

Appendix B

Cannabis Program

ORDINANCE NO. 315-823

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING ZONING ORDINANCE NO. 315 CREATING
SECTION 28: COMMERCIAL CANNABIS CULTIVATION REGULATIONS**

Section I: 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 Compassionate Use Act of 1996 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 Compassionate Use Act of 1996, 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) WHEREAS, previous landmark Cannabis legislation, including the Compassionate Use Act of 1996 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) WHEREAS, 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; and (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 and 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 five primary population centers are Lewiston, Hayfork, Weaverville, Coffee Creek Volunteer Fire District and Trinity Center Community Services 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 in Section 5(a)(v), 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 as follows:

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

Sections:

- (1) Definitions
- (2) Application
- (3) Application Requirements
- (4) Registration Phases
- (5) Limitation on Location to Cultivate Cannabis
- (6) Performance Standards for Commercial Cultivation of Cannabis
- (7) Denial/Revocation of License
- (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 (SB 94), 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 1996 (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 in good standing from the NCRWQCB or the State Water Resource Quality Control Board.
- (q) “Proof of Residency” shall mean proof of residing in Trinity County for a period of 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 (excluding homeschools), 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 to 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 SWRCB waste discharge identification (WDID) number.
- (c) Any licensing required under this Ordinance will require enrollment as dictated by the SWRCB in the NCRWQCB Order #2015-0023 or in the SWRCB'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 (Zoning Ordinance No. 315-797) 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 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 mixed-light between a 5,001 and 10,000 sq. ft. Area.
 - 6. Type 3 “medium outdoor” – for outdoor cultivation between 10,001 sq. ft. and one (1) acre (43,560 sq. ft.).
 - 7. All other license types are 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 SWRCB.
- iv. Apply for and obtain a Board Of Equalization Seller’s permit.
- v. Employ only persons who are at least twenty-one (21) years of age and comply with all applicable state and 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 a serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of Cannabis, except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.
- vii. Verification of proof of residency in Trinity County for a period one year prior to application by providing a 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 the time of renewal or application for the 2018/19 license cycle and after, the applicant shall designate on their application or renewal application whether they intend to cultivate 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 property in order for the license to transfer. All exceptions that apply to the original license shall transfer with the license.
 - 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) Registration Phases

- (a) The County will allow a total of five hundred and thirty (530) licenses. Thirty (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 SWRCB.
- (b) The County shall determine completed Water Board enrollment by receipt of a Proof of Order number.
- (c) 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 2016/17 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) Applications will not be approved 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 an 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 Services 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 is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:
 - Weaverville Community Services District by December 31, 2016;
 - Lewiston Community Services District by January 15, 2017;
 - Trinity County Waterworks District #1 by December 31, 2017;
 - Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.
- 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 three hundred and fifty (350) feet of a residential structure on any adjoining parcels. For Type 3 licenses, cultivation shall not be allowed within five hundred (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's 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 (Zoning Ordinance No. 315-797).
- (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 Trini-

- ty 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 SWRCB.
 - (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 Trinity County Environmental Health and the 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 CDFW 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 structure.
- (s) All Licensees shall enroll in the 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, SWRCB, or CDFW; 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, they 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 plus \$1,000 toward the general plan update.
 - ii. Type 1C MMRSA: \$2,000 plus \$250 toward the general plan update.
 - iii. Type 2 and 2B MMRSA: \$5,000 plus \$1,000 toward the general plan update.
 - iv. Type 3 MMRSA: \$8,000 plus \$1,000 toward 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 19th day of September, 2017, and passed and enacted this 3rd day of October, 2017, by the Board of Supervisors of the County of Trinity by motion, second (Morris/Groves), and the following vote:

- AYES: Supervisors Groves, Morris, Chadwick and Fenley
- 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

**ORDINANCE NO. 315-824 AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING ZONING ORDINANCE NO. 315 CREATING SECTION 43.6
CANNABIS TESTING FACILITIES REGULATIONS**

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

Section 1: Findings and Declarations:

- (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”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that 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.
- (2) 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, and 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.
- (3) WHEREAS, on September 11, 2015, the State enacted the Medical Cannabis Regulation and Safety Act (MMRSA), which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, manufacturing, distribution, transportation, testing, and dispensing of medical Cannabis on a commercial basis, but implementing regulations have yet to be written and state licenses will not be available until 2018. MMRSA was amended by SB 837.
- (4) 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; and (2) Adult-use cannabis and adult-use cannabis products for adults 21 years of age and over.
- (5) WHEREAS, previous landmark Cannabis legislation, including the Compassionate Use Act and the Medical Cannabis Program Act, have precipitated a “green rush” with individuals moving to Trinity County to grow Cannabis; with some seeking to capitalize on ambiguities in the law, while others lack an awareness of community and environmental consciousness.
- (6) WHEREAS, due to the passage of the Medical Cannabis Regulation and Safety Act (MMRSA), and the Adult Use of Cannabis Act (AUMA) and SB 94 (Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA)) in California, there is a concern that if left unregulated, there will be a substantial increase of Cannabis activity in the County.
- (7) WHEREAS, 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.

- (8) WHEREAS, 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.
- (9) WHEREAS, it is the purpose and intent of this Chapter to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
- (10) WHEREAS, it is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
- (11) WHEREAS, this ordinance provides regulations for the local licensing of Cannabis testing facilities in specified locations and under specified conditions in the County.

NOW THEREFORE be it resolved that the Board of Supervisors of the County of Trinity ordains as follows:

The County hereby enacts the following as Section 43.6 of the Trinity County Zoning Ordinance No. 315:

- (1) Definitions
- (2) Applicability
- (3) Regulations
- (4) Required Findings
- (5) Required Conditions
- (6) Fees
- (7) Denial/Revocation of License
- (8) Enforcement

(1) Definitions:

- (a) "Cannabis" and "marijuana" are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- (b) "School" means an institution of learning, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education.
- (c) "Youth-oriented facility" means public park, school authorized bus stop and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(2) Applicability:

Cannabis testing facilities (requiring a Type 8 State license) may be allowed with a Use Permit in the following Zoning Districts;

- (a) C2 (General commercial)
- (b) C3 (Heavy Commercial)
- (c) I (Industrial)

(d) All other zones are ineligible.

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

(3) Regulations:

- (a) Within sixty (60) days of adoption of this ordinance any person or entity desiring a Cannabis testing facilities license within Trinity County may apply with the Trinity County Planning Department. An application shall be on a form provided by the Trinity County Planning Department and will require, at minimum, confirmation that the applicant meets the requirements of this chapter. Application shall include a plan of operation pursuant to Section 4(f) and 4(g).
- (b) Cannabis testing facilities shall comply with all of the following regulations:
 - i. Shall not be 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 and will be measured from footprint of building to edge of parcel boundary if sensitive receptors are present.
 - ii. The owners, operators, and employees of the Cannabis testing facilities shall be independent from all other persons, associations and/or entities involved in the Cannabis industry, and shall not hold any other State or County license related to Cannabis.
 - iii. Cannabis testing facilities shall apply for appropriate licensing and/or register with any State Agencies upon establishment of a State regulatory framework as required by the State and provide copies of the license application and the issued license to the County.
 - iv. Cannabis testing facilities shall show proof of ISO 17025 accreditation, or proof that the applicant is in the process of applying for or is preparing to apply for ISO 17025 accreditation as required by the State.
 - v. Cannabis testing facilities shall adopt written standard operating procedures for laboratory processes, and analytical methods as required by State regulations.
 - vi. Cannabis testing facilities shall adopt a written standard operating procedure to obtain samples for testing according to State regulations.
 - vii. Cannabis testing facilities shall develop and implement scientifically valid testing methodologies for the chemical, physical and microbial analysis of Cannabis products according to State regulations.
 - viii. Cannabis testing facilities shall develop and implement test methods and corresponding standard operating procedures for the analyses of organic and inorganic materials identified by the State. Additional analyses may be conducted as requested by the cultivator of the sample(s) to be tested.
 - ix. Cannabis testing facilities shall dispose of test samples according to State regulations and document waste disposal procedures followed for each sample.
 - x. Cannabis testing facilities shall comply with all safety standards and requirements for Cannabis testing facilities identified by the State, and shall ensure the safety of its employees and the proper disposal of all chemicals and byproducts pursuant to California Department of Public Health guidelines, California Division of Occupational Safety and Health requirements, California Department of Transportation, California Department of Toxic Substances Control (Trinity County CUPA), and Trinity County Department of Environmental Health.

