
- (18) On September 11, 2015, the State enacted the Medical Marijuana Regulation and Safety Act (MMRSA), which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, manufacture, distribution, transportation, testing, and dispensing of medical marijuana on a commercial basis, but implementing regulations have yet to be written and state licenses will not be available until 2018. In addition, on June 27, 2016 MMRSA was amended by SB 837.
- (19) Previous landmark marijuana legislation, including the Compassionate Use Act and the Medical Marijuana Program Act, have precipitated a "green rush" where individuals have moved to Trinity County to grow marijuana; some seeking to capitalize on ambiguities in the law, while others lack an awareness of community and environmental consciousness.
- (20) Since the adoption of MMRSA, numerous sources, including law enforcement, elected officials, county administrators, neighbors and marijuana cultivators have reported numerous inquiries from individuals and entities, both from within and without Trinity County, who seek to expand their current cultivation operations, or start new ones.
- (21) On November 8, 2016, voters approved AUMA to allow recreational use of marijuana by adults over the age of 21.
- (22) In the absence of a formal regulatory framework, marijuana cultivators are less likely to learn of, or implement, guidelines that are protective of the public peace, health, safety and the environment; while law enforcement has been deprived of a clear means of distinguishing legally compliant marijuana cultivators from those who threaten the public peace, health, safety and the environment.
- (23) The County finds that in the absence of a formal regulatory framework the negative impacts frequently associated with marijuana cultivation are expected to increase, resulting in an unregulated, unstudied and potentially significant negative impact on the environment and upon the public peace, health and safety.
- (24) The County also has limited funding to provide code enforcement to limit harmful environmental impacts associated with marijuana cultivation. This Urgency Ordinance is intended to promote voluntary compliance with environmental regulations, which will allow the County to focus its code enforcement efforts on those other legal parcels where marijuana cultivation is causing the most significant degradation of the environment.
- (25) The County's two primary population centers are Hayfork and Weaverville, which contain more densely populated residential areas. The reduction of grows in these areas by the absolute prohibition of cannabis cultivation, unless the applicant for a County license has enrolled with the SWRCB by December 31, 2016, will result in: (1) greater compliance by those cultivators who have stated that they intend to abide

by the environmental controls of this ordinance; and (2) greater protection of the residents of those areas, which encompass approximately half of the total population of the County, from the nuisances caused by irresponsible cultivation of cannabis in populated areas.

SECTION IV. In order to protect the public health, safety and welfare of the residents of the County of Trinity from a current and immediate threat, the County hereby enacts the following section 32(o) of the Trinity County Zoning Ordinance No. 315, as follows:

Sections:

- (1) Definitions
- (2) Application
- (3) Application Registration Requirements
- (4) Registration Phases
- (5) Limitation on Location to Cultivate Marijuana
- (6) Performance Standards for Commercial Cultivation of Marijuana
- (7) Denial/Rescission of Application
- (8) Enforcement
- (9) Fees

(1) Definitions:

As used herein the following definitions shall apply:

- (a) "Active Building Permit" means holding a valid Trinity County Building Permit and is compliant with all Trinity County Building Department requirements for building.
- (b) "Agricultural Commissioner" or "Agricultural Commissioner's Office" means the Trinity County Agricultural Commissioner's Office or the authorized representatives thereof.
- (c) "Area" is the measurement of marijuana plant growth in square feet as defined by the California Department of Food and Agriculture. As of December 21, 2016, the Area is defined as canopy area, but it is subject to change. All changes by California Department of Food and Agriculture are automatically incorporated herein.
- (d) "Attorney General's Guidelines" means Guidelines for the Security and Non-Diversion of marijuana Grown for Medical Use issued by the Attorney General in August 2008.
- (e) "Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.
- (f) "Cultivation" means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.
- (g) "Cultivation Area" means the sum of the area(s) of cannabis cultivation as measured around the perimeter of each discrete area of cannabis cultivation on single Legal Parcel, as defined herein, or as defined by the State Department of Food and Agriculture.
- (h) "Designated Area" means the area identified for potential cannabis cultivation.
- (i) "Fully Enclosed and Secure Structure" means a space within a building or other structure, excluding greenhouses, which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.
- (j) "Indoors" means within a fully enclosed and secure structure.

- (k) "Legal Parcel" means a parcel with a distinct and separate Assessor's Parcel Number. Where contiguous legal parcels are under identical ownership by an individual or an entity, such legal parcels shall be counted as a single parcel for purposes of this Chapter.
- (l) "Marijuana" and "Cannabis" are used interchangeably and means any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- (m) "Mixed Light" means a combination of natural and supplemental artificial lighting used for vegetative growth, at a maximum threshold to be determined by the California State Department of Food and Agriculture.
- (n) "Medical Marijuana" "Medical marijuana" means marijuana or marijuana plant used for medical purposes in accordance with California Health and Safety Code Sections 11362.7 et seq.
- (o) "Outdoors" or "Outdoor Cultivation" means cultivation in any location or by any means that is not "indoors" within a fully enclosed and secure structure as defined herein.
- (p) "Primary Caregiver" means a "primary caregiver" as defined in Health and Safety Code section 11362.7(d).
- (q) "Proof of Enrollment" shall mean Proof of Order number from the NCRWQCB.
- (r) "Proof of Residency" shall mean proof of residing in Trinity County for a period one year prior to application.
- (s) "Planning Department" means the Trinity County Planning Department, or department or agency that is designated by the Trinity County Planning Director.
- (t) "Qualified patient" means a "qualified patient" as defined in Health and Safety Code section 11362.7(f).
- (u) "Residential Treatment Facility" means a facility providing for treatment of drug and alcohol dependency.
- (v) "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.
- (w) "Summary Abatement" means the removal of an immediate threat to the public health or safety.
- (x) "Wildlife Exclusionary Fencing" means fencing designed and installed to prevent the entry of wildlife into the enclosed area, such as cyclone or field game fencing a minimum of six feet high measured from grade. This must include a lockable gate.
- (y) "Variance" is defined as Trinity County Ordinance 315 section 31.
- (z) "Youth-Oriented Facility" means public park, school, authorized bus stop or any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(2) Application

- (a) Approval of a license grants provisional permission to cultivate marijuana plants within the guidelines of this chapter and state law. After receipt of a license, Applicants who cultivate pursuant to guidelines of this chapter and applicable state law will be exempt from the plant count restrictions in the existing Trinity County personal grow ordinance (Zoning Ordinance No. 315-797). Instead, Applicants will be subject the cultivated square footage provisions in Type I and Type II of MMRSA and/or as defined by the State Department of Food and Agriculture.
- (b) Accepted applications shall be entitled to priority processing for future license applications. Acceptance for renewal of licenses shall begin February 1, 2017. Annual licenses shall run from

April 1 through March 31. Renewal priority is in the following order: (1) Date of issuance of County License; (2) Date of acceptance of application; (3) Date of issuance of Water Board Permit.

- (c) Any permitting required under the future land use ordinance will require enrollment in the NCRWQCB Order #2015-0023 and Applicant must have been compliant with this requirement during the provisional Application period to develop a record of environmental compliance.
- (d) This Application does not guarantee that the Applicant will be considered compliant with any future land use ordinance.
- (e) This Application does not give the Applicant any property rights, and it is not a license or a guarantee that a license will be issued. Application Registration will be used to apply for licensing under the permanent land use ordinance or for a variance if licensing under the ordinance is not possible. Application does not equate to Non-conforming entitlement under any future land use ordinance and the Application is non-transferrable.
- (f) Applicants are ensured that their applications will be considered prior to any new application under the future land use ordinance.
- (g) Use of marijuana is not recognized under Federal law and Trinity County does not grant any right to violate federal law.
- (h) Should the State begin issuing cannabis cultivation licenses under MMRSA and/or AUMA before a permanent cannabis cultivation ordinance has been enacted in Trinity County, a cultivator of cannabis who is an Applicant pursuant to this Chapter and who can otherwise demonstrate consistent compliance with this Chapter, the County Code and all other relevant laws and regulations, may request from the Planning Department a validation stamp on his/her registration certificate so that such document may be used as evidence of local compliance for the purposes of Business and Professions Code §19322(a)(2). The County does not intend any cannabis registration document or certificate without a validation stamp to suffice as adequate documentation of local compliance for the purpose of applying for a State license under Business and Professions Code §19322(a)(2).
- (i) Notwithstanding any other provision of this Chapter, should the State begin issuing cannabis cultivation licenses under MMRSA and/or AUMA before a permanent cannabis ordinance has been enacted in Trinity County, the cultivator must file a complete application for the appropriate state license with the appropriate State licensing authority on or before January 1, 2018. Issuance of a County license does not guarantee the issuance of a State license.
- (j) Notwithstanding any other provision of this Chapter, a person participating in the cultivation of cannabis who is licensed pursuant to this Chapter, but who applies for and is denied a State license before a permanent cannabis cultivation ordinance has been enacted in the County, must immediately cease all cannabis cultivation in violation of the personal grow ordinance within the County until he/she successfully obtains the proper State cultivation license(s) under MMRSA and/or AUMA

(3) Application Registration Requirements

- (a) Within sixty (60) days of adoption of this ordinance any person or entity cultivating commercial marijuana within Trinity County may register with the Trinity County Planning Department. Registration shall be on a form provided by the Trinity County Planning Department and, at a minimum, shall require the name and mailing address of the registrant; the location address, Assessor's Parcel Number and site map of the cultivation location.
- (b) All Applicants will be required to comply and provide the following:

- i. Proof of intent to comply with all County setback requirements.
 - ii. Proof of enrollment in good standing with NCRWQCB Order #2015-0023.
 - iii. Identify their intended commercial cultivation license of MMRSA and/or AUMA:
 1. Type 1 “specialty outdoor” – for outdoor cultivation up to a 5,000 sq. ft. Area or up to 50 mature plants.
 2. Type 1B “specialty mixed light” – for cultivation using mixed light up to a 5,000 sq. ft. Area.
 3. Type 1C “specialty cottage,” - for cultivation using a mixed-light up to a 2,500 sq. ft. Area, or up to 25 mature plants for outdoor cultivation, or 500 sq. ft. or less of total canopy size for indoor cultivation, on one premise.
 4. Type 2 “outdoor” - for outdoor cultivation up to a 10,000 sq. ft. Area.
 5. Type 2B “mixed light” – for cultivation using a mixed-light between a 5,001 and 10,000 sq. ft. Area.
 6. All other license Types: – Not allowed at this time by the County of Trinity.
 - iv. Apply for and obtain a BOE Seller’s permit.
 - v. Employ only persons who are at least twenty-one (21) years of age and comply with all applicable state federal requirements relating to the payment of payroll taxes including federal and state income taxes and/or contributions for unemployment insurance and state worker’s compensation and liability laws.
 - vi. Registrant cannot have been convicted of serious felony conviction or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of marijuana, except if the conviction is on public lands. Registrants will have to declare this under penalty of perjury as part of their Application forms.
 - vii. Verification of proof of residency in Trinity County for a period one year prior to application by providing current California Driver’s License or identification card, along with Trinity County Solid Waste bills, Utility District bills, or DMV registration, or other documentation deemed acceptable to show proof of residency in Trinity County as determined by the Planning Director.
 - viii. Proof of at least one of the criteria described in (3)(b)(viii) 1- 5:
 1. Documents of incorporation.
 2. Documents of taxes paid to the State Board of Equalization.
 3. Proof of contracts with dispensaries.
 4. Receipt of a BOE Seller’s permit.
 5. Employer Identification Number.
 - ix. As a condition of registering any cannabis cultivation site pursuant to this Chapter, the Registrant and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agencies, boards, planning commission or board of supervisors arising from the County’s registration of the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.
 - x. If using a permitted well, a copy of the Trinity County well permit must be provided.
- (c) Only one Application countywide may be submitted per person/entity or per legal parcel.

- (d) Applicants consent to compliance inspections as part of their Application and Registration. Inspections will be conducted by county officials during regular business hours Monday through Friday, 9:00 a.m. – 5:00 p.m., excluding holidays. Applicants are permitted to participate in the inspection verification or monitoring. If possible, Trinity County will attempt to give 24-hour notice of the inspection by posting the notice and/or telephoning the number listed on the Application.
- (e) All documents/plans/monitoring/inspections filed as part of enrollment become part of the County Application.

(4) Registration Phases

- (a) The County will allow a total of 500 registrants to enroll in this Application Program, based on the sequence of their compliance with NCRWQCB Order #2015-0023 and as outlined below:
 - i. Phase I – Consists of persons or entities who have completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County based operation by August 01, 2016.
 - ii. Phase II – Consists of persons or entities who have completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County based operation by December 31, 2016.
 - iii. Phase III – Consists of persons or entities who have completed enrollment NCRWQCB Order #2015-0023 in reference to a Trinity County based operation by March 01, 2017.
- (b) The County shall determine completed enrollment by receipt of a Proof of Order number.

(5) Limitation on Location to Cultivate Marijuana.

- (a) Application will not be allowed for cultivation of marijuana in any amount or quantity, in the following areas:
 - i. Within one thousand (1,000) feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein or within five hundred (500) feet of an authorized school bus stop.
 - ii. In any location where marijuana plants are visible from the public right of way. Organic or landscape screening may be used to mitigate upon approval of the Planning Department.
 - iii. A legal parcel without a permitted/legal housing structure, or without an active building permit.
 - iv. Within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
 - v. Timber Production Zones (TPZ) with the exception made for qualified Phase I Applicants.
 - vi. Residential 1 (R1), Residential 2 (R2), or Residential 3 (R3) Zones.
 - vii. Within the legal boundaries of the Trinity County Waterworks District #1 in the Hayfork Valley, and the Weaverville Water District, and within the following area of the Lewiston Community Services District, Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, 13, which are in proximity to high density areas, and, therefore, create a substantial risk of a public nuisance. An exception is made for applicants who have submitted an application for enrollment in NCRWQCB Order #2015-0023 by December 31, 2016 for the Trinity County

Waterworks District #1 and the Weaverville Water District and January 15, 2017 for the Lewiston Community Services District.

- (b) Designated Area shall not exceed 150% of the Area for the license type unless otherwise approved by the Planning Director. Cultivation will not be allowed within 350 feet of a residential structure on any adjoining parcels. Applications for a variance from this provision will be considered by the Trinity County Planning Commission.

(6) Performance Standards for Commercial Cultivation of Marijuana

- (a) It is declared to be unlawful for any person owning, leasing, occupying or having charge or possession of any parcel of land within any unincorporated area of the County to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of marijuana plants in excess of the limitations imposed by this section or personal grow section.
- (b) The cultivation of marijuana shall not exceed the noise level standards as set forth in the County General Plan: 55db from 7:00 a.m. – 7:00 p.m. and 50db from 7:00 p.m. – 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.
- (c) Applicants must comply with all State Laws regarding surface water, including but not limited to, water used for the cultivation of marijuana needs to be sourced on-site from a permitted well or diversion. If using a permitted well, a copy of the Trinity County well permit must be provided. The cultivation of marijuana shall not utilize water that has been or is illegally diverted from any stream, creek, river or water source. If water is hauled it must be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale must be kept on file from a Water District or legal water source.
- (d) The cultivation of marijuana shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water. If property has more than a 35% slope, the Registrant will need to apply for Tier 2 of the NCRWQCB Order #2015-0023.
- (e) All marijuana grown outdoors must be contained within Wildlife Exclusionary Fencing that fully encloses the immediate garden area. The fence must include a lockable gate that is locked at all times when a qualified patient or caregiver is not in the immediate area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth, except shade cloth may be used on the inside of the fence.
- (f) All buildings where marijuana is cultivated or stored shall be properly secured to prevent unauthorized entry.
- (g) Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children or pets, must be stored in a secured and locked structure or device. All uses of pesticide products shall be in compliance with State pesticide laws and regulations enforced by the County Agricultural Commissioner's Office and the California Department of Pesticide Regulation.
- (h) Hazardous materials and wastes from agricultural businesses are regulated by the Trinity County Environmental Health Division, that administers the Hazardous Materials program as one of the Certified Unified Program Agencies (CUPA).
- (i) Rodenticides that require a California Restricted Materials permit cannot be used, those that are designated as federally Restricted Use Products can only be used by a certified applicator.
- (j) The following rodent repellents may be used in and around marijuana cultivation sites consistent with the label: Capsicum Oleoresin, Putrescent Whole Egg Solids and Garlic.

- (k) Any person who is not the legal owner of a parcel and who is cultivating commercialmarijuana on such parcel shall provide written and notarized authorization from the legal owner of the parcel prior to commencing cultivation on such parcel.
- (l) All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky.
- (m) Those cultivations using artificial lighting for mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise. The cultivation of marijuana must comply with Cal Fire, Fish and Wildlife and any other resource agency having jurisdiction, including all activity but not limited to; clearing of land, stream crossings, water diversions and riparian buffer zones.
- (n) Applicant must obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ) for construction projects (individual or part of a common development) that disturb one or more acres of land surface, specifically for new site preparation and development.
- (o) The use of gas products such as, but not limited to, butane is prohibited, consistent with Zoning Ordinance No. 315-797.
- (p) Nothing in this section shall be construed as a limitation on the County's authority to abate any violation which may exist from the cultivation of marijuana plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building.
- (q) All provisions of this Chapter shall apply regardless of whether the activities existed or occurred prior to the adoption of this Chapter.

(7) Denial/Rescission of License

- (a) Applicant's Application shall be denied or the approval of License rescinded if the County becomes aware that:
 - i. The Applicant/Registrant has provided materially false documents or testimony; or
 - ii. The Applicant has not complied fully with the provisions of this Chapter, including any of the requirements of NCRWQCB Order #2015-002 ; or
 - iii. The operation as proposed by the Registrant, if permitted, would not have complied with all applicable laws, including, but not limited to; the Building, Planning, Housing, Fire and Health Codes of the County, including the provisions of this Chapter and with all applicable laws including Zoning and County Ordinances.
- (b) Applicant shall be given a minimum of seven (7) business days to correct any deficiencies prior to the issuance of a denial or rescission.
- (c) Registrant shall have the right to appeal any denials to the Planning Director. Any person dissatisfied with a decision of the Planning Director may appeal therefrom to the Planning Commission at any time within ten (10) working days after notice of the decision is given. Such appeal is taken by filing a notice of appeal with the Planning Director and paying the required appeal fee. Upon filing of a notice of appeal, the Planning Director shall within ten (10) days transmit to the Secretary of the Planning Commission all papers and documents on file with the Planning Director relating to the appeal and schedule the appeal for the Commission hearing.
- (d) Registrant shall have the right to appeal any rescissions as prescribed in Chapter 8.90.130 of the Trinity County Municipal Code.

- (e) Any and all Applicants, pursuant to this Chapter shall, without further notice, automatically terminate and be rendered invalid sixty (60) calendar days after a permanent cannabis cultivation ordinance takes effect in Trinity County, by which time all cannabis cultivation sites shall comply with the terms of such permanent ordinance.

(8) Enforcement

- (a) Violation of this Chapter constitutes a nuisance and is subject to fines and abatement pursuant to Chapters 8.64 and 8.90 of the Trinity County Municipal Code.
- (b) Summary Abatement
 - i. Notwithstanding any other provision of this Chapter, when any unlawful marijuana cultivation constitutes an immediate threat to the public health or safety, and where there is insufficient time to 1) obtain an inspection warrant, and 2) comply with the abatement procedures set out in Chapter 8.64 of the Trinity County Code, to mitigate that threat; the Enforcement Official may direct any officer or employee of the County to summarily abate the nuisance.
 - ii. The County Enforcement Official shall make reasonable efforts to notify the owner and/or the alleged violator.
 - iii. The County may recover its costs for summarily abating the nuisance in the manner set forth in Chapter 8.64 and may include any costs on the property owner's tax bill.

(9) Fees

- (a) The County shall collect from the Registrant a regulatory Cannabis Cultivation Program Fee (hereinafter referred to as Fee) when an Applicant applies for a registration of a cannabis cultivation site with the Planning Department pursuant to this Chapter.
- (b) Such Fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing and enforcing this Chapter.
- (c) The Cannabis Cultivation Program Fee is set at:
 - i. For 2016 Licenses:
 - (1) Type 1 MMRSA: \$2,000.00 plus \$1,000 towards the general plan update.
 - (2) Type 2 MMRSA: \$2,500.00 plus \$1,000 towards the general plan update.
 - ii. For Licenses After 2016:
 - (1) Type 1 and 1B MMRSA: \$4,000.00 plus \$1,000 towards the general plan update.
 - (2) Type 1C MMRSA: \$2,000.00 plus \$250 towards the general plan update.
 - (3) Type 2 and 2B MMRSA: \$5,000.00 plus \$1,000 towards the general plan update.
 - iii. Marijuana Variance Fee: \$751.
- (d) Fees shall be paid thereafter annually prior to March 1st of each year.
- (e) The above Fee amounts are not anticipated to fully cover the cost of administering this Chapter; however, within twelve months of adoption of this Urgency Ordinance, the County may conduct a fee study to determine the total cost of administering this Chapter.
 - i. If, based on the results of the fee study, the Fee needs to be increased; the County may increase the Fee by way of resolution for any new or renewal registrations.
 - ii. If, based on the results of the fee study, the Fee exceeds the cost of administering this Chapter the County shall decrease the Fee by way of resolution and shall also reimburse Applicants their proportional share of any overpayment.

- (10) As a condition of Applying pursuant to this Chapter, the Applicant and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the county, its agencies, boards, planning commission or board of supervisors arising from the County's registration of the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the county, its agents, officers and employees in connection with such action.

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

SECTION VI. The County finds that this Chapter is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement).

Further, this ordinance is an interim Urgency Ordinance and is exempt from CEQA pursuant to the provisions of Public Resources Code section 21080, subdivision (b)(4) and California Code of regulations, title 14, sections 15307 and 15308.

SECTION VII. The Board of Supervisors declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion of it, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions of it be declared invalid or unconstitutional. If for any reason any portion of this ordinance is declared invalid or unconstitutional, then all other provisions of it shall remain valid and enforceable.

Introduced at a special meeting of the Board of Supervisors held on the 30th day of August 2016, and passed and enacted this 30th day of August 2016, by the Board of Supervisors of the County of Trinity by motion, second (Morris/Fenley), and the following vote:

AYES: Supervisors Fenley, Morris, Groves, Burton and Fisher
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

Introduced extension at a special meeting of the Board of Supervisors held on the 13th day of October 2016, and passed and extended this 13th day of October 2016, by the Board of Supervisors of the County of Trinity by motion, second (Morris/Fenley), and the following vote:

AYES: Supervisors Fenley, Morris, Groves, Burton and Fisher

Ordinance No. 315-816.EXT(A1)
12/21/16
Page 13 of 13

NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None

Adopt amendments at a special meeting of the Board of Supervisors held on the 21th day of December 2016, by the Board of Supervisors of the County of Trinity by motion, second (Fenley/Morris), and the following vote:

AYES: Supervisors Morris, Fenley, Groves and Fisher
NOES: Supervisor Burton
ABSENT: None
ABSTAIN: None
RECUSE: None

L. KARL FISHER, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

MARGARET E. LONG
Clerk of the Board of Supervisors

By: _____
Deputy

Appendix B

Proposed Trinity County Commercial Cannabis Cultivation Ordinance

ORDINANCE NO.

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ENACTING SECTION 28 OF THE
ZONING ORDINANCE NO. 315 TO CREATE COMMERCIAL CANNABIS
CULTIVATION REGULATION**

The Board of Supervisors of the County of Trinity, State of California, hereby finds and declares as follows:

- (1) WHEREAS, the voters of the State of California approved Proposition 215 (codified as Health and Safety Code section 11362.5 and entitled “The Compassionate Use Act of 1996”).
- (2) WHEREAS, the intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use Cannabis for medicinal purposes where medicinal use is deemed appropriate and has been recommended by a physician, and to ensure that patients and their primary caregivers who obtain and use Cannabis for medicinal purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction. The Act further provides that “nothing in this section shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of Cannabis for non-medicinal purposes.”
- (3) WHEREAS, the State enacted SB 420 in 2004, known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7 et seq.) to clarify the scope of The Compassionate Use Act of 1996, facilitate the prompt identification of qualified patients and primary caregivers, avoid unnecessary arrest and prosecution of these individuals, provide needed guidance to law enforcement officers, promote uniform and consistent application of the Act, enhance the access of patients and caregivers to medicinal Cannabis through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB 420.
- (4) WHEREAS, on September 11, 2015, the State enacted the Medical Marijuana Regulation and Safety Act (MMRSA), which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, manufacture, distribution, transportation, testing, and dispensing of medicinal Cannabis on a commercial basis, but implementing regulations have yet to be written and state licenses will not be available until 2018. In addition, on June 27, 2016 MMRSA was amended by SB 837.
- (5) Previous landmark Cannabis legislation, including the Compassionate Use Act and the Medical Marijuana Program Act, have precipitated a “green rush” where individuals have moved to Trinity County to grow Cannabis; some seeking to capitalize on ambiguities in the law, while others lack an awareness of community and environmental consciousness.
- (6) Since the adoption of MMRSA, numerous sources, including law enforcement, elected officials, county administrators, neighbors and Cannabis cultivators have reported numerous inquiries from individuals and entities, both from within and without Trinity County, who seek to expand their current cultivation operations, or start new ones.
- (7) WHEREAS, on November 8, 2016, voters approved the Adult Use of Marijuana Act (AUMA) to allow recreational use of Cannabis by adults over the age of 21.
- (8) WHEREAS, the intent of AUMA is to allow the legal use of Cannabis for persons over the age of 21. AUMA provides that California residents are entitled to cultivate up to 6 plants indoors and for personal use.

- (9) WHEREAS, On June 27, 2017, the State adopted SB 94, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), which established a comprehensive system to control and regulate the cultivation, distribution, transport, storage, manufacturing, processing, and sale of both of the following: (1) Medicinal cannabis and medicinal cannabis products for patients with valid physician's recommendations; (2) Adult-use cannabis and adult-use cannabis products for adults 21 years of age and over.
- (10) WHEREAS, local governments in California may restrict or completely ban commercial Cannabis activities, except deliveries and transportation through local jurisdiction.
- (11) WHEREAS, the Medical Marijuana Program Act defines "primary caregiver" as an individual who is designated by a qualified patient or person with an identification card, and who has consistently assumed responsibility for the housing, health, or safety of that patient or person.
- (12) WHEREAS, the right of qualified patients and their primary caregivers under State law to cultivate Cannabis plants for medicinal purposes does not confer upon them the right to create or maintain a public nuisance.
- (13) WHEREAS, Cannabis plants, whether grown indoors or outdoors, especially as they mature prior to harvest, may produce a distinctive odor that may be detectable far beyond property boundaries.
- (14) WHEREAS, the strong smell of Cannabis has been deemed a nuisance and can alert persons to the location of the valuable plants, creating a risk of burglary, robbery and armed robbery.
- (15) WHEREAS, in recent years there has been an increased number of Cannabis related incidents of burglary, robbery and armed robbery; some including acts of violence resulting in injury or death.
- (16) WHEREAS, Cannabis that is grown indoors may require excessive use of electricity which may overload standard electrical systems creating an unreasonable risk of fire. If indoor grow lighting systems are powered by diesel generators, improper maintenance of the generators and fuel lines and the improper storage and disposal of diesel fuel and waste oil may create an unreasonable risk of fire and pollution.
- (17) WHEREAS, the County revised the definition of legal parcel for the purpose of this Ordinance, from defining an unlimited number of contiguous parcels under common ownership or control as one parcel eligible for a single exemption, to a parcel with a distinct and separate Assessor's Parcel Number. Where contiguous legal parcels are under identical ownership by an individual or an entity, such legal parcels shall be counted as a single parcel for purposes of this Ordinance.
- (18) WHEREAS, Trinity County's geographic and climatic conditions, low population density, availability of resource lands previously utilized for forestry and grazing and history and reputation as a cannabis producing region have attracted a steady influx of individuals for the purpose of participating in cannabis activity, whether for medicinal or commercial reasons.
- (19) WHEREAS, the State Water Resources Control Board ("SWRCB"), the North Coast Regional Water Quality Control Board ("NCRWQCB") and the California Department of Fish and Wildlife ("CDFW") have documented a dramatic increase in the number of Cannabis cultivation sites, corresponding increases in impacts to water supply and water quality, including the discharge of sediments, pesticides, fertilizers, petroleum hydrocarbons, trash and human waste. These impacts result from the widespread unpermitted, unmitigated, and unregulated impacts of land grading, road development, vegetation removal, timber clearance, erosion of disturbed surfaces and stream banks, stream diversion for irrigation, temporary human occupancy without proper sanitary or waste disposal facilities, and threaten the survival of endangered fish species. In addition, the actions of some Cannabis growers, either directly or through irresponsible practices, result in the killing of wildlife, including further endangering other threatened species such as the Pacific Fisher and Coho Salmon.
- (20) WHEREAS, California Regional Water Control Board, North Coast Region Order #2015-0023 (Waiver of Waste Discharge Requirements and General Water Quality Certification for Discharges of Waste

Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects in the North Coast Region) was passed on August 13, 2015. The purpose of this order is to provide a water quality structure to prevent and/or address poor water quality conditions and adverse impacts to water resources associated with cannabis cultivation on private land.

- (21) WHEREAS, Trinity County is negatively impacted and vulnerable to numerous large-scale, trespass commercial Cannabis cultivation operations on public and private lands, yet law enforcement consistently estimates that each year they eradicate only a small fraction of these operations.
- (22) WHEREAS, Effective enforcement is further hampered by conflicting local, state and federal laws which create ambiguity in determining which Cannabis cultivation operations are legal or not, and whether those that are non-compliant ought to be subject to civil or criminal enforcement.
- (23) WHEREAS, in the absence of a formal local regulatory framework, Cannabis cultivators are less likely to learn of, or implement, guidelines that are protective of the public peace, health, safety and the environment; while law enforcement has been deprived of a clear means of distinguishing legally compliant Cannabis cultivators from those who threaten the public peace, health, safety and the environment.
- (24) WHEREAS, The County finds that in the absence of a formal regulatory framework the negative impacts frequently associated with Cannabis cultivation are expected to increase, resulting in an unregulated, unstudied and potentially significant negative impact on the environment and upon the public peace, health and safety.
- (25) WHEREAS, the County's four primary population centers are Lewiston, Hayfork, Weaverville, Coffee Creek Volunteer Fire District and Trinity Center Community Service District, which contain more densely populated residential areas. The reduction of grows in these areas by the absolute prohibition of cannabis cultivation in certain portions of these population centers, unless the applicant for a County license has enrolled with the SWRCB by dates specified below, will result in: (1) greater compliance by those cultivators who have stated that they intend to abide by the environmental controls of this ordinance; and (2) greater protection of the residents of those areas, which encompass approximately half of the total population of the County, from the nuisances caused by irresponsible cultivation of cannabis in populated areas.
- (26) WHEREAS, The County intends to limit the number of licenses issued to larger grows in order to prevent environmental degradation and due to anticipated limitation by the State.