- xi. Cannabis testing facilities shall develop and implement standard operating procedures or programs required by the State including quality assurance and quality control,
- xii. Cannabis testing facilities shall employ personnel who meet the experience and education requirements specified by the State and shall train qualified personnel as required by the State.
- xiii. Cannabis testing facilities shall adopt a written security protocol and implement the protocol to prevent diversion, theft and loss of Cannabis samples.
- xiv. Cannabis shall not be sold or consumed on or within the premises on which this license is issued.

(4) Required Findings:

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

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

(5) Required Conditions:

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

- (a) Operators of the testing facility shall allow access to the facility and access to records if requested by the County or State, its officers, or agents, and shall pay for routine and focused inspections and submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations, and conditions.
- (b) The applicant, owner, and operator *shall* agree to submit to, allow access for, and pay for, inspections of the operations and relevant records or documents necessary to determine compliance with this Chapter from any Enforcement Officer of the County or their designee.
- (c) Operators of the testing facility and, if different, the property owner shall execute an agreement to defend, indemnify and hold harmless the County of Trinity and its agents, officers, and employees from any claim, action, or proceeding brought against the County, its agents, boards, planning commission or board of supervisors arising from the County's registration of the site. The indemnification shall apply to any damages, costs of suit, attorney fees or other

expenses incurred by the County, its agents, officers and employees in connection with such action.

- (d) The facility operator shall be responsible for ensuring that all Cannabis testing activities at the site operate in good standing with licenses required by Trinity County Code and State law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain licenses or licenses in good standing with the County or State shall be grounds for the suspension or revocation of the license.
- (e) The testing facility and related activities shall be maintained in accordance with the operating plans accepted by the County.
- (f) A safety and security plan shall be submitted and accepted by the County. This plan shall be updated annually. All security protocols shall be implemented prior to commencing operations.
- (g) Hours of operation shall be determined on a site-specific basis established in the Use Permit associated with the testing facility.
- (h) This license does not guarantee that the applicant will be considered compliant with any future land use ordinance.
- (i) Licenses are transferrable with payment of fees and review of an updated application including information regarding new ownership.
- (j) Cannabis is not recognized under Federal law and applicant does not grant any right to violate federal law.
- (k) When the State Bureau of Medical Cannabis Regulation (BMCR) begins issuing Type 8 licenses under MCRSA, the applicant or license holder *shall* file a complete application with the BMCR within 60 days.
- (l) Notwithstanding any other provision of this Chapter, a person participating in the testing of Cannabis who is registered pursuant to this Chapter, but who applies for and is denied a State license *shall* immediately cease all Cannabis testing within the County until he/she successfully obtains the proper State testing license(s) by BMCR.

(6) Fees:

- (a) The County shall collect from the applicant a regulatory program fee (hereinafter referred to as Fee) when an applicant submits an application to establish a Cannabis testing facility with the Planning Department pursuant to this Chapter.
- (b) Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing, and enforcing this Chapter.
- (c) A Use Permit required by this license is an independent action that *shall* require a Use Permit Fee.
- (d) The Cannabis Testing Facilities Program Fee is shall be:
 - i. Type 8 License: Year 1 - \$2 per square foot plus \$1,000 towards General Plan update. Successive years - \$1,000 General Plan Fee, plus \$1,000 processing Fee.
 - ii. Inspection/Reinspection Fee: \$200.00
 - iii. Transfer Fee: \$3,000.00
- (e) Fees shall be paid thereafter annually prior to March 1 of each year.

(7) Denial/Revocation of License:

- (a) Applicant's application shall be denied or the issuance of a license rescinded if Trinity County becomes aware that:
 - i. The applicant has provided materially false documents or testimony; or

- ii. The operation as proposed, if licensed, would not comply with all applicable laws, including, but not limited to, the Building, Planning, Housing, Fire, and Health Codes of the County, including the provisions of this Chapter and with all applicable laws including zoning and county ordinances.
- (b) Applicant shall be given a minimum of seven (7) business days to correct any deficiencies prior to the issuance of a denial or rescission.
- (c) Applicants shall have the right to appeal any denials to the Planning Director. Any person dissatisfied with the decisions of the Planning Director may appeal therefrom to the Planning Commission at any time within ten (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 to transmit to the Secretary of the Planning Commission all papers and documents on file with the Planning Director relating to the appeal and schedule the appeal for the Commission hearing.
- (d) Applicant shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Code.

(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 Code.
- (b) The Code Enforcement Officer shall make reasonable efforts to notify the owner and/or violator.
- (c) Additional fees may be required for code enforcement reinspection.

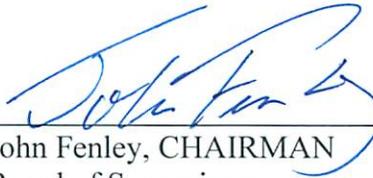
Section II: This ordinance shall take effect and be in full force and effect thirty (30) days after its passage and before the expiration of fifteen (15) days after passage of this ordinance, it shall be published once with the names of the members of the Board of Supervisors voting for and against the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

Section III: The County finds that this Chapter is not subject to the California Environmental Quality Act (CEQA) pursuant to 14 Cal.Code Regs. Sec. 15378(b)(5) and is an administrative activity that will not result in direct or indirect physical changes in the environment. The establishment of individual Cannabis testing facilities will require a Use Permit requiring the applicant to complete a Project Initial Study-Environmental Checklist and Evaluation of Environmental Impacts.

Introduced at a regular meeting of the Board of Supervisors held on the 3rd day of October, 2017, and passed and enacted this 17th day of October, 2017 by the Board of Supervisors of the County of Trinity by motion, second (Groves/Morris), and the following vote:

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

Ordinance No. 315-824
October 17, 2017
Page 7 of 7



John Fenley, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:
MARGARET LONG
Clerk of the Board of Supervisors

By: Naemi Gerke
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret Long, County Counsel
For Margaret Long.

ORDINANCE NO. 315-826
AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ALLOWING FOR WHOLESALE CANNABIS NURSERIES AND
RESALE OF AUXILIARY NURSERY PRODUCTS

Section I: The Board of Supervisors of the County of Trinity hereby finds and declares as follows:

Findings and Declarations:

- (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”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that 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 recommendation of a physician are not thereby subject to criminal prosecution or sanction.
- (2) The State enacted SB 20 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 their 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, and 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.
- (3) On September 11, 2015, the state enacted the Medical Cannabis Regulation and Safety Act (MCRSA), which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, manufacturing, 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. MCRSA was amended by SB 837.
- (4) Previous landmark legislation, including the compassionate Use Act and the Medical Marijuana Program Act, have precipitated a “green rush” with individuals moving to Trinity county to grow marijuana; with some seeking to capitalize on ambiguities in the law, while others lack an awareness of community and environmental consciousness.
- (5) Since the adoption of MCRSA, 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 outside Trinity County, who seek to expand their current cultivation operations, or start new ones.
- (6) On November 8, 2016, voters approved AUMA to allow recreational use of marijuana by adults over the age of 21.
- (7) 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.
- (8) 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.
- (9) It is the purpose and intent of this Ordinance to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
 - (10) It is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
 - (11) This ordinance provides regulations and control over Cannabis nursery products and prevents the potential introduction of pests and disease into the community through foreign agricultural products.