NOW THEREFORE be it resolved that the Board of Supervisors of the County of Trinity Ordains the following:

The County hereby enacts the following Section 28 of the Trinity County Zoning Ordinance No. 315, as follows:

Sections:

- (1) Definitions
- (2) Application
- (3) Application Registration Requirements
- (4) Registration Phases
- (5) Limitation on Location to Cultivate Cannabis
- (6) Performance Standards for Commercial Cultivation of Cannabis
- (7) Denial/Rescission of Application
- (8) Enforcement
- (9) Fees

(1) Definitions:

As used herein the following definitions shall apply:

- (a) “Active Building Permit” means holding a valid Trinity County Building Permit and is compliant with all Trinity County Building Department requirements for building.
- (b) “Agricultural Commissioner” or “Agricultural Commissioner’s Office” means the Trinity County Agricultural Commissioner’s Office or the authorized representatives thereof.
- (c) “Area” is the measurement of Cannabis plant growth in square feet as defined by the California Department of Food and Agriculture. As of December 21, 2016, the Area is defined as canopy area, but it is subject to change. All changes by California Department of Food and Agriculture are automatically incorporated herein.
- (d) “Attorney General’s Guidelines” means Guidelines for the Security and Non-Diversion of Cannabis Grown for Medical Use issued by the Attorney General in August 2008.
- (e) “Church” means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.
- (f) “Commercial Cannabis” means any commercial Cannabis activity allowed under MMRSA, AUMA and/or MAUCRSA, as limited by the allowable licenses below, as may be amended from time to time, and all uses permitted under any subsequent enacted State law pertaining to the same or similar use for recreational cannabis. Prior to January 1, 2018, the Cannabis shall be for medicinal cannabis patients in California pursuant to the Compassionate Use Act of 1995 (Proposition 215) found at Section 11362.5 of the Health and Safety Code.
- (g) “Cultivation” means the planting, growing, harvesting, drying or processing of Cannabis plants or any part thereof.
- (h) “Designated Area” means the hoophouse, greenhouse, and/or outdoor area(s) identified for Cannabis cultivation.
- (i) “Legal Parcel” means a parcel with a distinct and separate Assessor’s Parcel Number. Where contiguous legal parcels are under identical ownership by an individual or an entity, such legal parcels shall be counted as a single parcel for purposes of this Ordinance.
- (j) “Marijuana” and “Cannabis” are used interchangeably and means any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- (k) “Fully Enclosed and Secure Structure” means a space within a building or other structure, excluding greenhouses, which has a complete roof enclosure supported by connecting walls extending from the ground to the roof, which is secure against unauthorized entry, provides complete visual screening, and which is accessible only through one or more lockable doors and inaccessible to minors.
- (l) “Mixed Light” means a combination of natural and supplemental artificial lighting used for immature plant growth (vegetative growth before flowering) , at a maximum threshold to be determined by the California Department of Food and Agriculture.
- (m) “Medical Cannabis” means Cannabis or Cannabis plant used for medicinal purposes in accordance with California Health and Safety Code Sections 11362.7 et seq.
- (n) “Outdoors” or “Outdoor Cultivation” means cultivation in any location or by any means that is not “indoors” within a fully enclosed and secure structure as defined herein.
- (o) “Primary Caregiver” means a “primary caregiver” as defined in Health and Safety Code section 11362.7(d).
- (p) “Proof of Enrollment” shall mean Proof of Order number from the NCRWQCB or the State Water Quality Control Board.
- (q) “Proof of Residency” shall mean proof of residing in Trinity County for a period one year prior to application.
- (r) “Planning Department” means the Trinity County Planning Department, or department or agency that is designated by the Trinity County Planning Director.

- (s) “Qualified patient” means a “qualified patient” as defined in Health and Safety Code section 11362.7(f).
- (t) “Residential Treatment Facility” means a facility providing for treatment of drug and alcohol dependency.
- (u) "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.
- (v) “Summary Abatement” means the removal of an immediate threat to the public health or safety.
- (w) “Wildlife Exclusionary Fencing” means fencing designed and installed to prevent the entry of wildlife into the enclosed area, such as cyclone or field game fencing a minimum of six feet high measured from grade. This shall include a lockable gate. Wildlife Exclusionary Fencing is not required for Type 1C “specialty cottage” licenses.
- (x) “Variance” is defined as Trinity County Ordinance 315 section 31.
- (y) “Youth-Oriented Facility” means public park, school, authorized bus stop or any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(2) Application

- (a) Approval of a license grants provisional permission to cultivate Cannabis plants within the guidelines of this ordinance and state law. After receipt of a license, applicants who cultivate pursuant to guidelines of this Ordinance and applicable state law will be exempt from the plant count restrictions in the existing Trinity County personal grow ordinance (Zoning Ordinance No. 315-797). Instead, applicants will be subject the cultivated square footage provisions in Type 1, 1B, 1C and Type 2, 2B and Type 3 defined by this Ordinance.
- (b) Applications accepted under the Urgency Ordinance shall be entitled to priority processing for future licensing. Acceptance for renewal of licenses shall begin February 1 of each year. Annual licenses shall run from April 1 through March 31. Renewal priority is in the following order: (1) Date of issuance of County License; (2) Date of acceptance of application; (3) Date of NCRWQCB or State Water Resources Control Board waste discharge identification (WDID) number.
- (c) Any licensing required under this ordinance will require enrollment as dictated by the State Water Resources Control Board in the NCRWQCB Order #2015-0023 or in the State Water Resources Control Board’s Order regulating discharge requirements for discharges of waste associated with Cannabis cultivation activities. Applicant shall have been compliant with this requirement during the application period covered by the Urgency Ordinance to develop a record of environmental compliance.
- (d) Application for a license pursuant to this ordinance does not give the applicant any property rights, and it is not a license or a guarantee that a license shall be issued. Application does not equate to non-conforming entitlement and the application is only transferrable under the conditions in 3(e).
- (e) Licensees and applicants recognized under the Urgency Ordinance are ensured that their licenses and applications will retain their status and be prioritized consistent with the Urgency Ordinance.
- (f) Use of Cannabis is not recognized under Federal law and Trinity County does not grant any right to violate Federal law.
- (g) Should the State begin issuing Cannabis cultivation licenses under MAUCRSA, MMRSA and/or AUMA, an applicant or licensee pursuant to this Ordinance and who can otherwise demonstrate consistent compliance with this Ordinance, Trinity County Code and all other relevant laws and

regulations, shall be provided a provisional license that may be used as evidence of local compliance for the purposes of Business and Professions Code §19322(a)(2). Receipt of a provisional license shall suffice as adequate documentation of local compliance for the purpose of applying for a State license under Business and Professions Code §19322(a)(2).

- (h) Licensees and applicants recognized pursuant to this Ordinance shall file a complete application for the appropriate State license with the appropriate State licensing authority on or before January 1, 2018, or within 90 days of the State licensing taking effect. Issuance of a County license does not guarantee the issuance of a State license.
- (i) Notwithstanding any other provision of this Ordinance, a person participating in the cultivation of Cannabis who is licensed pursuant to this Ordinance, but who applies for and is denied a State license, shall immediately cease all cannabis cultivation in violation of the personal grow ordinance within the County until he/she successfully obtains the proper State cultivation license(s) under MAUCRSA, MMRSA and/or AUMA.

(3) Application Requirements

- (a) All Applicants will be required to comply and provide the following:
 - i. Proof of intent to comply with all County setback requirements.
 - ii. Designate whether the license is intended for commercial adult-use Cannabis activity (“A”) or for commercial medicinal Cannabis activity (“M”) for the following license types.
 - 1. Type 1 “specialty outdoor” – for outdoor cultivation up to a 5,000 sq. ft. Area or up to 50 mature plants.
 - 2. Type 1B “specialty mixed light” – for cultivation using mixed light up to a 5,000 sq. ft. Area.
 - 3. Type 1C “specialty cottage,” - for cultivation using a mixed-light up to a 2,500 sq. ft. Area, or up to 25 mature plants for outdoor cultivation, or 500 sq. ft. or less of total canopy size for indoor cultivation, on one premise.
 - 4. Type 2 “outdoor” - for outdoor cultivation up to a 10,000 sq. ft. area.
 - 5. Type 2B “mixed light” – for cultivation using a mixed-light between a 5,001 and 10,000 sq. ft. Area.
 - 6. Type 3 “medium outdoor” – for outdoor cultivation from 10,001 sq. ft. to one acre (43,560 sq. ft.);
 - 7. All other license Types: – Not allowed at this time by the County of Trinity, unless adopted by the County in subsequent ordinance or ordinances.
 - iii. Proof of enrollment in good standing with NCRWQCB Order #2015-0023 or the State Water Resources Control Board.
 - iv. Apply for and obtain a BOE Seller’s permit.
 - v. Employ only persons who are at least twenty-one (21) years of age and comply with all applicable state federal requirements relating to the payment of payroll taxes including federal and state income taxes and/or contributions for unemployment insurance and state worker’s compensation and liability laws.
 - vi. Applicant cannot have been convicted of serious felony conviction or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of Cannabis, except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.
 - vii. Verification of proof of residency in Trinity County for a period one year prior to application by providing current California Driver’s License or identification card, along with

Trinity County Solid Waste bills, Utility District bills, or DMV registration, or other documentation deemed acceptable to show proof of residency in Trinity County as determined by the Planning Director.

- viii. As a condition of registering any cannabis cultivation site pursuant to this Ordinance, the applicant and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the County, its agencies, boards, Planning Commission or Board of Supervisors arising from the County's registration of the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other expenses incurred by the County, its agents, officers and employees in connection with such action.
 - ix. If using a permitted well, a copy of the Trinity County well permit shall be provided.
 - x. At time of renewal or application for the 2018/19 license, the applicant shall designate on their application or renewal application whether they cultivating for Adult or Medicinal use.
- (b) Only one application countywide may be submitted per person/entity or per legal parcel.
 - (c) Applicants consent to compliance inspections as part of their application process. Inspections will be conducted by County officials during regular business hours Monday through Friday, 9:00 a.m. – 5:00 p.m., excluding holidays. Applicants are permitted to participate in the inspection verification or monitoring. If possible, Trinity County will attempt to give 24-hour notice of the inspection by posting the notice and/or telephoning the number listed on the application.
 - (d) All documents/plans/monitoring/inspections filed as part of enrollment become part of the County application.
 - (e) Ownership of a license may only be transferred under the following conditions:
 - i. A Licensee may transfer their license as part of the sale of the property for which the license has been issued. The new owner shall reapply, pay the application fee, and meet all requirements for the new property in order for the license to transfer. All exceptions that apply to the original license shall transfer with the licenses.
 - ii. A Licensee may transfer their license to other property under their ownership. The Licensee shall reapply, pay the application fee, and meet all requirements for the new property in order for the license to transfer.
 - iii. Licenses cannot be transferred more than once in a calendar year.

(4) Application Phases

- (a) The County will allow a total of 530 licenses. 30 of those licenses shall be issued to property within Trinity County Waterworks District #1. Priority in the program shall be based on the following:
 - i. The County will honor all licenses, applications, interest cards, payments and the waiting list recognized under Ordinance No. 315-816.EXT(A2).
 - ii. For new applications, priority of consideration for a license in the application process will be based on the date of enrollment with NCRWQCB Order #2015-0023 or the State Water Resources Control Board.
- (c) The County shall determine completed Water Board enrollment by receipt of a Proof of Order number.
- (d) The County will allow five (5) Type 3 licenses. These licenses shall be available to those who have already obtained a license pursuant to Ordinance No. 315-816 EXT(A2) and are seeking a Type 3

license for the property associated with the license issued pursuant to Ordinance No. 315-816 EXT(A2). Priority shall be given based on date of interest card for the commercial Cannabis program submitted to Trinity County. To be eligible, the applicant must:

- i. Hold a 16/17 license with Trinity County.
- ii. Be applying for property that is 50 acres or more.
- iii. Apply for and obtain a Use Permit.

(5) Limitation on Location to Cultivate Cannabis

- (a) Application will not be allowed for cultivation of Cannabis in any amount or quantity, in the following areas:
 - i. Within one thousand (1,000) feet of a youth-oriented facility, a school, any church, or residential treatment facility as defined herein or within the distance established by the State from authorized school bus stop.
 - ii. A legal parcel without a permitted/legal housing structure, or without an active building permit.
 - iii. Within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
 - iv. Timber Production Zones (TPZ) with the exception made for qualified Phase I Applicants.
 - v. Residential 1 (R1), Residential 2 (R2), or Residential 3 (R3) Zones.
 - vi. Within the legal boundaries of the Trinity County Waterworks District #1, Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Service District and within the following area of the Lewiston Community Services District: Mt. Diablo Meridian, Township 33N, Range 8W, Sections 17, 18, 19, 20, and Mt. Diablo Meridian, Township 33N, Range 9W, Section 24, 13, which are in proximity to high density areas, and, therefore, create a substantial risk of a public nuisance. The exemption apply to applicants who have submitted an application for enrollment in NCRWQCB Order #2015-0023 by December 31, 2016 and Weaverville Community Services District and January 15, 2017 for the Lewiston Community Services District, and November 30, 2017 for for the Trinity County Waterworks District #1, Coffee Creek Volunteer Fire District and Trinity Center Community Service District.
 - vii. Designated Area shall not exceed 150% of the Area for the license type unless otherwise approved by the Planning Director or by the California Department of Food and Agriculture.
 - viii. For Type 1, 1B, 1C, 2, and 2B licenses, cultivation shall not be allowed within 350 feet of a residential structure on any adjoining parcels. For Type 3 licenses, cultivation shall not be allowed within 500 feet of an adjacent property line. Applications for a variance from this provision will be considered by the Trinity County Planning Commission. After obtaining an initial variance, the Planning Director can issue a Director Use Permit for subsequent years after an inspection.

(6) Performance Standards for Commercial Cultivation of Cannabis

- (a) It is declared to be unlawful for any person owning, leasing, occupying or having charge or possession of any parcel of land within any unincorporated area of the County to cause or allow such parcel of land to be used for the outdoor or indoor cultivation of Cannabis plants in excess of the limitations imposed by this section or personal grow section.
- (b) The cultivation of Cannabis shall not exceed the noise level standards as set forth in the County General Plan: 55dBA from 7:00 a.m. – 7:00 p.m. and 50dBA from 7:00 p.m. – 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.

- (c) Applicants shall comply with all State laws, including SB 94, regarding surface water, including but not limited to, water used for the cultivation of Cannabis needs to be sourced on-site from a permitted well or diversion. If using a permitted well, a copy of the Trinity County well permit shall be provided. The cultivation of Cannabis shall not utilize water that has been or is illegally diverted from any stream, creek, river or water source. If water is hauled it shall be for emergencies, as defined as a sudden, unexpected occurrence, and a bill of sale shall be kept on file from a Water District or legal water source.
- (d) The cultivation of Cannabis shall not create erosion or result in contaminated runoff into any stream, creek, river or body of water. If the designated area has more than a 35% slope, the applicant shall apply for Tier 2 cultivation under the NCRWQCB Order #2015-0023, or regulations established by the State Water Resources Control Board.
- (e) Cannabis grown outdoors shall be contained within Wildlife Exclusionary Fencing that fully encloses the Designated Area. The fence shall include a lockable gate that is locked at all times when the applicant, licensee or documented employee is not in the Designated Area. Said fence shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth, except shade cloth may be used on the inside of the fence. Wildlife Exclusionary Fencing is not required for 1C licenses, when there is a perimeter locked fence
- (f) All buildings where Cannabis is cultivated or stored shall be secured to prevent unauthorized entry.
- (g) Any fuel, fertilizer, pesticide, fungicide, rodenticide, herbicide or other substance toxic to wildlife, children or pets, shall be stored in a secured and locked structure or device. All uses of pesticide products shall be in compliance with State pesticide laws and regulations enforced by the County Agricultural Commissioner's Office, Trinity County Environmental Health and the California Department of Pesticide Regulation.
- (h) Hazardous materials and wastes from agricultural businesses are regulated by the Trinity County Environmental Health and Department of Toxic Substances Control Trinity CUPA.
- (i) Rodenticides that require a California Restricted Materials permit cannot be used, those that are designated as federally Restricted Use Products can only be used by a certified applicator.
- (j) The following rodent repellents may be used in and around Cannabis cultivation sites consistent with the label: *Capsicum oleoresin*, Putrescent Whole Egg Solids and Garlic.
- (k) Any person who is not the legal owner of a parcel and who is cultivating commercial Cannabis on such parcel shall provide written and notarized authorization from the legal owner of the parcel prior to commencing cultivation on such parcel.
- (l) All lighting associated with the operation shall be downcast, shielded and/or screened to keep light from emanating off-site or into the sky.
- (m) Those cultivations using artificial lighting for mixed-light cultivations shall shield greenhouses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
- (n) The cultivation of Cannabis shall comply with Cal Fire and California Department of Fish and Wildlife regulations and any other resource agency having jurisdiction, including all activity but not limited to; clearing of land, stream crossings, water diversions and riparian buffer zones.
- (o) Applicant shall obtain coverage under the General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, 2009-0009-DWQ) for construction projects (individual or part of a common development) that disturb one or more acres of land surface, specifically for new site preparation and development.

- (p) The use of gas products such as, but not limited to, butane is prohibited, consistent with Zoning Ordinance No. 315-797.
- (q) An Applicant shall not be denied a license for the following reasons:
 - i. The property has an unlicensed structure without plumbing or electricity, if the structure is less than 120 square floor feet.
 - ii. The property has an unoccupied out-building without plumbing or electricity, if the building was built prior to 2001.
- (r) Nothing in this section shall be construed as a limitation on the County's authority to abate any violation which may exist from the cultivation of Cannabis plants or any part thereof from any location, indoor or outdoor, including from within a fully enclosed and secure building.
- (s) All Licensees shall enroll in California State's Track and Trace Program within 60 days of said program going into effect.
- (t) All provisions of this Ordinance shall apply regardless of whether the activities existed or occurred prior to the adoption of this Ordinance.
- (u) Environmental and animal friendly linings should be used when constructing water ponds on the property.