The County hereby enacts the following as Section 28.4 of the Trinity County Zoning Ordinance No. 315, as follows:

Sections:

- (1) Definitions
- (2) Allowable Zoning Districts
- (3) Regulation of Nurseries
- (4) Required Conditions of Use Permit Approval
- (5) Enforcement
- (6) Fees
- (7) Denial/Rescission of License

(1) Definitions:

- (a) "Authorized School Bus Stop" means any location established by a school district for pick-up and/or delivery of school children.
- (b) "Auxiliary Nursery Sales": ancillary goods sold within a Cannabis nursery that are directly related, supplementary and subordinate to the Cannabis products sold within the nursery and that are specifically for planting and promulgation of Cannabis.
- (c) "Cannabis" and "Marijuana" are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- (d) "Cannabis Nursery" means a wholesale sales facility operated by a licensee that produces only clones, immature plants, seeds and other agricultural products used specifically for planting and promulgation of Cannabis and sold only to licensed Commercial Cannabis Cultivation growers. Retail sales are not permitted.
- (e) "Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.
- (f) "Residential Treatment Facility" means a facility providing for treatment of drug and alcohol dependency.
- (g) "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.
- (h) "Youth-oriented facility" means public park, school authorized bus stop and any establishment that advertises in a manner that identifies the establishment as catering to or

providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(2) Allowable Zoning Districts:

All Cannabis nursery facilities require a Type 4 State license.

- (a) Cannabis nursery facilities may be permitted only in the following Zoning Districts subject to first securing a Planning Commission-issued Conditional Use Permit:
 - i. Agriculture (A)
 - ii. Heavy Commercial (C-3)
 - iii. Heavy Industrial/Manufacturing (M-2)
 - iv. Light Industrial/Manufacturing (M-1)
 - v. Industrial (I)
 - vi. Specific Unit Development (SUD), whose guidelines specifically identify parcels for industrial development.
- (b) Regardless of Zoning District, Cannabis nurseries shall not be permitted within the following areas:
 - i. Recreation District #1(RD-1) [This is primarily the area included within the Shasta-Whiskeytown-Trinity National Recreation Area]
 - ii. Ruth Lake Specific Unit Development [This is primarily the area within the Ruth Lake Recreation Area]

(3) Regulation of Nurseries:

- (a) The following requirements shall apply to all Cannabis nurseries:
 - i. A Cannabis nursery shall possess and be in full compliance with a Type 4 State license.
 - ii. Cannabis nurseries shall not be located within one thousand (1,000) feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within five hundred (500) feet of an authorized school bus stop. Variances are allowed upon review of the Planning Commission.
 - iii. Cannabis nursery operators shall ensure that all clones, immature plants, seeds and other agricultural products are obtained from appropriately licensed cultivation sources and shall implement best practices to ensure that all cannabis products are properly stored, labeled, transported, and inspected prior to distribution to an appropriately licensed individual.
 - iv. Cannabis nurseries shall have security measures, including fencing, sufficient to restrict access and deter trespass and theft of Cannabis or Cannabis products. Fencing must include a lockable gate that is locked at all times when the property owner and/or employees are not on the premises. Fencing shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth, although shade cloth may be used on the inside of the fence.
 - v. Cannabis nurseries may grow clones and immature plants indoors, but only when allowed by the required Conditional Use Permit.
 - vi. Cannabis nurseries shall comply with all other provisions of the Trinity County Code and the Zoning Ordinance.
 - vii. Development standards: The development standards (such as setbacks, minimum lot coverage, etc.) shall be as shown for the applicable zoning district, provided, however, that the Planning Commission may establish more restrictive standards on a case-by-case basis during the use permit approval process.

- viii. Auxiliary nursery sales are permitted within the established nursery facility; however, the location of sales shall not exceed ten percent (10%) of the Cannabis nursery facility.

(4) Required Conditions of Use Permit Approval:

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

- (j) Cannabis is not recognized under Federal law and an application does not grant any right to violate federal law.
- (k) When the State begins issuing Type 4 Licenses under Medicinal and Adult Use Cannabis Regulations and Safety Act (MAUCRSA), the applicant or License holder shall file a complete application for the appropriate State license with the appropriate State licensing authority within 60 days of obtaining a County license.
- (l) The effective date of a county issued entitlement for a Cannabis nursery shall not begin until all State and County licensing, permitting and approvals have been obtained.
- (m) Notwithstanding any other provision of this ordinance or the Trinity County Code, a person cultivating Cannabis for the purposes of nursery sales, or resale of wholesale Cannabis nursery products pursuant to this ordinance, but who applies for and is denied a State license, shall immediately cease all Cannabis nursery cultivation within the County until he/she successfully obtains the proper State nursery cultivation license(s) under MAUCRSA.

(5) Enforcement:

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

(6) Fees:

- (a) The County shall collect from the applicant a regulatory program fee ("Fee") when the Application is submitted to the Planning Department pursuant to this Chapter.
- (b) Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing, and enforcing this Chapter.
- (c) The Cannabis Nursery Program Fee is set at:
 - i. Nursery License: \$2,500, plus \$1,000 toward general plan update
 - ii. Inspection Fee: \$200.
- (d) Fees shall be paid thereafter annually prior to March 1 of each year.

(7) Denial/Rescission of License:

- (a) Applicant's Application shall be denied or the issuance of a license rescinded if the County becomes aware that:
 - i. The applicant has provided materially false documents or testimony.
 - ii. The operation as proposed, if permitted, would not comply with all applicable laws, including, but not limited to, the Building, Planning, Housing, Fire, and Health Codes of the County, including the provisions of the Chapter and with all applicable laws, including zoning and County ordinances.
- (b) The applicant shall be given a minimum of seven (7) business days to correct any deficiencies prior to the issuance of a denial or rescission.
- (c) The applicant may appeal a denial or revocation as provided in the appeals process of the Zoning Ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

Section II: 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 17th day of October, 2017, and passed and enacted this 4th day of December, 2017 by the Board of Supervisors of the County of Trinity by motion, second (Morris/Groves), and the following vote:

AYES: Supervisors Groves, Morris, Chadwick and Fenley

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None



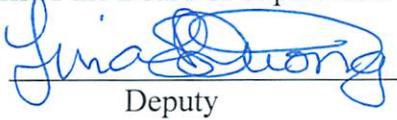
John Fenley, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

MARGARET LONG

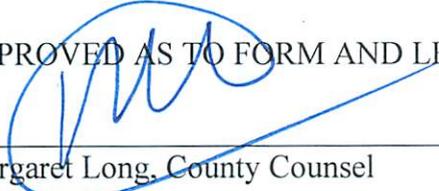
Clerk of the Board of Supervisors

By:



Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret Long, County Counsel

ORDINANCE NO. 315-827
AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ALLOWING FOR WHOLESALE CANNABIS NURSERIES AND
RESALE OF AUXILIARY NURSERY PRODUCTS

Section I: The Board of Supervisors of the County of Trinity hereby finds and declares as follows:

Findings and Declarations:

- (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”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use marijuana for medical purposes where that 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 recommendation of a physician are not thereby subject to criminal prosecution or sanction.
- (2) The State enacted SB 20 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 their 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, and 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.
- (3) On September 11, 2015, the state enacted the Medical Cannabis Regulation and Safety Act (MCRSA), which took effect January 1, 2016, and which mandated a comprehensive state licensure and regulatory framework for cultivation, manufacturing, 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. MCRSA was amended by SB 837.
- (4) Previous landmark legislation, including the compassionate Use Act and the Medical Marijuana Program Act, have precipitated a “green rush” with individuals moving to Trinity county to grow marijuana; with some seeking to capitalize on ambiguities in the law, while others lack an awareness of community and environmental consciousness.
- (5) Since the adoption of MCRSA, 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 outside Trinity County, who seek to expand their current cultivation operations, or start new ones.
- (6) On November 8, 2016, voters approved AUMA to allow recreational use of marijuana by adults over the age of 21.
- (7) 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.
- (8) 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.

- (9) It is the purpose and intent of this Ordinance to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
- (10) It is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
- (11) This ordinance provides regulations and control over Cannabis nursery products and prevents the potential introduction of pests and disease into the community through foreign agricultural products.