(7) Denial/Revocation of License

- (a) Applicant shall be denied a license or the approval of a license shall be revoked if the County becomes aware that:
 - i. The applicant has provided materially false documents or testimony; or
 - ii. The applicant has not complied fully with the provisions of this Ordinance, including any of the requirements of NCRWQCB Order #2015-0023, State Water Resources Control Board, or California Department of Fish and Wildlife; or
 - iii. The operation as proposed by the applicant, if permitted, would not have complied with all applicable County and State laws, including, but not limited to; the Building, Planning, Housing, Fire and Health Codes of the County, including the provisions of this Ordinance and with all applicable laws including Zoning and County Ordinances.
- (b) Applicant shall be given up to seven (7) business days to correct deficiencies prior to denying or revoking the license; if the deficiencies are deemed an immediate threat to environmental and/or public health and safety deficiencies shall be corrected immediately.
- (c) Applicant shall have the right to appeal any denials to the Planning Director. Any person dissatisfied with a decision of the Planning Director may appeal therefrom to the Planning Commission at any time within ten (10) working days after notice of the decision is given. Such appeal is taken by filing a notice of appeal with the Planning Director and paying the required appeal fee. Upon filing of a notice of appeal, the Planning Director shall within ten (10) days transmit to the Secretary of the Planning Commission all papers and documents on file with the Planning Director relating to the appeal and schedule the appeal for the Commission hearing.
- (d) Registrant shall have the right to appeal any rescissions as prescribed in Ordinance 8.90.130 of the Trinity County Code.

(8) Enforcement

- (a) Violation of this Ordinance constitutes a nuisance and is subject to fines and abatement pursuant to Ordinances 8.64 and 8.90 of the Trinity County Code.
- (b) Summary Abatement.
 - i. Notwithstanding any other provision of this Chapter, when any unlawful Cannabis cultivation constitutes an immediate threat to the public health or safety, and where there is insufficient

- time to 1) obtain an inspection warrant, and 2) comply with the abatement procedures set out in Chapter 8.64 of the Trinity County Code, to mitigate that threat; the Enforcement Official may direct any officer or employee of the County to summarily abate the nuisance.
- ii. The County Enforcement Official shall make reasonable efforts to notify the owner and/or the alleged violator.
 - iii. The County may recover its costs for summarily abating the nuisance in the manner set forth in Chapter 8.64 and may include any costs on the property owner's tax bill.

(9) Fees

- (a) The County shall collect from the applicant a regulatory Cannabis Cultivation Program Fee (hereinafter referred to as Fee) when an applicant applies for a registration of a Cannabis cultivation site with the Planning Department pursuant to this Ordinance.
- (b) Such Fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing and enforcing this Ordinance.
- (c) The Cannabis Cultivation Program Fee is set at:
 - i. Type 1 and 1B MMRSA: \$4,000.00 plus \$1,000 towards the general plan update.
 - ii. Type 1C MMRSA: \$2,000.00 plus \$250 towards the general plan update.
 - iii. Type 2 and 2B MMRSA: \$5,000.00 plus \$1,000 towards the general plan update.
 - iv. Type 3 MMRSA: \$8,000 plus \$1,000 towards the general plan update
 - v. Cannabis Variance Fee: \$751.
- (d) Fees shall be paid thereafter annually prior to March 1st of each year.
- (e) The above Fee amounts are not anticipated to fully cover the cost of administering this Ordinance; however, within twelve months of this Ordinance, the County may conduct a fee study to determine the total cost of administering this Ordinance.
 - i. If, based on the results of the fee study, the fee needs to be increased; the County may increase the Fee by way of resolution for any new or renewal registrations.
 - ii. If, based on the results of the fee study, the fee exceeds the cost of administering this Ordinance the County shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.

Section II:

The County finds that this ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant Business and Professions Code section 26055(h) until July 1, 2019 because this ordinance requires discretionary review for the individual licenses that are provided for within.

Section III: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the ordinance in the Trinity Journal, a newspaper of general circulation published in the County of Trinity State of California.

Introduced at a regular meeting of the Board of Supervisors held on the ____ day of _____, _____, and passed and enacted this ____ day of _____, _____ by the Board of Supervisors of the County of Trinity by motion, second (/), and the following vote:

AYES: Supervisors
NOES: None
ABSENT: None

ABSTAIN: None
RECUSE: None

JOHN FENLEY, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

MARGARET E. LONG
Clerk of the Board of Supervisors

By: _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:

Margaret Long, County Counsel

Appendix C

Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects

Best Management Practices for Discharges of Waste Resulting from Cannabis Cultivation and Associated Activities or Operations with Similar Environmental Effects

I. Introduction

Best management practices (BMPs) provided here may be applicable to prevent, minimize, and control the discharge of waste and other controllable water quality factors associated with site restoration/cleanup/remediation and site operations and maintenance. These BMPs are all considered enforceable conditions under the Order as applicable to a given site, and are referenced by and made conditions in the mitigated negative declaration (CEQA document) for the Order, as well.

This appendix to Order No. R1-2015-0023 includes section II. Standard BMPs for Construction, section III. BMPs for Site Maintenance and Operations (per standard conditions), and section IV. References. For additional BMP suggestions, staff encourage consultation of the various manuals listed in section IV. References, many of which are available online for free.

II. Standard BMPs for Construction

Where applicable during restoration, remediation, cleanup, or site maintenance activities, the following BMPs will be used.

A. General BMPs to Avoid or Minimize Adverse Impacts

Temporal Limitations on Construction

1. To avoid impacting migrating fish and causing erosion and sedimentation of the stream channel, the project work season shall be from May 1 to October 15. If operations are to be conducted during the winter period from October 15 to May 1, a winter period operating plan must be incorporated into the project work plan. This plan shall include specific measures to be taken in the winter operating period to avoid or substantially lessen erosion and sedimentation into surface waters.
2. A 2-day (48-hour) forecast¹ of rain shall be the trigger for temporary cessation of project activities and winterization/erosion protection of the work site.

¹ Any weather pattern that is forecasted by NOAA to have a 50% or greater probability of producing precipitation in the project area. The permittee shall obtain and keep for record likely precipitation forecast information from

Limitation on Earthmoving

3. Disturbance to existing grades and vegetation shall be limited to the actual site of the cleanup/remediation and necessary access routes.
4. Placement of temporary access roads, staging areas, and other facilities shall avoid or minimize disturbance to habitat.
5. Disturbance to native shrubs, woody perennials or tree removal on the streambank or in the stream channel shall be avoided or minimized. If riparian trees over six inches dbh (diameter at breast height) are to be removed, they shall be replaced by native species appropriate to the site at a 3:1 ratio. Where physical constraints in the project area prevent replanting at a 3:1 ratio and canopy cover is sufficient for habitat needs, replanting may occur at a lesser replacement ratio.
6. If shrubs and non-woody riparian vegetation are disturbed, they shall be replaced with similar native species appropriate to the site.
7. Whenever feasible, finished grades shall not exceed 1.5:1 side slopes. In circumstances where final grades cannot achieve 1.5:1 slope, additional erosion control or stabilization methods shall be applied as appropriate for the project location.
8. Spoils and excavated material not used during project activities shall be removed and placed outside of the 100-year floodplain, and stored/disposed of in compliance with Order conditions related to spoils management.
9. Upon completion of grading, slope protection of all disturbed sites shall be provided prior to the rainy season through a combination of permanent vegetative treatment, mulching, geotextiles, and/or rock, or equivalent.
10. Vegetation planting for slope protection purposes shall be timed to require as little irrigation as possible for ensuring establishment by the commencement of the rainy season.
11. Only native plant species shall be used with the exception of non-invasive, non-persistent grass species used for short-term vegetative cover of exposed soils.
12. Rock placed for slope protection shall be the minimum necessary to avoid erosion, and shall be part of a design that provides for native plant revegetation and minimizes bank armoring.

Limitations on Construction Equipment

13. Dischargers and/or their contractors shall ensure that chemical contamination (fuel, grease, oil, hydraulic fluid, solvents, etc.) of water and soils is prohibited during routine equipment operation and maintenance.
14. Heavy equipment shall not be used in flowing water. Please refer to BMPs 57 through 64 for dewatering of live streams.

the National Weather Service Forecast Office (e.g. by entering the zip code of the project's location at <http://srh.noaa.gov/forecast>).

15. When possible, existing ingress or egress points shall be used or work shall be performed from the top of the creek banks.
16. Use of heavy equipment shall be avoided or minimized in a channel bottom with rocky or cobbled substrate.
17. If project work or access to the work site requires heavy equipment to travel on a channel bottom with rocky or cobbled substrate, wood or rubber mats shall be placed on the channel bottom prior to use by heavy equipment.
18. Heavy equipment shall not introduce chemicals or foreign sediment to the channel (e.g., remove mud from tracks or cover channel work area with plastic sheeting prior to heavy equipment entry).
19. The amount of time this equipment is stationed, working, or traveling within the channel shall be minimized.
20. When heavy equipment is used, any woody debris and stream bank or streambed vegetation disturbed shall be replaced to a pre-project density with native species appropriate to the site. If riparian trees over six inches dbh are to be removed, they shall be replaced by native species appropriate to the site at a 3:1 ratio per BMP 5.
21. The use or storage of petroleum-powered equipment shall be accomplished in a manner that prevents the potential release of petroleum materials into waters of the state (Fish and Game Code 5650). To accomplish this, the following precautionary measures shall be followed:
 - Schedule excavation and grading activities for dry weather periods.
 - Designate a contained area for equipment storage, short-term maintenance, and refueling. Ensure it is located at least 50 feet from waterbodies.
 - Inspect vehicles for leaks and repair immediately.
 - Clean up leaks, drips and other spills immediately to avoid soil or groundwater contamination.
 - Conduct major vehicle maintenance and washing offsite (except as necessary to implement BMP 18).
 - Ensure that all spent fluids including motor oil, radiator coolant, or other fluids and used vehicle batteries are collected, stored, and recycled as hazardous waste offsite.
 - Ensure that all construction debris is taken to appropriate landfills and all sediment disposed of in upland areas or offsite, beyond the 100-year floodplain.
 - Use dry cleanup methods (e.g., absorbent materials, cat litter, and/or rags) whenever possible. If necessary for dust control, use only a minimal amount of water.
 - Sweep up spilled dry materials immediately.

Revegetation and Removal of Exotic Plants

22. The work area shall be restored to pre-project work condition or better.

23. All exposed soil resulting from the cleanup/restoration activities shall be revegetated using live planting, seed casting or hydroseeding.
24. Any stream bank area left barren of vegetation as a result of cleanup/restoration activities shall be stabilized by seeding, replanting, or other means with native trees, shrubs, and/or grasses appropriate to the site prior to the rainy season in the year work was conducted.
25. Soil exposed as a result of project work, soil above rock riprap, and interstitial spaces between rocks shall be revegetated with native vegetation by live planting, seed casting, or hydroseeding prior to the rainy season of the year work is completed.
26. The spread or introduction of exotic plant species shall be avoided to the maximum extent possible by avoiding areas with established native vegetation during cleanup/restoration activities, restoring disturbed areas with appropriate native species, and post-project monitoring and control of exotic species.
27. Removal of invasive exotic species is strongly recommended. Mechanical removal (hand tools, weed whacking, hand pulling) of exotics shall be done in preparation for establishment of native perennial plantings.
28. Revegetation shall be implemented after the removal of exotic vegetation occurs. Erosion control implementation shall be timed in accordance with BMPs 1 and 2.
29. Native plants characteristic of the local habitat shall be used for revegetation when implementing and maintaining cleanup/restoration work in riparian and other sensitive areas. Non-invasive, non-persistent grass species (e.g., barley grass) may be used for their temporary erosion control benefits to stabilize disturbed slopes and prevent exposure of disturbed soils to rainfall.
30. Annual inspections for the purpose of assessing the survival and growth of revegetated areas and the presence of exposed soil shall be conducted for three years following project work.
31. Dischargers and/or their consultant(s) or third party representative(s) shall note the presence of native/non-native vegetation and extent of exposed soil, and take photographs during each inspection.
32. Dischargers and/or their consultant(s) or third party representative(s) shall provide the location of each work site, pre- and post-project work photos, diagram of all areas revegetated and the planting methods and plants used, and an assessment of the success of the revegetation program in the annual monitoring report as required under the Order.

Erosion Control

33. Erosion control and sediment detention devices and materials shall be incorporated into the cleanup/restoration work design and installed prior to the end of project work and before the beginning of the rainy season. Any continuing, approved project work conducted after October 15 shall have erosion control works completed up-to-date and daily.

34. Erosion control materials shall be, at minimum, stored on-site at all times during approved project work between May 1 and October 15.
35. Approved project work within the 5-year flood plain shall not begin until all temporary erosion controls (straw bales or silt fences that are effectively keyed-in) are installed downslope of cleanup/restoration activities.
36. Non-invasive, non-persistent grass species (e.g., barley grass) may be used for their temporary erosion control benefits to stabilize disturbed slopes and prevent exposure of disturbed soils to rainfall.
37. Upon work completion, all exposed soil present in and around the cleanup/restoration sites shall be stabilized within 7 days.
38. Soils exposed by cleanup/restoration operations shall be seeded and mulched to prevent sediment runoff and transport.

Miscellaneous

39. During temporary stream crossing siting, locations shall be identified where erosion potential is low. Areas where runoff from roadway side slopes will spill into the side slopes of the crossing shall be avoided.
40. Vehicles and equipment shall not be driven, operated, fueled, cleaned, maintained, or stored in the wet or dry portions of a waterbody where wetland vegetation, riparian vegetation, or aquatic organisms may be impacted.
41. Riparian vegetation, when removed pursuant to the provisions of the work, shall be cut off no lower than ground level to promote rapid re-growth. Access roads and work areas built over riparian vegetation shall be covered by a sufficient layer of clean river run cobble to prevent damage to the underlying soil and root structure. The cobble shall be removed upon completion of project activities.
42. Avoidance of earthwork on steep slopes and minimization of cut/fill volumes, combined with proper compaction, shall occur to ensure the area is resilient to issues associated with seismic events and mass wasting. If cracks are observed, or new construction is anticipated, consultation with a qualified professional is appropriate.
43. Operations within the 100-year floodplain shall be avoided. Refuse and spoils shall not be stored within the hundred-year floodplain. If roads are located within the 100-year floodplain, they shall be at grade; bridges shall have vented approaches and bridge deck shall be above anticipated 100-year flood water surface elevations. Consultation with a qualified professional is required for project work within the floodplain. .
44. Project work-related dust shall be controlled. Dust control activities shall be conducted in such a manner that will not produce sediment-laden runoff. Dust control measures, including pre-watering of excavation/grading sites, use of water trucks, track-out prevention, washing down vehicles/equipment before leaving site, and prohibiting grading/excavation activities during windy periods, shall be implemented as appropriate.

45. Short term impacts from project work-related emissions can be minimized via retrofitting equipment and use of low emissions vehicles when possible.
46. Position vehicles and other apparatus so as to not block emergency vehicle access.

B. BMPs for Specific Activities

Critical Area Planting, Channel Vegetation and Restoration and Management of Declining Habitats

The following measures shall be employed:

47. Plant materials used shall be native to the site and shall be locally collected if possible.
48. Straw mulch shall be applied at a rate of 2 tons per acre of exposed soils and, shall be secured to the ground.
49. When implementing or maintaining a critical area planting above the high water line, a filter fabric fence, straw wattles, fiber rolls and/or hay bales shall be utilized to keep sediment from flowing into the adjacent water body.

Structure for Water Control and Stream Crossings

These practices shall be used generally to replace or retrofit existing culverts and to install culverts where water control is needed at a stream crossing or road ditch to restore natural hydrology, and to reduce potential diversions and road-related erosion. In addition to the general limitations set forth in the previous section, the following measures shall be employed for these types of projects:

50. Culvert fill slopes shall be constructed at a 2:1 slope or shall be armored with rock.
51. All culverts in fish-bearing streams and in streams where fish have historically been found and may potentially re-occur, shall be designed and constructed consistent with NMFS Southwest Region's Guidelines for Salmonid Passage at Stream Crossings (NMFS 2000) and CDFG's Culvert Criteria for Fish Passage (CDFG 2002).