The County hereby enacts the following as Section 43.4 of the Trinity County Zoning Ordinance No. 315, as follows:

Sections:

- (1) Definitions
- (2) Allowable Zoning Districts
- (3) Regulation of Nurseries
- (4) Required Conditions of Use Permit Approval
- (5) Enforcement
- (6) Fees
- (7) Denial/Rescission of License

(1) Definitions:

- (a) “Authorized School Bus Stop” means any location established by a school district for pick-up and/or delivery of school children.
- (b) “Auxiliary Nursery Sales”: ancillary goods sold within a Cannabis nursery that are directly related, supplementary and subordinate to the Cannabis products sold within the nursery and that are specifically for planting and promulgation of Cannabis.
- (c) “Cannabis” and “Marijuana” are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- (d) “Cannabis Nursery” means a wholesale sales facility operated by a licensee that produces only clones, immature plants, seeds and other agricultural products used specifically for planting and promulgation of Cannabis and sold only to licensed Commercial Cannabis Cultivation growers. Retail sales are not permitted.
- (e) “Church” means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.
- (f) “Residential Treatment Facility” means a facility providing for treatment of drug and alcohol dependency.
- (g) “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.
- (h) “Youth-oriented facility” means public park, school authorized bus stop and any establishment that advertises in a manner that identifies the establishment as catering to or

providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

(2) Allowable Zoning Districts:

All Cannabis nursery facilities require a Type 4 State license.

- (a) Cannabis nursery facilities may be permitted only in the following Zoning Districts subject to first securing a Planning Commission-issued Conditional Use Permit:
 - i. Agriculture (A)
 - ii. Heavy Commercial (C-3)
 - iii. Heavy Industrial/Manufacturing (M-2)
 - iv. Light Industrial/Manufacturing (M-1)
 - v. Industrial (I)
 - vi. Specific Unit Development (SUD), whose guidelines specifically identify parcels for industrial development.
- (b) Regardless of Zoning District, Cannabis nurseries shall not be permitted within the following areas:
 - i. Recreation District #1(RD-1) [This is primarily the area included within the Shasta-Whiskeytown-Trinity National Recreation Area]
 - ii. Ruth Lake Specific Unit Development [This is primarily the area within the Ruth Lake Recreation Area]

(3) Regulation of Nurseries:

- (a) The following requirements shall apply to all Cannabis nurseries:
 - i. A Cannabis nursery shall possess and be in full compliance with a Type 4 State license.
 - ii. Cannabis nurseries shall not be located within one thousand (1,000) feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within five hundred (500) feet of an authorize school bus stop. Variances are allowed upon review of the Planning Commission.
 - iii. Cannabis nursery operators shall ensure that all clones, immature plants, seeds and other agricultural products are obtained from appropriately licensed cultivation sources and shall implement best practices to ensure that all cannabis products are properly stored, labeled, transported, and inspected prior to distribution to an appropriately licensed individual.
 - iv. Cannabis nurseries shall have security measures, including fencing, sufficient to restrict access and deter trespass and theft of Cannabis or Cannabis products. Fencing must include a lockable gate that is locked at all times when the property owner and/or employees are not on the premises. Fencing shall not violate any other ordinance, code section or provision of law regarding height and location restrictions and shall not be constructed or covered with plastic or cloth, although shade cloth may be used on the inside of the fence.
 - v. Cannabis nurseries may grow clones and immature plants indoors, but only when allowed by the required Conditional Use Permit.
 - vi. Cannabis nurseries shall comply with all other provisions of the Trinity County Code and the Zoning Ordinance.
 - vii. Development standards: The development standards (such as setbacks, minimum lot coverage, etc.) shall be as shown for the applicable zoning district, provided, however, that the Planning Commission may establish more restrictive standards on a case-by-case basis during the use permit approval process.

- viii. Auxiliary nursery sales are permitted within the established nursery facility; however, the location of sales shall not exceed ten percent (10%) of the Cannabis nursery facility.

(4) Required Conditions of Use Permit Approval:

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

- (j) Cannabis is not recognized under Federal law and an application does not grant any right to violate federal law.
- (k) When the State begins issuing Type 4 Licenses under Medicinal and Adult Use Cannabis Regulations and Safety Act (MAUCRSA), the applicant or License holder shall file a complete application for the appropriate State license with the appropriate State licensing authority within 60 days of obtaining a County license.
- (l) The effective date of a county issued entitlement for a Cannabis nursery shall not begin until all State and County licensing, permitting and approvals have been obtained.
- (m) Notwithstanding any other provision of this ordinance or the Trinity County Code, a person cultivating Cannabis for the purposes of nursery sales, or resale of wholesale Cannabis nursery products pursuant to this ordinance, but who applies for and is denied a State license, shall immediately cease all Cannabis nursery cultivation within the County until he/she successfully obtains the proper State nursery cultivation license(s) under MAUCRSA.

(5) Enforcement:

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

(6) Fees:

- (a) The County shall collect from the applicant a regulatory program fee (“Fee”) when the Application is submitted to the Planning Department pursuant to this Chapter.
- (b) Such fee shall fairly and proportionately generate sufficient revenue to cover the costs of administering, implementing, and enforcing this Chapter.
- (c) The Cannabis Nursery Program Fee is set at:
 - i. Nursery License: \$2,500, plus \$1,000 toward general plan update
 - ii. Inspection Fee: \$200.
- (d) Fees shall be paid thereafter annually prior to March 1 of each year.

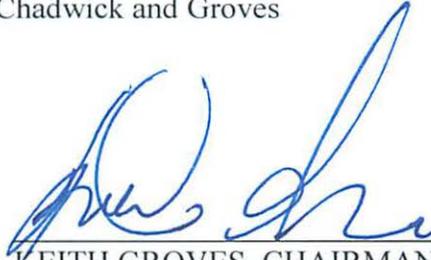
(7) Denial/Rescission of License:

- (a) Applicant’s Application shall be denied or the issuance of a license rescinded if the County becomes aware that:
 - i. The applicant has provided materially false documents or testimony.
 - ii. The operation as proposed, if permitted, would not comply with all applicable laws, including, but not limited to, the Building, Planning, Housing, Fire, and Health Codes of the County, including the provisions of the Chapter and with all applicable laws, including zoning and County ordinances.
- (b) The applicant shall be given a minimum of seven (7) business days to correct any deficiencies prior to the issuance of a denial or rescission.
- (c) The applicant may appeal a denial or revocation as provided in the appeals process of the Zoning Ordinance, or, if applicable as prescribed in Chapter 8.90.130 of the Trinity County Code.

Section II: 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 17th day of October, 2017, and passed and enacted this 3rd day of January, 2018 by the Board of Supervisors of the County of Trinity by motion, second (Fenley/Morris), and the following vote:

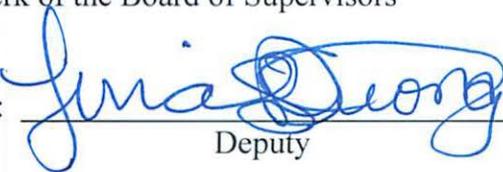
AYES: Supervisors Morris, Fenley, Chadwick and Groves
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: Supervisor Mines



KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

RICHARD KUHNS
Clerk of the Board of Supervisors

By:  _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel

Joseph Larmour Dep. County Counsel

ORDINANCE NO. 315-828
AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF
TRINITY ALLOWING FOR DISTRIBUTION OF CANNABIS

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

Section 1: Findings and Declarations:

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”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use Cannabis for medical purposes where that 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 for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction.
2. The State enacted SB 420 in 2004 known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7et 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 and enhance the access of patients and caregivers to medical Cannabis through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB420.
3. 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, distribution, distribution, transportation, testing and dispensing of medical Cannabis on a commercial basis. MMRSA was amended by SB 837. On June 27, 2017, the State enacted the Medicinal and Adult-Use Cannabis Regulation and Safety Act setting forth regulations for State licensure beginning in January, 2018.
4. Senate Bill 94 known as the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), established a comprehensive system to control and regulate the cultivation, distribution, transport, storage, distribution, processing and sale of both of the following:(1) Medicinal Cannabis and medicinal Cannabis products for patients with valid physician’s recommendations; and (2) Adult-use Cannabis and adult-use Cannabis products for adults 21 years of age and over.
5. The County finds that in the absence of a formal regulatory framework the negative impacts frequently associated with Cannabis distribution 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.

6. It is the purpose and intent of this Chapter to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
7. It is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
8. This ordinance provides regulations and control over distribution of Cannabis, and prevents the potential illegal distribution of Cannabis within the County.

Section 2: Application

The County hereby enacts the following as Section 43.5 of the Trinity County Zoning Ordinance No.315: Cannabis Distribution

1. Definitions:

- A. "Cannabis" and "Marijuana" are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- B. "Cannabis distribution facility" means a building or premises used exclusively for storage, packaging, labeling, and/or as a transportation terminus for Cannabis products between entities that are properly licensed.
- C. "Distribution" means the procurement, sale and transport of Cannabis and Cannabis products between entities that are property licensed.
- D. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, excluding homeschools.
- E. "Youth-oriented facility" means Public Park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

2. Allowable Zoning Districts

- A. Cannabis Distribution (requiring Type 11 State license) may be allowed in the following zoning districts subject to first obtaining a Conditional Use Permit:
 - General Commercial ("C2")
 - Heavy Commercial ("C3")
 - Industrial ("I")
 - Agricultural ("A")
 - Specific Unit Development ("SUD"), whose guidelines specifically identify parcels for industrial development.

- B. The restrictions under Section 2A do not apply to transportation only licenses.
- C. Type 11 Transportation Only licenses will be allowed within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District, although no Cannabis Distribution facilities will be allowed in these areas.

3. **Regulations:**

Cannabis distribution shall comply with all of the following regulations:

- A. Cannabis distribution facilities shall be located only in zoning districts identified in Section 2.A. in this ordinance as allowable zoning districts for Cannabis distribution facilities.
- B. Cannabis distribution facilities shall not be allowed within one thousand (1,000) feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein or within 500 feet of an authorized school bus stop, unless a variance is obtained.
- C. All Cannabis distributors shall ensure that Cannabis is obtained from licensed cultivation sources and shall implement best practices to ensure that all Cannabis products are properly stored, labeled, transported and tested prior to distribution at a legally permitted and licensed retail facility.
 - i. A Transportation Only license is also available from Trinity County, which will allow the transportation of Cannabis products within the State of California for distribution to licensed distributors and manufacturers without a conditional use permit.
- D. Security plan shall be developed which is compliant with State requirements and submitted with an application and must be sufficient to restrict access to only those intended and to deter trespass and theft of Cannabis or Cannabis products shall be provided and maintained. The Security plan shall be approved by the Board of Supervisors, or its designee.
- E. A site operations plan shall be submitted with the application for a Conditional Use Permit.
- F. Any license holder of a distribution license shall not have been convicted of serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of Cannabis except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.
- G. Cannabis and Cannabis products shall only be transported between licensed commercial operations in good standing with the County and the State.
- H. Distributors shall ensure that appropriate samples of Cannabis or Cannabis products are tested by a State- and/or County-licensed testing facility prior to distribution.
- I. Prior to distribution to retailers, the distributor shall receive a certificate of analysis stating that test samples meet specifications required by law.
- J. Cannabis and Cannabis products shall be packaged and labeled in accordance with the requirements of State law.
- K. Overnight storage of Cannabis and Cannabis product is not allowed in any vehicles within the County unless secured in a licensed distribution facility.

4. Required Findings:

A Conditional Use Permit for Cannabis distribution shall not be granted by the Trinity County Planning Department unless all of the following findings are made based on substantial evidence:

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

5. Required Conditions:

In addition to conditions and mitigation measures that may be included in the Conditional Use Permit for a distribution facility, the following conditions shall be met:

- A. The distributor shall allow access to the facility and any vehicles utilized in transportation, and access to records if requested by the County, its officers, or agents, and shall allow inspections from the County or its officers to verify compliance with all relevant rules, regulations and conditions.
- B. The applicant for the distribution facility and the property owner shall indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the license or relating to any damage to property or persons stemming from the commercial Cannabis activity.
- C. Any person operating a Cannabis distribution facility shall obtain a valid and fully executed commercial Cannabis distribution license or provisional license from the State prior to commencing operations, and must maintain such license in good standing in order to continue operations.
- D. The property owner shall be responsible for ensuring that all commercial Cannabis activities at the site operate in good standing with permits and licenses required by Trinity County Code and State law. Failure to take appropriate action to evict or otherwise remove licensees who do not maintain permits or licenses in good standing with the County or State shall be grounds for the suspension or revocation of a Conditional Use Permit pursuant to this Chapter.
- E. The distribution facility and activities shall be maintained in accordance with the operating plan associated with the Conditional Use Permit and approved by the County.
- F. Any person who is not the legal owner of a parcel for which they are obtaining a Conditional Use Permit to operate a Cannabis distribution facility shall provide written and notarized authorization from the legal owner of the parcel prior to commencing activities included in the Conditional Use Permit on such parcel.
- G. The Cannabis Distribution Program Fee is due annually on March 1st and is set at:
 - i. Type 11: \$6,000 plus \$1,000 towards the General Plan update.
 - ii. Type 11 (Transportation Only): \$2,000.

- iii. Fees shall be paid thereafter annually prior to March 1st of each year.
- H. The above Fee amounts are not anticipated to fully cover the cost of administering this 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.
- J. 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.

6. Denial/Rescission of License:

- A. Applicant's application shall be denied or the issuance of a license rescinded if Trinity County becomes aware that:
 - i. The applicant has provided materially false documents or testimony; or
 - ii. The operation as proposed if allowed, would not comply with all applicable laws including but not limited to the Building, Planning, Housing, Fire and Health and Safety Codes of the County including the provisions of this Chapter and with all applicable laws including zoning and Trinity County ordinances.
 - iii. Applicant shall be given up to seven (7) business days to correct any deficiencies prior to the issuance of a denial or rescission unless there is an immediate threat to public health or safety that requires an immediate correction of the deficiency.
 - iv. Applicant or Licensee shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Code.

Section 3: CEQA

The County finds that this Chapter is not subject to the California Environmental Quality Act (CEQA) pursuant to 14 Cal.Code Regs.Sec. 15378(b)(5) and is an administrative activity that will not result in direct or indirect physical changes in the environment. The establishment of individual Cannabis distribution facilities will require a Planning Commission-issued Conditional Use Permit requiring the applicant to complete a Project Initial Study-Environmental Checklist and Evaluation of Environmental Impacts.

Introduced at a regular meeting of the Board of Supervisors held on the 3rd day of January 2018, and passed and enacted this 17th day of January 2018 by the Board of Supervisors of the County of Trinity by motion second (Morris/Chadwick), and the following vote:

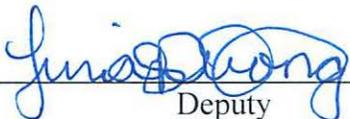
AYES: Supervisors Chadwick, Morris and Groves
NOES: None
ABSENT: Supervisor Fenley
ABSTAIN: None
RECUSE: Supervisor Mines



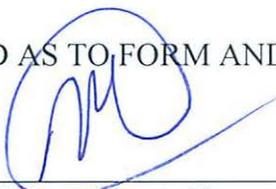
KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

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

By: 
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel

ORDINANCE NO. 315-829

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING SECTION 28 OF ZONING ORDINANCE NO. 315
PERTAINING TO COMMERCIAL CANNABIS CULTIVATION REGULATIONS**

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

The County hereby amends the following sections of Section 28 of the Trinity County Zoning Ordinance No.315 to read as follows:

(1) Definitions:

(c) "Area" is the measurement of Cannabis plant growth in square feet as defined by the California Department of Food and Agriculture. Pursuant to the current regulations, the Area is defined as canopy. All changes by California Department of Food and Agriculture are automatically incorporated herein.