Limitations on Work in Streams and Permanently Poned Areas

52. If it is necessary to conduct work in or near a live stream, the work space shall be isolated to avoid project activities in flowing water.
53. Water shall be directed around the work site.
54. Ingress/egress points shall be utilized and work shall be performed from the top of the bank to the maximum extent possible.
55. Use of heavy equipment in a channel shall be avoided or minimized. Please refer to BMPs 57 through 64 for dewatering of live streams. The amount of time construction equipment is stationed, working or traveling within the creek bed shall be minimized.

56. If the substrate of a seasonal pond, creek, stream or water body is altered during work activities, it shall be returned to approximate pre-construction conditions after the work is completed.

Temporary Stream Diversion and Dewatering: All Live Streams

57. For project work in a flowing or pooled stream or creek reach, or where access to the stream bank from the channel bottom is necessary, the work area shall be isolated with the use of temporary cofferdams upstream and downstream of the work site and all flowing water shall be diverted around the work site throughout the project period.
58. Other approved water diversion structures shall be utilized if installation of cofferdams is not feasible.
59. Cofferdam construction using offsite river-run gravel and/or sand bags is preferred. If gravel materials for cofferdams are generated onsite, measures shall be taken to ensure minimal disturbance to the channel, such as careful extraction from elevated terraces. The upstream end of the upstream cofferdam shall also be reinforced with thick plastic sheeting to minimize leakage.
60. Gravity diversions are preferred to pumping as dewatering techniques. If pumping is required to supplement gravity diversions, care shall be taken to minimize noise pollution and prevent the pump or generator-borne pollution to the watercourse.
61. The diversion pipe shall consist of a large plastic HDPE or ADS pipe or similar material, of a sufficient diameter to safely accommodate expected flows at the site during the full project period.
62. The pipe shall be protected from project activities to ensure that bypass flows are not interrupted.
63. Continuous flow downstream of the work site shall be maintained at all times during project work.
64. When project work is complete, the flow diversion structure shall be removed in a manner that allows flow to resume with a minimum of disturbance to the substrate.

Protection of Sensitive Species

65. Sensitive species - Consult with federal, state and local agencies regarding location of rare, threatened or endangered species.
66. Prior to commencing work, designate and mark a no-disturbance buffer to protect sensitive species and communities.
67. All work performed within waters of the state shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that shall adversely impact the water quality of waters of the state. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.

68. All equipment, including but not limited to excavators, graders, barges, etc., that may have come in contact with extremely invasive animals (e.g. zebra mussels or new Zealand mud snails) or plant (e.g., Arundo donax, scotch broom, pampas grass) or the seeds of these plants, shall be carefully cleaned before arriving on site and shall also be carefully cleaned before removal from the site, to prevent spread of these plants.
69. Vegetation shall be established on disturbed areas with an appropriate mix of California native plants and/or seed mix. All initial plantings and seed shall be installed prior to completion of the project work.

III. BMPs for Site Maintenance and Operations (per standard conditions)

The following BMPs are intended to address compliance with the standard conditions. Individual or multiple BMPs may be selected to address compliance with a given standard condition depending on site-specific conditions. BMPs are considered enforceable conditions as applicable to a given site.

A. Site Maintenance, Erosion Control, Drainage Features

70. Drainage of roads, clearings, fill prisms, and terraced areas is critical to ensuring their integrity and to prevent or minimize sediment discharges to watercourses. Proper design and location of roads and other features is critical to ensuring that a road or other feature be adequately drained and is best accomplished through consultation with a qualified professional. If inspection identifies surface rills or ruts, surfacing and drainage likely needs maintenance.
71. Surfacing of exposed/disturbed/bare surfaces can greatly reduce erosion associated with runoff. BMP features such as vegetative ground cover, straw mulch, slash, wood chips, straw wattles, fiber rolls, hay bales, geotextiles, and filter fabric fences may be combined and implemented on exposed/disturbed/bare surfaces as appropriate to prevent or minimize sediment transport and delivery to surface waters. Non-invasive, non-persistent grass species (e.g. barley grass) may be used for their temporary erosion control benefits to stabilize bare slopes and prevent exposure of bare soils to rainfall. If utilized, straw mulch shall be applied at a rate of 2 tons per acre of exposed soils and, if warranted by site conditions, shall be secured to the ground. Consultation with a qualified professional is recommended for successful site-specific selection and implementation of such surface treatments. Guidance literature pertaining to such BMPs is referenced in section IV. of this document.
72. Road surfacing, especially within a segment leading to a watercourse, is critical to prevent and minimize sediment delivery to a watercourse and maintain road integrity for expected uses. Road surfacing can include pavement, chip-seal, lignin, rock, or other material appropriate for timing and nature of use. Steeper sections of road require higher quality rock (e.g. crushed angular versus river-run) to remain in place.

73. Road shaping to optimize drainage includes out-sloping and crowning; shaping can minimize reliance on inside ditches. Drainage structures can include rolling dips and water bars within the road surface and ditch-relief culverts to drain inside ditches. Adequate spacing of drainage structures is critical to reduce erosion associated with runoff. Generally speaking, steep slopes require greater frequency of drainage structures. The drainage structures shall be maintained to ensure capture of and capacity for expected flow. The outlets of the structures shall be placed in such a manner as to avoid discharge onto fill, unstable areas, or areas that can enter a watercourse. If site conditions prohibit drainage structures at an adequate interval to avoid erosion, bioengineering techniques² are the preferred solution (e.g. live fascines), but other techniques may also be appropriate including armoring (i.e. rock of adequate size and depth to remain in place under traffic and flow conditions) and velocity dissipaters (e.g. gravel-filled “pillows” in an inside ditch to trap sediment). In the case that inside ditches need maintenance, grade ditches only when and where necessary, since frequent routine mechanical grading can cause erosion of the ditch, undermine banks, and expose the toe of the cutslope to erosion. Do not remove more leaves and vegetation than necessary to keep water moving, as vegetation prevents scour and filters out sediment.
74. Road drainage shall be discharged to a stable location away from a watercourse. Use sediment control devices, such as check dams, sand/gravel bag barriers, and other acceptable techniques, when it is neither practical nor environmentally sound to disperse ditch water immediately before the ditch reaches a stream. Within areas with potential to discharge to a watercourse (i.e. within riparian areas of at least 200 feet of a stream) road surface drainage shall be filtered through vegetation, slash, or other appropriate material or settled into a depression with an outlet with adequate drainage. Caution should always be exercised with catchment basins in the event of failure.
75. Any spoils associated with site maintenance shall be placed in a stable location where it cannot enter a watercourse. Sidecasting shall be minimized and shall be avoided on unstable areas or where it has the potential to enter a watercourse.
76. Do not sidecast when the material can enter the stream directly or indirectly as sediment. Sidecast material can indirectly enter the stream when placed in a position where rain or road runoff can later deliver it to a channel that connects with the stream.
77. Disconnect road drainage from watercourses (drain to hill slopes), install drainage structures at intervals to prevent erosion of the inboard ditch or gull formation at the hill slope outfall, outslope roads.

² A Primer on Stream and River Protection for the Regulator and Program Manager: Technical Reference Circular W.D. 02-#1, San Francisco Bay Region, California Regional Water Quality Control Board (April 2003) http://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/stream_wetland/streamprotectionircular.pdf

78. Ditch-relief culverts shall also be inspected regularly, and cleared of debris and sediment. To reduce plugging, 15 to 24-inch diameter pipes shall be the minimum size considered for ditch relief culverts and shall be informed by site-specific conditions.
79. Grade ditches only when and where necessary, since frequent routine mechanical grading can cause erosion of the ditch, undermine banks, and expose the toe of the cutslope to erosion. Do not remove more grass and weeds than necessary to keep water moving, as vegetation prevents scour and filters out sediment.
80. Use sediment control devices, such as check dams, sand/gravel bag barriers, and other acceptable techniques, when it is neither practical nor environmentally sound to disperse ditch water immediately before the ditch reaches a stream.

B. Stream Crossing Maintenance

81. Proper maintenance of stream crossings is critical to ensure support of beneficial uses of water. Regular inspection and maintenance is necessary to identify, in a timely manner, if problems are occurring. Crossings include rock fords³, armored fills with culverts³, and bridges³.
82. Rock fords are appropriate when temporary and minor moisture or over-land flow is expected, not typically when a bed and bank is present; exceptions may be justified if warranted by site specific conditions. Additionally, rock fords are appropriate if aquatic life is not present. An adequate layer of crushed angular rock shall be maintained at rock fords such that soil compaction is minimized under expected traffic levels.
83. Stream crossings consisting of armored fills with culverts and bridges are appropriate for streams with defined bed and bank². They shall be sized to ensure the 100-year streamflow event can pass unimpeded. Additionally, crossings shall allow migration of aquatic life during all life stages potentially supported by that stream reach; water depth and velocity can inhibit migration of adult and juvenile fish species.
84. Stream crossing design and installation is best accomplished with the assistance of a qualified professional. Site conditions can change over time (e.g. channel filling or incision); consultation with a qualified professional is appropriate to evaluate maintenance or replacement needs and opportunities.
85. Regular inspection of the stream crossing is appropriate to identify changed conditions within the stream channel (e.g., bank erosion, headward incision, and channel filling).
 - If large wood is accumulated upstream or within the crossing that could impede or deflect flow and result in erosion or debris capture, the wood

³ Explanation of term, available within the following document (as of the date of the Order):
http://www.pacificwatershed.com/sites/default/files/handbook_chapter_download_page.pdf

- should generally be removed. In some cases, it may be appropriate to re-orient debris with the streamflow.
- If sediment or debris is accumulated within a culvert and limits flow capacity, the short term solution should generally be to clean out the culvert and place the debris and sediment in a stable location with no potential to discharge into a stream. In some cases a trash rack, post, or other deflection structure at the culvert inlet can reduce plugging.
 - If sediment is accumulated in a culvert without other debris accumulation and limits flow capacity, the long term solution may generally involve changing the culvert's slope, diameter, or embedment in the streambed.
86. The roadway adjacent to and over the crossing is an area of potential discharge. All road surfaces approaching a crossing shall be drained before the crossing, adequately filtered through vegetation or other material, and not discharged to a watercourse. If turbid water is discharged at a stream crossing, additional measures to control erosion at the source(s) or to remove sediment prior to discharge shall be implemented. Road surfaces shall be of rock, pavement, or other material appropriate for type and level of use.
87. If a culvert is used, the approaches and fill slopes shall be properly compacted during installation and shall be stabilized with rock or other appropriate surface protection to minimize surface erosion and slumping to the receiving waters. If possible, the road surface over the culvert shall have a critical-dip to ensure that if the culvert becomes plugged, water can flow over the road surface without washing away the fill prism. If site-specific conditions do not allow for a critical dip, alternatives such as emergency overflow culverts, oversized culverts, flared inlets, and debris racks may be warranted.

C. Riparian and Wetland Protection and Management:

88. Buffer width will be in compliance with Tier category.
89. Trees within riparian areas shall be retained for natural recruitment to streams. Large woody debris (LWD) shall be retained in stream or within riparian areas. The size of wood that can be beneficial to the stream will vary depending on the size of the stream (i.e., larger pieces of wood are necessary to withstand flows in large streams). In the event that LWD or trees are disturbed during excavation, care shall be taken to separate the LWD from soil. The pieces shall be stockpiled separately until they can be replaced in appropriate locations to enhance instream or riparian conditions. Placement of instream wood for habitat enhancement should be done under the consultation of a qualified professional and in conformance with applicable regulatory permits.
90. Avoidance of disturbance in riparian areas (within 200 feet of a watercourse) should result in protection and restoration of the quality/health of the riparian stand so as to promote: 1) shade and microclimate controls; 2) delivery of wood to channels, 3) slope stability and erosion control, 4) ground cover, and 5) removal of excess nutrients. This recognizes the importance of the riparian zone

with respect to temperature protection, sediment delivery, its importance with respect to the potential for recruitment of large wood, and removal of nutrients transported in runoff. In the event that past disturbance has degraded riparian conditions, replanting with native species capable of establishing a multi-storied canopy will ensure these riparian areas can perform these important ecologic functions.

D. Spoils Management

To ensure spoil pile stability and to reduce the potential for spoil pile slope failure or transport to waters of the state, the following measures shall be implemented when placing or disposing of spoils onsite:

91. Rip compacted soils prior to placing spoils to prevent the potential for ponding under the spoils that could result in spoil site failure and subsequent sedimentation;
92. Compact and contour stored spoils to mimic the natural slope contours and drainage patterns to reduce the potential for fill saturation and failure;
93. Ensure that spoil materials are free of woody debris, and not placed on top of brush, logs or trees.
94. Spoils shall not be placed or stored in locations where soils are wet or unstable, or where slope stability could be adversely affected.
95. Do not locate spoil piles in or immediately adjacent to wetlands and watercourses.
96. Store spoil piles in a manner (e.g. cover pile with plastic tarps and surround base of pile with straw wattle) or location that would not result in any runoff from the spoil pile ending up in wetlands and watercourses.
97. Separate organic material (e.g., roots, stumps) from the dirt fill and store separately. Place this material in long-term, upland storage sites, as it cannot be used for fill.
98. Keep temporary disposal sites out of wetlands, adjacent riparian corridors, and ordinary high water areas as well as high risk zones, such as 100-year floodplain and unstable slopes.
99. After placement of the soil layer, track walk the slopes perpendicular to the contour to stabilize the soil until vegetation is established. Track walking creates indentations that trap seed and decrease erosion of the reclaimed surfaces.
100. Revegetate the disposal site with a mix of native plant species. Cover the seeded and planted areas with mulched straw at a rate of 2 tons per acre. Apply jute netting or similar erosion control fabric on slopes greater than 2:1 if site is erosive.

E. Water Storage and Use

WATER USE

101. Conduct operations on a size and scale that considers available water sources and other water use and users in the planning watershed.
102. Implement water conservation measures such as rainwater catchment systems, drip irrigation, mulching, or irrigation water recycling. (Also see BMPs for Irrigation, below)
103. Take measures to minimize water diversion during low flow periods.
104. Options for documentation of water diversions and/or water usage may include the use of water meter devices and date-stamped photographs of water meter readings.
105. Hauled water utilized for irrigation shall be documented via receipt or similar, and show the date, name, and license plate of the water hauler, and the quantity of water purchased.
106. Apply water at agronomic rates (do not overwater plants).

WATER STORAGE

107. If using a water storage tank, do not locate the tank in a flood plain or next to equipment that generates heat. Locate the tank so it is easy to install, access, and maintain.
108. Vertical tanks should be installed according to manufacturer's specifications and placed on firm, compacted soil that is free of rocks/sharp objects and capable of bearing the weight of the tank and its maximum contents. In addition, a sand or pea gravel base with provisions for preventing erosion is highly recommended. Installation sites for tanks 8,000 gallons or more must be on a reinforced concrete pad providing adequate support and enough space to attach a tank restraint system (anchor using the molded-in tie down lugs with moderate tension, being careful not to over-tighten), especially where seismic or large wind forces are present.
109. Horizontal tanks shall be secured with bands and/or hoops to prevent tank movement.
110. Design and construct storage ponds in properly sited locations, off-stream. Plant vegetation along the perimeter of the pond. Construct berms or excess freeboard space around the perimeter of the pond to allow for sheet flow inputs.
111. Provide adequate outlet drainage for overflow of ponds, including low impact designs, to promote dispersal and infiltration of flows.
112. Place proper lining or sealing in ponds to prevent water loss.

113. Storage bladders are not encouraged for long term water storage reliability. If they are utilized, ensure that they are designed to store water, and that they are sited to minimize potential for water to flow into a watercourse in the event of a catastrophic failure. Used bladders (e.g. military surplus bladders) shall be checked for interior residual chemicals and integrity prior to use. Inspect bladder and containment features periodically to ensure integrity.

F. Irrigation Runoff

114. Irrigate at rates to avoid or minimize runoff.
115. Regularly inspect for leaks in mains and laterals, in irrigation connections, or at the ends of drip tape and feeder lines. Repair any found leaks.
116. Design irrigation system to include redundancy (i.e., safety valves) in the event that leaks occur, so that waste of water is prevented and minimized.
117. Recapture and reuse irrigation runoff (tailwater) where possible, through passive (gravity-fed) or active (pumped) means.
118. Construct retention basins for tailwater infiltration; percolation medium may be used to reduce pollutant concentration in infiltrated water. Constructed treatment wetlands may also be effective at reducing nutrient loads in water. Ensure that drainage and/or infiltration areas are located away from unstable or potentially unstable features.
119. Regularly replace worn, outdated or inefficient irrigation system components and equipment.
120. Use mulches (e.g. wood chips or bark) in cultivation areas that do not have ground cover to prevent erosion and minimize evaporative loss.
121. Leave a vegetative barrier along the property boundary and interior watercourses to act as a pollutant filter.
122. Employ rain-triggered shutoff devices to prevent irrigation after precipitation.