(d)

(f) "Commercial Cannabis" means any commercial Cannabis activity allowed under MMR- SA, AUMA and/or MAUCRSA (SB 94) and AB 133, 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 1996 (Proposition 215) found at Section 11362.5 of the Health and Safety Code.

(2) Application:

(c) Any licensing required under this Ordinance will require enrollment as dictated by the SWRCB in the NCRWQCB Order #2015-0023 or in the SWRCB's Order regulating discharge requirements for discharges of waste associated with Cannabis cultivation activities.

(3) Application Requirements:

(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 property in order for the license to transfer. All exceptions that apply to the original license shall transfer with the license.
- ii. License may transfer their license to other property under their ownership or for which they have a valid rental agreement and certification of permission to grow Cannabis on the property. 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) Registration Phases:

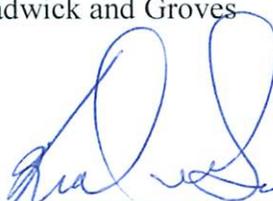
- (c) The County will allow fifteen (15) Type 3 licenses. These licenses shall be available to those who have already obtained a license pursuant to Ordinance No. 315-816 EXT(A2) and are seeking a Type 3 license for the property associated with the license issued pursuant to Ordinance No. 315-816 EXT(A2). 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 2016/17 license with Trinity County.
 - ii. Be applying for property that is 50 acres or more.
 - iii. Apply for and obtain a Use Permit.

Section II: The County finds that this Ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to 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 17th day of January, 2018, and passed and enacted this 6th day of February, 2018 by the Board of Supervisors of the County of Trinity by motion, second (Fenley/Morris), and the following vote:

AYES: Supervisors Morris, Fenley, Chadwick and Groves
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: Supervisor Mines



KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

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

By: 
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel

ORDINANCE NO. 315-830

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING SECTION 28 OF TRINITY COUNTY ZONING ORDINANCE NO. 315
REGARDING COMMERCIAL CANNABIS CULTIVATION REGULATIONS**

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

Section I: The County hereby amends the following sections of Section 28 of the Trinity County Zoning Ordinance No.315 to read as follows:

(1) Definitions:

- (h) "Designated Area" means the hoop-house, greenhouse, and/or outdoor area(s), identified for the planting, growing and harvesting of Cannabis. Designated Area shall not exceed 200% of the Area for the license type; canopy (mature plants) will not exceed the square footage allowed per license type and the additional square footage shall include immature plants (in a vegetative state prior to flowering) and access areas. Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a Nursery license.
- (l) "Mixed Light" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 section 8000, and, at the time of enactment, means the cultivation of mature Cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using one of the artificial lighting models described below;
 - (i) "Mixed-Light Tier 1" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 section 8000, and, at the time of enactment, means the use of artificial light at a rate of six watts per square foot or less;
 - (ii) "Mixed-Light Tier 2" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.
- (n) "Outdoors" or "Outdoor Cultivation" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 section 8000, and, at the time of enactment, means the cultivation of mature Cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants.

(2) Application

- (a) Issuance 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 the 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 to the cultivated square footage provisions as defined by state regulations and allowed in this Ordinance.
- (b) Any licensing, except for Specialty Cottage Outdoor that qualifies under 2000 sq. ft. cultivation area and less than 5% slope, provided under this Ordinance will require enrollment as dictated by the SWRCB in the NCRWQCB Order #2015-0023 or in the SWRCB's Order regulating discharge requirements for discharges of waste associated with Cannabis cultivation activities. Applicants, except for Specialty Cottage Outdoor

applicants, shall have been compliant with this requirement during the application period covered by the Urgency Ordinance to develop a record of environmental compliance. Applicants for Specialty Cottage Outdoor shall enroll under the SWRCB's Order on or before the date of application for a Trinity County commercial cultivation license. Priority for receiving Specialty Cottage Outdoor licenses within Trinity County Waterworks District #1 shall be based on date of application with the County.

(3) Application Requirement

(a)(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 as stated in the State Regulations §8201:

1. Specialty Cottage:
 - a. "Specialty Cottage Outdoor" is an outdoor cultivation site with up to 25 mature plants. If cultivation area is under 2,000 sq. ft. with a slope less than 5% a Water Board permit is not required. Or if cultivation area is between 2000 and 2500 sq. ft. or if under 2,000 sq. ft. with a slope greater than 5% a Water Board permit is required.
 - b. "Specialty Cottage Indoor" is an indoor cultivation site with 500 square feet or less of total canopy.
 - c. "Specialty Cottage Mixed-Light Tier 1 and 2" is a mixed-light cultivation site with 2,500 square feet or less of total canopy.
2. Specialty:
 - a. "Specialty Outdoor" is an outdoor cultivation site with less than or equal to 5,000 square feet of total canopy, or up to 50 mature plants on noncontiguous plots.
 - b. "Specialty Mixed-Light Tier 1 and 2" is a mixed-light cultivation site between 2,501 and 5,000 square feet of total canopy.
3. Small:
 - a. "Small Outdoor" is an outdoor cultivation site between 5,001 and 10,000 square feet of total canopy.
 - b. "Small Mixed-Light Tier 1 and 2" is a mixed-light cultivation site between 5,001 and 10,000 square feet of total canopy.
4. Medium:
 - a. "Medium Outdoor" is an outdoor cultivation site between 10,001 square feet and one (1) acre of total canopy.
5. All other license types are not allowed at this time by the County of Trinity, unless adopted by the County in subsequent Ordinance or Ordinances.

(5) Limitation on Location to Cultivate Cannabis

- (a) Applications will not be approved 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.
 - (ii) Within five hundred (500) feet of an authorized school bus stop.
 - (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 Services 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 is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:

- Weaverville Community Services District by December 31, 2016;
 - Lewiston Community Services District by January 15, 2017;
 - Trinity County Waterworks District #1 by July 1, 2018;
 - Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.
- (vii) Designated Area shall not exceed 200% 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 Specialty Cottage, Specialty and Small licenses cultivation shall not be allowed within three hundred fifty (350) feet of a residential structure on any adjoining parcels. For Medium licenses, cultivation shall not be allowed within five hundred (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's Use Permit for subsequent years after an inspection.

(9) Fees

(c) The Cannabis Cultivation Program Fee is set at:

- i. Specialty Outdoor and Mix Light: \$4,000 plus \$1,000 toward the general plan up-date.
- ii. Specialty Cottage:
 1. Outdoor: \$750 plus \$250 towards general plan update.
 2. Mix Light: \$1,500 plus \$250 towards general plan update.
 3. Indoor: \$2,000 plus \$250 towards general plan update.
- iii. Small Outdoor and Mix Light: \$5,000 plus \$1,000 toward the general plan up- date.
- iv. Medium Outdoor: \$8,000 plus \$1,000 toward the general plan update.
- v. Cannabis Variance Fee: \$751.

The County hereby adds the following sections to Section 28 of the Trinity County Zoning Ordinance No.315 to read as follows:

(1) Definitions:

- (z) "Indoor" means within a "Fully Enclosed and Secure Structure" as defined herein, using artificial lights at a rate greater than 25 watts per square foot.
- (aa) "Immature" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means Cannabis plant that is not flowering.
- (bb) "Mature" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means a Cannabis plant that is flowering;
- (cc) "Watts per Square Foot" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means the sum of the maximum wattage of all lights identified in a designated canopy area(s) in the cultivation plan divided by the sum of the dimension in square feet of designated canopy area(s) identified in the cultivation plan.

(dd) "Premises" means the designated structure(s) and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises may only be occupied by one County Commercial Cannabis cultivation license type. Multiple additional commercial Cannabis activities (i.e., Nursery, Distribution, Manufacturing, etc.) may exist on the same Legal Parcel.