G. Fertilizers, Soil Amendments, Pesticides, Petroleum Products, and Other Chemicals

123. Evaluate irrigation water, soils, growth media, and plant tissue to optimize plant growth and avoid over-fertilization.
124. Reference Department of Pesticide Regulations Guidance (see Attachments E-1 and E-2 of Order No. R1-2015-0023)
125. All chemicals shall be stored in a manner, method, and location that ensures that there is no threat of discharge to waters of the state.
126. Products shall be labeled properly and applied according to the label.
127. Use integrated pest management strategies that apply pesticides only to the area of need, only when there is an economic benefit to the grower, and at times when runoff losses are least likely, including losses of organic matter from dead plant material.

128. Periodically calibrate pesticide application equipment.
129. Use anti-backflow devices on water supply hoses, and other mixing/loading practices designed to reduce the risk of runoff and spills.
130. Petroleum products shall be stored with a secondary containment system.
131. Throughout the rainy season, any temporary containment facility shall have a permanent cover and side-wind protection, or be covered during non-working days and prior to and during rain events.
132. Materials shall be stored in their original containers and the original product labels shall be maintained in place in a legible condition. Damaged or otherwise illegible labels shall be replaced immediately.
133. Bagged and boxed materials shall be stored on pallets and shall not be allowed to accumulate on the ground. To provide protection from wind and rain throughout the rainy season, bagged and boxed materials shall be covered during non-working days and prior to rain events.
134. Have proper storage instructions posted at all times in an open and conspicuous location.
135. Prepare and keep onsite a Spill Prevention, Countermeasures, and Cleanup Plan (SPCC Plan) if applicable⁴.
136. Keep ample supply of appropriate spill clean-up material near storage areas.

H. Cultivation-Related Wastes

137. Cultivation-related waste shall be stored in a place where it will not enter a stream. Soil bags and other garbage shall be collected, contained, and disposed of at an appropriate facility, including for recycling where available. Pots shall be collected and stored where they will not enter a waterway or create a nuisance. Plant waste and other compostable materials be stored (or composted, as applicable) at locations where they will not enter or be blown into surface waters, and in a manner that ensures that residues and pollutants within those materials do not migrate or leach into surface water or groundwaters.
138. Imported soil for cultivation purposes shall be minimized. The impacts associated with importation of soil include, but are not limited to increased road maintenance and the increased need for spoils management. Use of compost increases the humic acid content and water retention capacity of soils while reducing the need for fertilizer application. In the event that containers (e.g. grow bags or grow pots) are used for cultivation, reuse of soil shall be maximized to the extent feasible.

⁴ SPCC plans are required for over 1,320 gallons of petroleum stored aboveground or 42,000 gallons below ground. Additionally, any type of storage container requires an SPCC if it is larger than 20,000 gallons, or if the cumulative storage capacity on-site exceeds 100,000 gallons (Health and Safety Code section 25270-25270.13) A sample SPCC can be found here:
<http://www.calcupa.net/civica/filebank/blobdload.asp?BlobID=3186>

139. Spent growth medium (i.e. soil and other organic medium) shall be handled to minimize discharge of soil and residual nutrients and chemicals to watercourses. Proper handling of spent soil could include incorporating into garden beds, spreading on a stable surface and revegetation, storage in watertight dumpsters, covering with tarps or plastic sheeting prior to proper disposal, and use of techniques to reduce polluted runoff described under Item F. Irrigation Runoff.
140. Other means of handling cultivation-related waste may be considered on a site-specific basis.

I. Refuse and Human Waste

141. Trash containers of sufficient size and number shall be provided and properly serviced to contain the solid waste generated by the project. Provide roofs, awnings, or attached lids on all trash containers to minimize direct precipitation and prevent rainfall from entering containers. Use lined bins or dumpsters to reduce leaking of liquid waste. Design trash container areas so that drainage from adjoining roofs and pavement is diverted around the area(s) to avoid run-on. This might include berming or grading the waste handling area to prevent run-on of stormwater. Make sure trash container areas are screened or walled to prevent off-site transport of trash. Consider using refuse containers that are bear-proof and/or secure from wildlife. Refuse shall be removed from the site on a frequency that does not result in nuisance conditions, transported in a manner that they remain contained during transport, and the contents shall be disposed of properly at a proper disposal facility.
142. Ensure that human waste disposal systems do not pose a threat to surface or ground water quality or create a nuisance. Onsite treatment systems should follow applicable County ordinances for human waste disposal requirements, consistent with the applicable tier under the State Water Resources Control Board Onsite Waste Treatment System Policy⁵.

⁵ Available at: http://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf (as of the date of the Order).

IV. References

Handbook for Forest, Ranch, & Rural Roads: A Guide for Planning, Designing, Constructing, Reconstructing, Upgrading, Maintaining, and Closing Wildland Roads
http://www.pacificwatershed.com/sites/default/files/handbook_chapter_download_page.pdf

A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds
<http://www.5counties.org/roadmanual.htm>

Construction Site BMP Fact Sheets
<http://www.dot.ca.gov/hq/construc/stormwater/factsheets.htm>

EPA Riparian/Forested Buffer
<http://water.epa.gov/polwaste/npdes/swbmp/Riparian-Forested-Buffer.cfm>

Creating Effective Local Riparian Buffer Ordinances
http://www.rivercenter.uga.edu/publications/pdf/riparian_buffer_guidebook.pdf

How to Install Residential Scale Best Management Practices (BMPs) in the Lake Tahoe Basin
<http://www.tahoebmp.org/Documents/Contractors%20BMP%20Manual.pdf>

Spoil Pile BMPs
http://michigan.gov/documents/deq/deq-wb-nps-sp_250905_7.pdf

Sanctuary Forest Water Storage Guide
http://agwaterstewards.org/images/uploads/docs/1213661598_Water_Storage_Guide.pdf

Natural Resources Conservation Service-USDA, "Ponds – Planning, Design, Construction", Agriculture Handbook
http://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs144p2_030362.pdf

Division of Safety of Dams size requirements
<http://www.water.ca.gov/damsafety/jurischart/>

Water Tanks: Guidelines for Installation and Use
http://dnn7.snydernet.com/_pdf/_septic/Septic%20Catalog%202010.pdf

BEST MANAGEMENT PRACTICES (BMP's) University of California Cooperative Extension
http://www.waterboards.ca.gov/sandiego/water_issues/programs/wine_country/docs/updates081910/ucce_bmps.pdf

California Stormwater Quality Association
Section 4: Source Control BMPs
<https://www.casqa.org/sites/default/files/BMPHandbooks/sd-12.pdf>

CA DOT Solid Waste Management Plan
<http://www.dot.ca.gov/hq/construc/stormwater/WM-05.pdf>

State Water Resources Control Board Onsite Wastewater Treatment System (OWTS) policy
http://www.waterboards.ca.gov/water_issues/programs/owts/docs/owts_policy.pdf

California Stormwater Quality Association

Section 4: Source Control BMPs

<https://www.casqa.org/sites/default/files/BMPHandbooks/sd-32.pdf>

California Riparian Habitat Restoration Handbook

http://www.conservation.ca.gov/dlrp/watershedportal/InformationResources/Documents/Restoration_Handbook_Final_Dec09.pdf

The Practical Streambank Bioengineering Guide

http://www.nrcs.usda.gov/Internet/FSE_PLANTMATERIALS/publications/idpmcpu116.pdf

150728_KVG_ef_AppendixB_BMP

Appendix D

Trinity County Commercial Cannabis Cultivation Regulation Application Overview and Resources



COUNTY OF TRINITY

PLANNING AND BUILDING DEPARTMENT

Commercial Cannabis Cultivation Regulation Application Overview and Resources

If you have an interest in using your property for Commercial Cannabis activity, you should be assembling and organizing the documentations required for your County Cultivation Application packet. The application process is lengthy, and can be time consuming and expensive for complex projects. There are certain processes and procedures put into place to help the application process move along smoothly for both you and the County of Trinity. Documents must be submitted in the correct format; incomplete or incorrect submittals may lead to a delay in your permit process, and, in some cases, a possible denial of the application. This overview document is intended to help you submit the best possible application for your proposed project.

Gathering, creating and building your best complete Cannabis Cultivation Application may take a while, especially since this process is new to the County of Trinity. As the County of Trinity processes the application, we may need to provide a list of outstanding conditions necessary towards obtaining a permit, or in some limited situations, notify you that a permit will not be possible.

Essential content for all submittals must include, but is not limited to, a complete application form with the name of the applicant, property owner or agent (if different), with contact information, the Assessor Parcel Number (APN), project description with sufficient details to identify the type of permit you are applying for, detailed site plan and the required fees.

STEP ONE

Read the laws governing Commercial Cannabis.

This will provide an understanding of what is expected when applying for and conducting the activities covered under your application once approved. It will also provide information and/or instructions regarding the application process.

County of Trinity Ordinance

Ord No. 315-816 – Commercial Cannabis Cultivation Regulation

California State Water Resources Control Board

Ord No. 2015-0023—Cannabis Cultivation Waste Discharge Regulatory Program

http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

Assembly Bill No. 243, Wood:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160AB243

Assembly Bill No. 266, Bonta:

https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201520160AB266

Assembly Bill No. 643, McGuire:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201520160SB643

Exclusions and Restrictions

Applications will not be accepted for projects

- located within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area or within the legal boundaries of Ruth Lake Community Service District
- for properties zoned Residential 1 (R1), Residential 2 (R2), and/or Residential 3 (R3)
- for properties zoned Timber Production Zones (TPZ), with the exception made for qualified Phase 1 Applicants

Set-back Requirements:

Your Commercial Cannabis proposed location must be:

- Three-hundred fifty feet (350 ft.) from any dwelling on a neighboring property.
- Thirty feet (30 ft.) from any property line
- One-thousand feet (1,000 ft.) from a youth-orientated facility, a school, any church, or residential treatment facility
- Five-hundred feet (500 ft.) from an authorized school bus stop
- Out of view from any public right-away

STEP TWO

Obtain and review the current application packet and checklist.

Application packets are available at the County of Trinity Planning and Building Department, located at 61 Airport Road, Weaverville, CA 96093, Monday through Thursday 8:00 am to 2:00 pm. You can also download the application packet at:

<http://www.trinitycounty.org/index.aspx?page=221>

The check list within your application packet should be used as a guide for the Commercial Cannabis Cultivation application process.

After reading the Ordinance and reviewing the checklist, you should be able to determine the type of application (Type 1 or Type 2), cultivation and permit for which you will be applying for. This will also help you determine whether or not you are eligible for a permit, and what type. If you are still have questions or are unsure, you can contact us at (530) 623-1351 ext. 6 or by email at planning.cannabis@trinitycounty.org

Submit an Interest for Appointment Card which notifies the County of Trinity Planning and Building Department of your interest to submit your application. The Interest for Appointment card is included with this packet, fill out the card and return it to the Trinity County Planning and Building Department (address is located on the back of the card). You can also drop off the card at 61 Airport Road, Weaverville, CA. There is a drop box located at the front counter. Note: Appointment times are established in the order of the North Coast Regional Water Quality Control Board (NCRWQCB) Numbers. A link to the Interest for Appointment Card can also be found at: <http://www.trinitycounty.org/index.aspx?page=221>

STEP THREE

Begin gathering the required information and documents for your project. Refer to the checklist below for each item and section:

Application

- Planning Department's Commercial Cannabis Cultivation Application Form
- Indemnification and Hold Harmless Agreement (one for each applicant/owner(s))
- Application Fee
 - Type 1 (up to 5,000 sq. ft.): \$4,000 plus \$1,000 towards for General Plan Update;
 - Type 2 (between 5,000 sq. ft. and 10,000 sq. ft.): \$5,000 plus \$1,000 towards General Plan Update
- Commercial Cannabis Ordinance Acknowledgement Form

Water Board Documentation

- Notification of Order Number from the North Coast Regional Water Quality Control Board
- Copy of one of the following documents submitted to the North Coast Regional Water Quality Control Board
 - o Tier I—Appendix C
 - o Tier II—Water Resource Protection Plan
- Copy of Discharge Permit if required

Evidence of Ownership and Authorization:

- Copy of current deed for the property where commercial activity will occur, or
- Copy of ownership document, showing all owner names (if more than one owner or LLC or Trust)
- Copy of lease, or similar documentation authorizing application for development/permits (if you are not the owner)
- Written consent from owner (if you are not owner of record and do not have authority to apply for Commercial Cannabis Permits through lease or written agreement) An authorization form is included within this packet
- Legal documentation describing the composition of the organization naming person(s) empowered to direct the affairs of, and those holding an interest in the organization (if application is submitted by a firm, partnership, joint venture, association, corporation, limited

liability company, estate, trust, business trust, receiver, syndicate, or any other group combination acting as a unit)

Site Plan of Entire Parcel Showing (site map form and example site map attached):

- Photos of property that will assist in identifying your proposed cultivation area and the details of your site plan
- Owner's name and Assessor's Parcel Number (APN)
- Easements
- 100 Year Flood limit contour and FEMA Flood Map Reference (see Planning Department for Flood Maps)
- Natural waterways including but not limited to streams, rivers, springs, ponds and culverts showing which direction the water flows
- Wetland area(s)
- Location and area of cultivation and/or commercial activity
Proposed location must be continuous, with dimensions showing setbacks from property line and adjacent dwelling units or any other buildings on the property
- Location of locked gate(s) and fence being used to screen cultivation
- Setbacks of cultivation area from property lines
- Access roads
- Graded flats
- All buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity
- Water storage structure(s) labeled as to type, capacity and date of construction
- Well location
- Septic and leach field location (show direction of leach field and length)
- Location of slopes grader than 4:1 grader than or equal to 25% (Note grader than or equal to 35% is required for NCRWQCB Tier II enrollment)
- Water diverted runoff(s)

Suggestions for imagery for the County of Trinity include:

Google Earth: <https://www.google.com/earth/>

Digital Globe: <https://www.digitalglobe.com/>

Trinity County Parcel Viewer: <http://www.trinitycounty.org/index.aspx?page=284>

Note: Trinity County Parcel Viewer will display necessary zoning information. Please include a printout of the parcel from Parcel Viewer with your application.

Additional Documentation Needed

- Proof of a permitted well or water source
- Well Report documenting gallons per-minute and recovery rate
If your well report does not show sufficient volume and recovery rate you must have sufficient water storage on site provided from the permitted well on your parcel. (Example report attached)
- Encroachment Permit (if applicable) where there is access to a county road

- 3-Acre Conversion Permit—New applications will have to be submitted concurrently
- Proof of at least one of the following
 - Documentation of Incorporation
 - Documentation of taxes paid to the State Board of Equalization
 - Proof of Contract(s) with dispensaries
- Receipt of a BOE (Board of Equalization) Sellers Permit
- Proof of Residency with the County of Trinity for a period of one year prior to filling the Application as evidenced by current California Driver's license along with one of the following:
 - Trinity County Solid Waste Bill
 - Utility Bill
 - DMV Registration

****NOTE:** All on site workers (employees) must carry a current, valid and state or federal issued proof of identification, for age verification.

STEP FOUR

Submit your Commercial Cannabis permit application packet at the allotted appointment time set up in Step 2.

- A. Bring copies of all your completed, gathered documents from the checklist to the County of Trinity Planning and Building Department located at 61 Airport Road, Weaverville, CA 96093, at the appointment time set up. County personnel will review your packet to verify that you have all the required documents.
- B. Once confirmed, County of Trinity Planning and Building Department will provide you with an invoice for the Type of permit you are applying for. You will need to take your project invoice to the County of Trinity Treasurer's Office located at 11 Court Street, Weaverville, CA 96093, (Monday through Friday 10:00 am to 1:00 pm) to submit your fee payment (location map and directions attached).
- C. Once paid you must submit your paid invoice, the permit application and required documents to the County of Trinity Planning and Building Department in order to complete the submittal of your Commercial Cannabis Permit Application.

ON-SITE INSPECTIONS

Before your application is approved and your permit is issued, an onsite visit is required and scheduled. There will be, but not limited to, two inspections; first inspection is before your application is approved to verify compliance at site and one inspection after your permit is issued for your Commercial Cannabis Project.

The first onsite visit is to confirm that the submitted site plan is a correct and accurate reflection of actual conditions that you proposed. Your proposed location must meet all requirements set forth in the County of Trinity's Ordinance No 315-816. You are required to have the area of your proposed cannabis cultivation location site clearly marked, with stakes or within existing fence, for the initial site visit, visibility from a public right of way will be verified.

An appointment will be set up by phone at least 24-hours (one day) prior to the site visit. By submitting your application you are: granting County of Trinity personnel access to your property; securely locking all animals up; unlocking the entrance gate(s) to the property ahead of time (or promptly waiting at the gate for the inspectors arrive at the set time); ensure all locked gates on the property are accessible; secure and store all weapons prior to and during the scheduled inspection. Visible weapons onsite will be grounds for rescheduling the onsite visit.

Site visits may also include visits by the County of Trinity's Environmental Consultant. The Consultant's duties are to measure the overall and specific impacts and/or effects created by Commercial Cannabis. Information collected at your site inspection, by the Environmental Consultant, is for the program, and will not be specifically linked to a property other than internal tracking purposes.

By submitting your application and if/when your application is approved, you are acknowledging that onsite follow up inspections for compliancy can be performed at any time during your active permit period with prior notification to the property owner and/or applicant.

PERMIT ISSUANCE

Upon completion of the compliance inspection, a final determination will be made concerning the permit. Possible actions will be:

1. Issuance of Permit – Permit is issued, and property is cleared for growing commercial cannibals within the permit limitations.
2. Letter of Correction for Permit Issuance – Minor deficiencies have been identified that need to be corrected prior to issuance of a permit.
3. Variance or Permit Requirements for Permit Issuance – Permit is ready to be issued upon granting of a variance, issuance of a building permit, or receipt of enrollment from NCRWQCB.
4. Resubmittal Required – Application does not correctly reflect existing conditions or information provided is not found to be correct. Corrections need to be addressed for permit to be reconsidered.
5. Denial of Permit – Issue has been identified that would not allow for issuance of a permit (example, too close to a school)

**Only denial of permit are subject to the provisions of the Zoning Code: Hearings and Appeals County of Trinity Ordinance No. 315 Section 34.

All applications received and permits issued for 2016/2017 will expire March 31, 2017. New or renewal application(s) for a permit will be required for growing Commercial Cannabis after March 31, 2017.

Order of applications accepted each following year will be based on;

1. Trinity County Permit Number
2. Trinity County Application Number
3. RWQCB (Water Board) permit number

4. RWQCB Application Number

Issuance of a permit this year provides no guarantee, assurance, or “grandfathering” of permits in years following. Permits that have been deemed Non-Compliant will receive no priority.

Permits are non-transferable. They are only applicable to the owner of the property, the applicant, and the property designated on the application. Priority for future permit applications are non-transferable. For a new property, owner, or applicant, the North Coast Regional Quality Water Board receipt of enrollment may govern.

NOTICE OF CORRECTION

There will be a minimum period of 7-days to correct any deficiencies and return to compliance. Should the property still be in non-compliant, further action will be taken up to and including revocation of permit and/or issuance of code violation. Any adverse action taken by the County of Trinity is subject to reporting to the State as necessary.

Upon correction, bringing the property back into compliance, it is the owner/applicant's responsibility to request a compliance inspection and pay a \$175 inspection fee. The request for inspection must be done prior to the expiration date on the Notice of Correction to avoid adverse actions up to and including suspension of permit or issuance of code violation.

Owner, applicant and/or agent shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Municipal Code, as state within the County of Trinity Ordinance No. 315-816.

HELPFUL RESOURCES

Trinity County Water Resources:

<http://www.trinitycounty.org/index.aspx?page=293>

North Coast Regional Water Quality Control Board:

http://www.waterboards.ca.gov/northcoast/water_issues/programs/cannabis/

State Law: CA NORML MMRAS Summary:

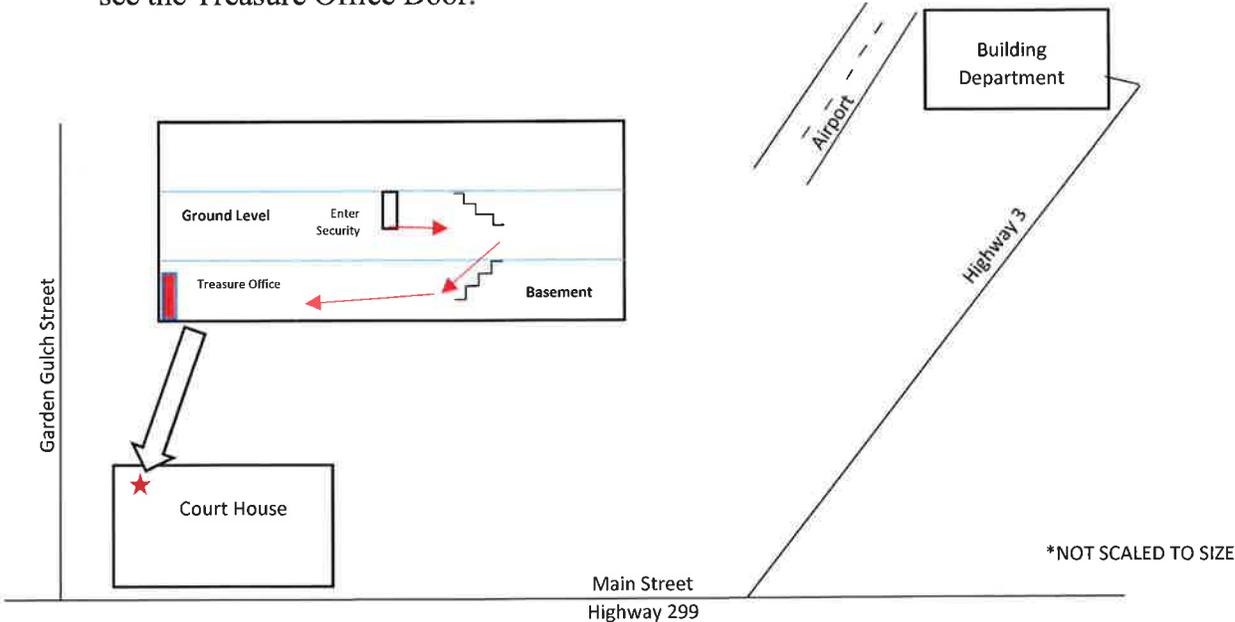
http://www.canorml.org/news/A_SUMMARY_OF_THE_MEDICAL_MARIJUANA_REGULATION_AND_SAFETY_ACT

Direction to County of Trinity Treasurer's Office

11 Court Street
Weaverville, CA 96093

From Trinity County Planning and Building Department:

- Take a right onto State Highway 3
- Take right onto Main Street (State Highway 299W)
- Take Right onto Garden Gulch Street
- The Court House will be on your right. Enter the court house, go down the stairs to the basement.
- Stay straight off the stairs, follow the hallway to the right, at the end of the hall you will see the Treasure Office Door.





COUNTY OF TRINITY PLANNING AND BUILDING DEPARTMENT

Commercial Cannabis Cultivation Questions and Answers

What does NCRWQCB stand for and where do I register?

As of February 15, 2016, cultivators with 2,000 square feet or more of cannabis are required to enroll in a new water quality regulatory program (Order R1-2015-0023), either directly with the Regional Water Board, or via an approved third party program. Additionally, smaller operations or operations with similar environmental effects, where there is a threat to water quality, may be directed to enroll under the Order also. North Coast Regional Water Quality Control Board (NCRWQCB) website is <http://www.waterboards.ca.gov/northcoast/> here is where you register for the California Cannabis Cultivation Waste Discharge Regulatory Program Ord No. 2015-0023

What are the different permit types and how do I know what is allotted on my property?

There are three types of permit Phase 1, Phase 2 and Phase 3.

- Phase 1: Consists of persons or entities who have completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County based operation by August 01, 2016. Commercial cultivation license up to 5,000 square feet.
- Phase 2: Consists of persons or entities who have completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County based operation by December 31, 2016. Commercial cultivation license up to 10,000 square feet.
- Phase 3: Consists of persons or entities who have completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County based operation by March 01, 2017. **NOT ALLOWED AT THIS TIME IN THE COUNTY OF TRINITY**

How do I figure out what my property is zoned and what the zoning ordinance details are?

The County of Trinity Planning Department has a link to the Zoning Ordinance on their website. A direct link is:

http://docs.trinitycounty.org/Departments/Planning/Zoning%20Ordinance%20Pages/zoning_ordinance_315.htm

To figure out what your property is zoned, you may contact the County of Trinity Planning and Building Department at (530) 623-1351 ext 6 or email us at planning.cannabis@trinitycounty.org

What does an “active” building permit mean?

An “active” building permit is described as a building permit currently being reviewed by the County of Trinity Building and/or Planning department, where the permit has not been issued; or

you (owner or agent) have been issued a building permit from the County of Trinity and are actively working towards the final inspection/completion of the project. Progress inspections are required and progress must be made to keep the permit open and active. An open building permit with no progress becomes inactive and expires.

When does a fence for screening marijuana cultivation need a permit?

The County of Trinity Building code for a fence, states that a Fence over 6 feet tall must be permitted. A fence for screening marijuana cannot be plastic or any type of screen cloth regardless of size. Wood and chain link with privacy slats are acceptable.

Is a greenhouse considered adequate screening?

No, a greenhouse is not considered adequate screening. A fence is required as screening with a lockable gate about the structure.

How long is my permit good for?

The Commercial Cannabis Cultivation Application once approved is active from April 1st to March 31st the following year. Each year you must reapply for an active permit. The Planning Department will start accepting applications for the upcoming year March 1st.

Are dispensaries allowed in the County of Trinity?

The County of Trinity is not allowing cannabis dispensaries at this point in time.



2016-17 APPLICATION
COUNTY OF TRINITY
 PLANNING AND BUILDING DEPARTMENT
 Commercial Cannabis Cultivation Application
 61 Airport Road • PO Box 2918
 Weaverville, CA 96093

INSTRUCTIONS:

1. Applicant/agent complete sections I, II, III, and IV
2. Schedule appointment, take all required forms and documents to Planning at designated appointment time. (Fee will be due upon submittal)
3. Applicant/agent needs to submit all item(s) marked on the reverse side of this form.

SECTION I

APPLICANT (Project will be under Business name, if applicable.)

Name: _____
 Contact Person: _____
 Mailing Address: _____
 City, State, Zip: _____
 Telephone: _____ Alt Phone: _____
 Email: _____

AGENT (all Communication from Department will be directed to agent.)

Name: _____
 Contact Person: _____
 Mailing Address: _____
 City, State, Zip: _____
 Telephone: _____ Alt Phone: _____
 Email: _____

OWNER(S) OF RECORD (If different from Applicant)

(All owners must be listed use additional form if needed Section IV)

Owner(s) Name: _____
 Mailing Address: _____
 City, State, Zip: _____
 Telephone: _____ Alt Phone: _____
 Email: _____

Applicant is applying for the following:

- Type 1 (up to 5,000 sq. ft.)
- Type 2 (up to 10,000 sq. ft.)

LOCATION OF PROJECT

Site Address: _____
 City, Zip: _____
 Community Area: _____

APN (Assessor's Parcel Number): _____
 Parcel Size (acres or sq. ft.): _____

NO MORE THAN ONE APPLICANT MAY SUMITT PER PERSON/ENTITY OR PER LEGAL PARCEL

SECTION II

OWNERS AUTHORIZATION & ACKNOWLEDGEMENT FORM

I am the owner of the property listed in Section I that is subject to this application. I hereby authorize the County of Trinity to process this application for the cultivation of Commercial Cannabis on my property and further authorize the County of Trinity to enter upon the property described above as reasonably necessary to evaluate and/or inspect the project. I defend, indemnify, save and hold harmless the County of Trinity, its elected and appointed officials, officers, employees, agents and volunteers from any and all claims, actions, proceedings or liability of any nature whatsoever arising out of, or in connection with the County's review or approval of this application or arising out of or in connection with the acts or omissions of the Applicant, its agents, employees or contractors. I authorize the applicant/agent listed above, if different than owner(s) to file this application and to represent me in all matters concerning this application.

 Signature of Owner of Record

 Date

SECTION III

I hereby declare under penalty of perjury under the laws of the State of California:

- ✓ I/we have not been convicted of a serious felony or Schedule I, II or III felony, excluding a non-serious felony conviction for sales, transportation or cultivation of cannabis, except if on public land.
- ✓ All information and documentation submitted as part of this Application are true and correct.

 Signature of Owner of Record

 Date

 Signature of Owner of Record

 Date

SECTION IV

COMMERCIAL CANNABIS LAND CULTIVATION APPLICATION CHECKLIST

Application:

- Planning Department Commercial Cannabis Cultivation Registration Application Form
- Indemnification and Hold Harmless Agreement (one for each applicant/owner(s))
- Application Fee (Type 1: \$5,000 OR Type 2: \$6,000)
- Commercial Cannabis Ordinance Acknowledgement Form

Water Board Documentation:

- Notification of Order Number from the North Coast Regional Water Quality Control Board
- Copy of one of the following documents submitted to the North Coast Regional Water Quality Control Board
 - o Tier I—Appendix C
 - o Tier II—Water Resource Protection Plan
- Copy of Discharge Permit if required

Evidence of Ownership and Authorization:

- Copy of current deed for the property where commercial activity will occur, or
- Copy of ownership document, showing all owner names (if more than one owner) or LLC or Trust.
- Copy of lease or similar documentation authorizing application for development/permits (if you are not the owner)
- Notarized written consent from owner (if you are not owner of recorder and do not have authority to apply for Commercial Cannabis Permits through lease or written agreement).
- Legal documentation describing the composition of the organization showing those empowered to direct the affairs and those holding an interest in the organization (if application is submitted by a firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group combined acting as a unit).

Site Plan of Entire Parcel Showing:

- Owners name and assessor's parcel number
- Easements
- 100 Year Flood limit contour and FEMA Flood Map Reference
- Natural waterways including but not limited to streams, rivers, springs, ponds and culverts
- Wetlands
- Location and area of cultivation or commercial activity
- Location of locked gate and fence being used to screen cultivation
- Setbacks of cultivation area from property lines
- Access roads
- Graded Flats
- All buildings labeled as to type and date of construction including whether they will be used for any cultivation or processing activity.
- Water storage structures
- Well location
- Septic and leach field location
- Location of slopes greater than 4:1 greater than or equal to 25%
- Water diverted runoff(s)

Additional Documentation Needed

- Proof of a permitted Well
- Well report documenting gallons per-minute and recovery rate
- Encroachment Permit (if applicable)
- Proof of at least one of the following
 - o Documentation of Incorporation
 - o Documentation of taxes paid to the State Board of Equalization
 - o Proof of Contract(s) with dispensaries
- Receipt of a BOE (Board of Equalization) Sellers Permit
- Proof of Residency with the County of Trinity for a period of one year prior to filling the Application as evidenced by current California Driver's license along with one of the following:
 - o Trinity County Solid Waste Bill
 - o Public Utility District Bill
 - o DMV Registration

For Internal Use Only

Date Received: _____ Receipt Number: _____ Application Number: _____

- Application Deemed Complete Date: _____
 - Approved by Planning
 - Approved by DOT (Environmental)
 - Approved Environmental Health

Deficient Missing Date: _____

ADDITIONAL OWNER(S)

Additional owners:

(If multiple owners, list all owners name and contact information below.)