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 21st day of February, 2018, and passed and enacted this 6th day of March, 2018 by the Board of Supervisors of the County of Trinity by motion, second (Fenley/Chadwick), and the following vote:

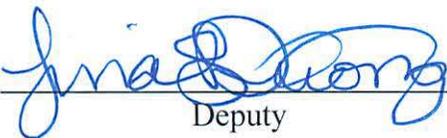
- AYES: Supervisors Chadwick, Fenley and Groves
- NOES: None
- ABSENT: Supervisor Morris
- ABSTAIN: None
- RECUSE: Supervisor Mines



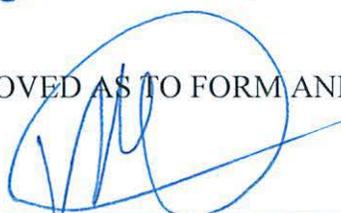
KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

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

By:  _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel

ORDINANCE NO. 315-833

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING SECTION 43.4 OF
TRINITY COUNTY ZONING ORDINANCE NO. 315
REGARDING WHOLESALE CANNABIS NURSERIES
AND RESALE OF AUXILIARY NURSERY PRODUCTS**

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

Section I: That Section 43.4 subsection 1(2)(a) of Trinity County Zoning Ordinance No. 315 is hereby amended by deleting in its entirety and substituting herewith the following:

2. Allowable Zoning Districts:

All Cannabis nursery facilities require a Type 4 State license.

- (a) Cannabis nursery facilities may be permitted only in the following Zoning Districts subject to first securing a Planning Commission-issued Conditional Use Permit:
 - i. Agriculture (A)
 - ii. Heavy Commercial (C-3)
 - iii. Heavy Industrial/Manufacturing (M-2)
 - iv. Light Industrial/Manufacturing (M-1)
 - v. Industrial (I)
 - vi. Specific Unit Development (SUD), whose guidelines specifically identify parcels for industrial development.
 - vii. Agricultural Preserve (“AP”). Cannabis nursery facilities in AP zones may not have Auxiliary nursery sales.

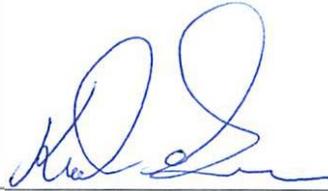
6. Fees:

- d. Fees shall be paid annually one year from date of issuance.

Section II: 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 5TH day of June, 2018, and passed and enacted this 19th day of June, 2018 by the Board of Supervisors of the County of Trinity by motion, second (Fenley/Chadwick) and the following vote:

AYES: Supervisors Chadwick Fenley, Mines and Groves
NOES: None
ABSENT: Supervisor Morris
ABSTAIN: None
RECUSE: None



KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

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

By: 
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:


Margaret Long, County Counsel

ORDINANCE NO. 315-834

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING SECTION 43.5 OF TRINITY COUNTY ZONING ORDINANCE NO.
315 REGARDING ALLOWANCE FOR DISTRIBUTION OF CANNABIS**

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

Section I: That Section 43.5 subsection 2(2)(A) of Trinity County Zoning Ordinance No. 315 is hereby amended by deleting in its entirety and substituting herewith the following:

2. Allowable Zoning Districts

A. Cannabis Distribution (requiring Type 11 State licenses) may be allowed in the following zoning districts subject to first obtaining a Conditional Use Permit:

General Commercial (“C2”)

Heavy Commercial (“C3”)

Industrial (“I”)

Agricultural (“A”)

Specific Unit Development (“SUD”), whose guidelines specifically identify parcels for industrial development.

Agriculture-Forest (“AF”)

C. Type 13 Transportation Only licenses will be allowed within the Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District, although no Cannabis Distribution facilities will be allowed in these areas.

5. Required Conditions:

G. The Cannabis Distribution Program Fee is due annually from the date of issuance and is set at:

ii. Type 13 (Transportation Only): \$2,000.

Section II: 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 5th day of June, 2018, and passed and enacted this 19th day of June, 2018 by the Board of Supervisors of the County of Trinity by motion, second (Chadwick/Fenley), and the following vote:

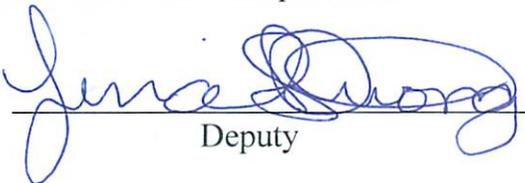
- AYES: Supervisors Fenley, Chadwick, Mines and Groves
- NOES: None
- ABSENT: Supervisor Morris
- ABSTAIN: None
- RECUSE: None



KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

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

By: 
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel

ORDINANCE NO. 315-835

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
ADDING SECTION 43.7 OF TRINITY COUNTY ZONING ORDINANCE NO. 315
REGARDING ALLOWANCE FOR NON-STOREFRONT COMMERCIAL CANNABIS
LICENSES**

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

Section 1: Findings and Declarations:

- A. 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”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use Cannabis for medical purposes where that 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 Cannabis for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction.
- B. The State enacted SB 420 in 2004 known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7et 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 and enhance the access of patients and caregivers to medical Cannabis through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB420.
- C. 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, manufacturing, distribution, transportation, testing and dispensing of medical Cannabis on a commercial basis. MMRSA was amended by SB 837. On June 27, 2017, the State enacted the Medicinal and Adult-Use Cannabis Regulation and Safety Act setting forth regulations for State licensure beginning in January, 2018.
- D. Previous landmark Cannabis legislation, including the Compassionate Use Act and the Medical Marijuana Program Act have precipitated a “green rush” with individual moving to Trinity County to grow and manufacture Cannabis; with some seeking to capitalize on ambiguities in the law while others lack an awareness of community and environmental consciousness.
- E. Senate Bill 94 known as the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), 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; and (2) Adult-use Cannabis and adult-use Cannabis products for adults 21 years of age and over.

- F. In the absence of a formal regulatory framework, Cannabis businesses are less likely to learn of, or implement, guidelines that are protective of the public peace health, safety and the environment.
- G. It is the purpose and intent of this Chapter to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
- H. It is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
- I. This ordinance provides regulations and control over Cannabis, and prevents the potential introduction of dangerous product and practices within the County.

Section 2: Application

The County hereby enacts the following as Section 43.7 of the Trinity County Zoning Ordinance No.315: Cannabis Non-Storefront Retail

1. Definitions:

- A. "Cannabis" and "Marijuana" are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- B. "Non-Storefront Retail" is defined as the selling and delivering of Cannabis and cannabis goods to customers from a licensed premise that is not open to the public.
- C. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, excluding homeschools.
- D. "Youth-oriented facility" means public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

2. Regulations: Cannabis Non-Storefront Retailers shall comply with all of the following regulations:

- A. Non-Storefront Retail licensees must identify one of the following license application types:
 - i. Adult-Use (A-License)
 - ii. Medicinal (M-License)
- B. Non-Storefront Retail businesses shall comply with the following:
 - i. Sales and deliveries must only take place between 6:00 a.m. and 10:00 p.m. Pacific Time.
 - ii. All Cannabis goods must be placed in an opaque exit package prior to leaving the premises.
 - iii. Deliveries may be made only by employees of the retailer.
 - iv. Deliveries must be to a private residence, and cannot be sent to a post office box. The private residence of the Consumer must be off-site residence of the Non-Storefront