OWNER(S) OF RECORD:

Owner(s) Name: _____
Mailing Address: _____
City, State, Zip: _____
Telephone: _____ Alt Phone: _____
Email: _____

OWNER(S) OF RECORD:

Owner(s) Name: _____
Mailing Address: _____
City, State, Zip: _____
Telephone: _____ Alt Phone: _____
Email: _____

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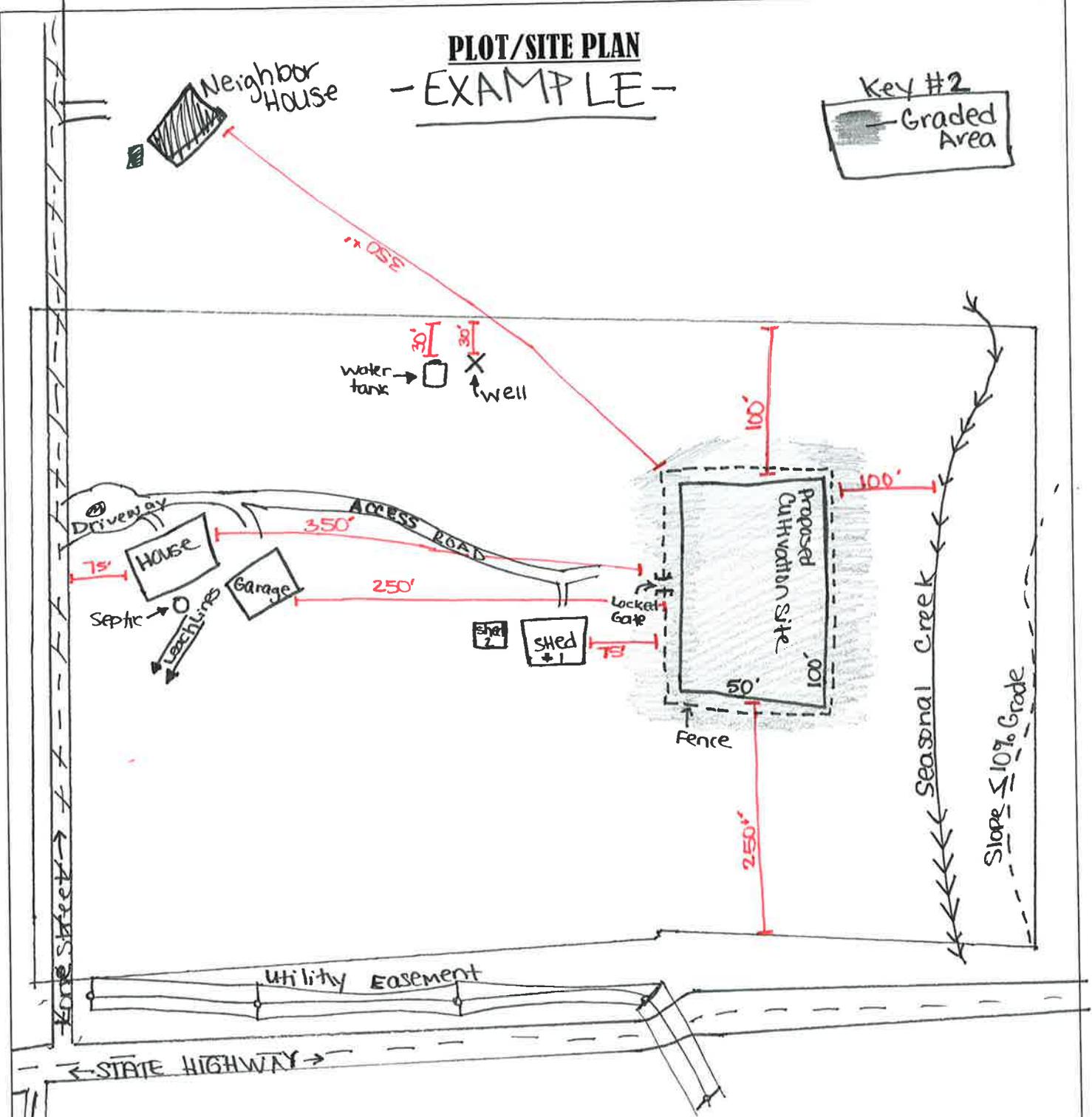
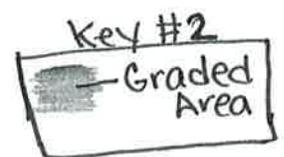
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Signature of Owner of Record

Date

PLOT/SITE PLAN - EXAMPLE -



Key #1

- House Est. 2016
- Garage Est. 2016
- Septic Est 2015
- ↳ Leach Lines 2-50ft.
- Well Est 2015
- Water Tank 2,500 gal.
- Shed #1 - Cannabis Storage (Est. 2016) and drying.
- Shed #2 → Cannabis Material Storage (Fertilizer) (Est. 2016)

TRINITY COUNTY BUILDING DEPARTMENT

APPLICANT PREPARED SITE PLAN	
Permit No.	
Drawn By:	APN: 000-000-00-00
Date:	Owner Name: John Smith
Scale: Not to Size!!!	Lot Area: 2.67

PLOT/SITE PLAN

TRINITY COUNTY BUILDING DEPARTMENT

APPLICANT PREPARED SITE PLAN	
Permit No.	
Drawn By:	APN:
Date:	Owner Name:
Scale:	Lot Area:



COUNTY OF TRINITY

PLANNING AND BUILDING DEPARTMENT
PO Box 2918, Weaverville, CA 96093

Acknowledgement Form

Commercial Medical Marijuana Cultivation

- ✓ I/we consent to onsite inspections of our parcel by the County of Trinity officials. Inspections will be conducted by County of Trinity Officials during regular business hours Monday-Friday 9:00a.m to 5:00 p.m., excluding holidays. The telephone number listed on my application is the number the County of Trinity can call to provide notice, when possible.
- ✓ I/we acknowledge that by submitting the permit application we allow onsite inspections; dogs/animals will be locked up, lock gates will be assessable and no weapons will be secured and stored.
- ✓ I/we consent that all structures on parcel that are utilized for Commercial Cannabis Activities will be built in accordance with applicable County of Trinity Building Codes and permit requirements.
- ✓ I/we acknowledge that the information I/we provide with my application may be released as required by law, judicial order, or subpoena, and could be used in a criminal prosecution.
- ✓ I/we consent to defend, indemnify, and hold harmless the County of Trinity from any defense costs, including attorneys' fee or other loss connected with any legal challenge brought as a result of the County of Trinity's review and/or approval of this Application. I/we agree to execute a formal agreement to this effect on a form provided by the County of Trinity and available for my inspection.
- ✓ I/we acknowledge that approval of this application does not provide any property rights or entitlements, and it does not guarantee that a permit will be issued years following.
- ✓ I/we will only employ individuals at least twenty-one (21) years of age, require a Federal or State issued proof of identification be carried at all times on property, and will comply will all applicable state and federal requirements for payment of payroll taxes, including federal and state income taxes and/or contribution for unemployment insurance, state workers' compensation liability law.
- ✓ I/we have reviewed Ordinance No. 315-816, I/we understand the requirements, will comply with the requirements, and understand the consequences of Non-Compliance.
- ✓ I/we acknowledge that the application fee is non-refundable even if I cancel my land use request, it is denied during the Planning permit review process, or a condition letter is issued.
- ✓ I/we acknowledge that without a complete application packet my application will be delayed.
- ✓ I/we acknowledge that the Planning Department reserves the right to request additional information if necessary to complete review or processing of the application, and confirm or promote conformance to ordinance-specific requirements and standards.
- ✓ Permit and permit application priority is non-transferable under any circumstances.
- ✓ I will comply with Local, State and Federal regulator agencies.

Print Name

Signature

Date

ONE ACKNOWLEDGEMENT FORM NEEDED FOR EACH OWNER AND/OR AGENT OF THE PROPERTY



TRINITY COUNTY BUILDING DEVELOPMENT & PLANNING DEPARTMENT

61 AIRPORT ROAD ♦ P.O. BOX 476
WEAVERVILLE, CA 96093
PHONE (530) 623-1351 EXT 6 ♦ FAX (530) 623-1353

Agent's Authorization Form

(Required only if Applicant(s) is other than the Property Owner)

I, the undersigned, state that I am the owner(s) of the proposed

Commercial Cannabis Cultivation Project

at A.P.N.# _____

located at: _____

I do hereby authorize and empower _____ (First & Last Name) to act on my behalf on all matters relating to said project in connection with its filing, processing, approval, conditional approval or disapproval by the County of Trinity, its boards and commissions, officers, employees and agents. Should I revoke this authorization it is my responsibility to serve written notice of said revocation to the County of Trinity by delivery to the Planning and Building Department.

1. _____
Signature

Owner (Print)

Address

Phone

Date

2. _____
Signature

Owner (Print)

Address

Phone

Date

3. _____
Signature

Owner (Print)

Address

Phone

Date

4. _____
Signature

Owner (Print)

Address

Phone

Date

**ONLY ONE ACTING AGENT PER FORM
ALL OWNERS MUST SIGN (IF MORE THAN ONE, A LLC OR TRUST)**



TRINITY COUNTY PLANNING DEPARTMENT

61 AIRPORT ROAD
P.O. BOX 2819
WEAVERVILLE, CA 96093
(530) 623-1351 FAX (530) 623-1353

Authorization to Enter Private Property

The Trinity County Planning Department as the lead agency performs the environmental evaluation for the California Environmental Quality Act (CEQA). Other State and local agencies also provide responsible and trustee roles under CEQA. The comments received from these agencies assist the Planning Department in preparing the environmental document for your project. In order for the Department to perform the evaluation on your proposed project we will need your permission to allow entry to your property for Planning and any reviewing agency that may need to actually view the property before providing comments.

By signing this authorization to enter your property you are granting the reviewing agencies access to your property for the purpose of evaluating your proposed project. The authorization is valid from the date the Department receives notice of your proposed project and any monitoring periods thereafter.

Print Name

Signature

Date

Trinity County
Planning and Building Department
Commercial Cannabis Registrant
Appointment Card

Name: _____

APN: _____

Property Address: _____

City: _____ Zip: _____

Phone: _____ / _____

Email: _____

Mailing Address: _____

City: _____ Zip: _____

Application Type: Tier I Tier II

Application Year: 2016-17 2017-18

NCRWQCB Number: _____

----- Office Use -----

Zone: _____ Acres: _____

Appointment Date: _____

Appointment Time: _____

Notes: _____



Cannabis Cultivation Best Management Practices

These best management practices (BMPs) may help mitigate water pollution from cannabis cultivation activities. We recommend that you consult a professional engineer/contractor before starting an advanced BMP.

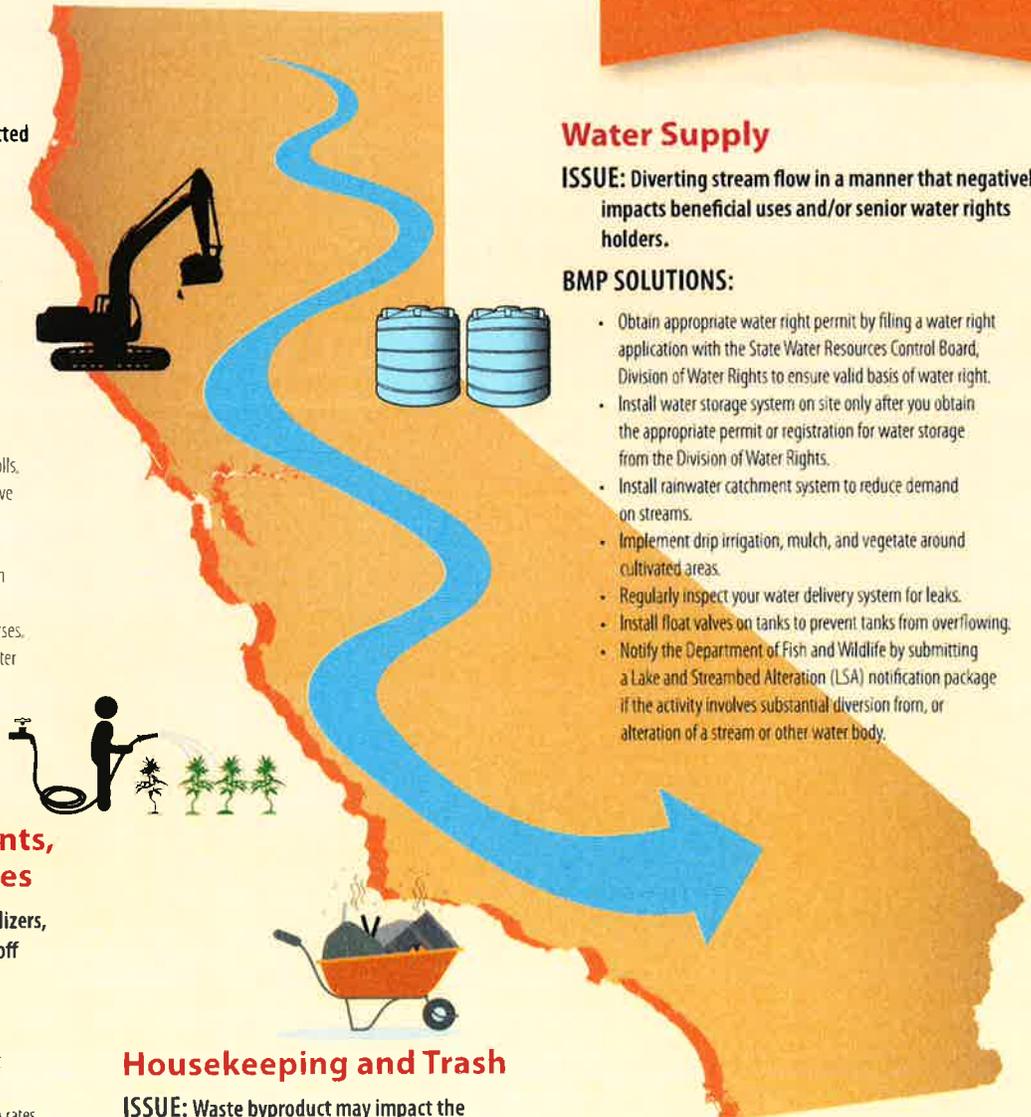
LIABLE PARTIES:
Property Owner
Site Caretaker
Property Resident
Construction Contractors

Erosion & Sediments

ISSUE: Poorly maintained or badly constructed roads and excavation sites are a major source of sediment pollution.

BMP SOLUTIONS:

- Minimize disturbed area and protect natural soil.
- Provide temporary cover for disturbed areas that are not being worked on.
- Divert runoff away from unprotected slopes or loose soils.
- Use mats, geotextiles, and erosion control blankets to protect slopes.
- Control the perimeter with silt fences and fiber rolls.
- Install a sediment basin, check dams, or vegetative buffer strips.
- Roughen the surface of a road with gravel.
- Protect ditches and inlet/outlet from erosion with rock armour.
- Plan and design new roads away from watercourses.
- Design roads to allow for sheet flow and use water bars and rolling dips to break up slope length.
- Inspect roads, slopes, and culverts regularly.



Water Supply

ISSUE: Diverting stream flow in a manner that negatively impacts beneficial uses and/or senior water rights holders.

BMP SOLUTIONS:

- Obtain appropriate water right permit by filing a water right application with the State Water Resources Control Board, Division of Water Rights to ensure valid basis of water right.
- Install water storage system on site only after you obtain the appropriate permit or registration for water storage from the Division of Water Rights.
- Install rainwater catchment system to reduce demand on streams.
- Implement drip irrigation, mulch, and vegetate around cultivated areas.
- Regularly inspect your water delivery system for leaks.
- Install float valves on tanks to prevent tanks from overflowing.
- Notify the Department of Fish and Wildlife by submitting a Lake and Streambed Alteration (LSA) notification package if the activity involves substantial diversion from, or alteration of a stream or other water body.

Potting Soil, Amendments, Fertilizers, and Pesticides

ISSUE: Potting soil, soil amendments, fertilizers, and pesticides can be mobilized by runoff and be discharged into surface waters.

BMP SOLUTIONS:

- Plant cover crop to boost soil fertility and protect from storm events.
- Follow the manufacturer's suggested application rates.
- Install buffer strips, bio-swales, or vegetation downslope of grow site to filter runoff of chemicals from irrigation.
- Do not apply pesticides. Instead, use safe pesticide alternatives recommended by Department of Pesticide Regulation.
- Implement Integrated Pest Management practices to avoid the need for pest control.
- Store all products that impact water quality in a manner that does not allow for runoff to surface waters.

Housekeeping and Trash

ISSUE: Waste byproduct may impact the environment and water quality.

BMP SOLUTIONS:

- Dispose of solid waste properly.
- Store paint, antifreeze, oil filters, fuels and other miscellaneous items indoors.
- Store other products that may affect water quality indoors.

Your responsibilities do not stop after BMPs are installed. You should routinely inspect your site.

More Information: State Water Resources Control Board
(916) 341-5272 Erin.Mustain@waterboards.ca.gov
www.waterboards.ca.gov/water_issues/programs/enforcement/cannabis_enforcement.shtml