- Retail licensee’s location. For purposes of this section, “private residence” “means a house, an apartment unit, a mobile home, or other similar dwelling.”
- v. Delivery vehicles may not contain more than the amounts allowed under State Code of Cannabis goods at any time.
 - vi. The licensee must be able to immediately locate all delivery vehicles at all times.
 - vii. Non-Storefront Retail Licensees cannot package or label cannabis goods.
 - a. An exception to this limitation is allowed for dried flower held in inventory by a retailer at the time of licensure that is not packaged; this dried flower may be packaged by the retailer into individual packages for sale beginning January 1, 2018 and before July 1, 2018.
 - viii. Retailer licensees cannot accept, possess, or sell cannabis goods if they are not packaged as they will be sold at final sale.
- C. Cannabis Non-Storefront Retailers shall possess a valid County Cultivation, Distribution, and/or Manufacturing license and shall abide by the regulations established under Trinity County’s cultivation ordinance. The retail premises shall be on the legal parcel as designated on the cultivation license.
- D. Cannabis Non-Storefront Retailers facilities shall be closed to the public. All orders must be placed via phone, facsimile, mail or internet.
- E. Non-Storefront Retail Licensees must allow access to any facilities or any vehicles utilized in transportation, and allow access to records if requested by the County, its officers, or agents, and allow inspections from the County or its officers to verify compliance with all relevant rules, regulations and conditions.
- F. Non-Storefront Retail Licensees must indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial Cannabis activity.
- G. Non-Storefront Retail Licensees must obtain a valid and fully executed commercial Cannabis Non-Storefront Retail license from the State prior to commencing operations, and must maintain such license in good standing in order to continue operations.
- H. Non-Storefront Retail Licensees and property owners who lease property to Non-Storefront Retailers must ensure that all commercial Cannabis activities at the site operate in good standing with permits and licenses required by the Trinity County Code and State law. Property owners who fail to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the County or State shall be subject to suspension or revocation Non-Storefront Retailer license, as well as personal liability for required enforcement.
- I. Non-Storefront Retail premises are only allowed in zones where cultivation licenses are allowed. The premises shall not be on prime Agricultural Soil, as determined by the Planning Director or his/her designee.
- i. Non-Storefront Retail premises will not be allowed within the following areas:
 - a. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
 - b. Timber Production Zones (TPZ) with the exception made for qualified Phase I Applicants (enrolled under NCRWQCB Order #2015-0023 by August 1, 2016).
 - c. Residential 1 (R1), Residential 2 (R2), or Residential 3 (R3) Zones.

- d. Within the legal boundaries of the Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District and Bucktail Subdivisions, Unit 1, 2, and 3 as found in Trinity County Book of Maps 3, Page 273, Book of Maps 4, Page 53, and Book of Maps 4, Page 150 accordingly on record with the Trinity County Recorder 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, I3, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance.
- J. Non-Storefront Retail premises and activities are not allowed within one thousand (1000) feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein. In addition, Non-Storefront Retail facilities and activities are not allowed within five hundred (500) feet from an authorized school bus stop, unless a variance is obtained.
- K. Non-Storefront Retail Licensees must pay an annual Program Fee annually from date of issue. The Cannabis Non-Storefront Retail Program Fee is set at: \$500.
- L. 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.

3. Denial/Rescission of License:

- A. Applicant's Application shall be denied or the issuance of a license rescinded if Trinity County becomes aware of any of the following:
 - i. The applicant has provided materially false documents or testimony;
 - ii. The operation as proposed if permitted, would not comply with all applicable laws including but not limited to the Building, Planning, Housing, Fire and Health Codes of the County including the provisions of 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. Applicant or Licensee shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Code.

Section 3: CEQA

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 4: 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.

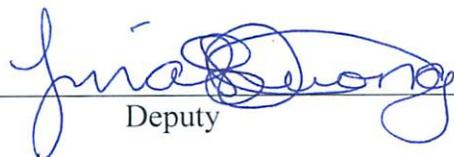
Introduced at a regular meeting of the Board of Supervisors held on the 5th day of June, 2018, and passed and enacted this 19th day of June, 2018 by the Board of Supervisors of the County of Trinity by motion second (Chadwick/Fenley), and the following vote:

- AYES: Supervisors Fenley, Chadwick, Mines and Groves
- NOES: None
- ABSENT: Supervisor Morris
- ABSTAIN: None
- RECUSE: None



KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:
Richard Kuhns, Psy.D
Clerk of the Board of Supervisors

By: 
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel

ORDINANCE NO. 315-837

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY ALLOWING FOR COMMERCIAL CANNABIS MICROBUSINESS LICENSES

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

Section 1: Findings and Declarations:

- A. 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”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use Cannabis for medical purposes where that 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 Cannabis for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction.
- B. The State enacted SB 420 in 2004 known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7et 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 and enhance the access of patients and caregivers to medical Cannabis through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB420.
- C. 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, manufacturing, distribution, transportation, testing and dispensing of medical Cannabis on a commercial basis. MMRSA was amended by SB 837. On June 27, 2017, the State enacted the Medicinal and Adult-Use Cannabis Regulation and Safety Act setting forth regulations for State licensure beginning in January, 2018.
- D. Previous landmark Cannabis legislation, including the Compassionate Use Act and the Medical Marijuana Program Act have precipitated a “green rush” with individual moving to Trinity County to grow and manufacture Cannabis; with some seeking to capitalize on ambiguities in the law while others lack an awareness of community and environmental consciousness.
- E. Senate Bill 94 known as the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), 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; and (2) Adult-use Cannabis and adult-use Cannabis products for adults 21 years of age and over.

- F. In the absence of a formal regulatory framework, Cannabis businesses are less likely to learn of, or implement, guidelines that are protective of the public peace health, safety and the environment.
- G. It is the purpose and intent of this Chapter to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
- H. It is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
- I. This ordinance provides regulations and control over Cannabis, and prevents the potential introduction of dangerous product and practices within the County.

Section 2: Application

The County hereby enacts the following as Section 43.1 of the Trinity County Zoning Ordinance No.315: Cannabis Microbusiness

1. Definitions:

- A. "Cannabis" and "Marijuana" are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- B. "Microbusiness" is defined as the cultivation of Cannabis on an area of less than 10,000 square feet and to act as a licensed Cannabis distributor, and/or manufacturer, and/or retailer, provided such permitted uses comply with all requirements imposed on cultivators, distributors, manufactures and retailers by the County and State to extend the permittee engages in such actives.
- C. "Premises" means the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.
- D. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, excluding homeschools.

- E. "Third party" means an individual or entity, other than the license holder in question, possessing a valid commercial Cannabis license from the State of California.
- F. "Youth-oriented facility" means public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

2. **Regulations:** Cannabis microbusinesses shall comply with all of the following regulations:

- A. An applicant for a microbusiness license must be licensed under the County's cultivation licensing program and cultivating on an area 10,000 sq. ft. or less and holding a valid Type 1 or Type 2 cultivation license. The combination of the microbusiness and cultivation license will count as one license as allowed by Ordinance 315-829.
- B. An applicant for a microbusiness license must hold a Trinity County cultivation license, engage in and be appropriately zoned for at least two (2) or more of the following qualifying commercial cannabis activities in addition to cultivation:
 - 1. Manufacturing (Type 6, Type N or Type P)
 - 2. Distribution (Type 11 and 13)
 - 3. Retail (Type 9 - Non-Storefront Retail)

Microbusiness licenses shall not relieve the Licensee of the requirements of holding and following the requirements of the individual license.

- C. A Microbusiness applicant shall not be accepted until the Cultivation License and applications for commercial cannabis activities listed above (in Section 2.2.B) have been accepted.
- D. A Microbusiness License shall not be issued until the Cultivation License and applications for commercial cannabis activities listed above (in Section 2.2.B) have been determined as eligible for issuance.
- E. All microbusiness activities shall not be conducted inside a private residence or require persons to pass through a private residence to access the licensed premises.
- F. Microbusiness applicants shall obtain a Conditional Use Permit. Microbusiness applicants may qualify for a Director's Use Permit rather than a Conditional Use Permit when the following conditions apply:
 - 1. The microbusiness does not employ more than three permanent, full-time employees, and/or does not compensate no more than 6,240 employee work hours per year; and,
 - 2. The microbusiness does not generate more than two non-employee vehicles visiting the licensed premises at any one time, or no more than six non-employee vehicles per week

- G. Should the vehicle access to the property on which the microbusiness license is granted be a shared and privately owned or maintained road or driveway, the Trinity County Planning Department will notify adjacent property owners who share use of the road/driveway. Objections from adjacent property owners who share use of the road/driveway may lead to further mitigation measures or the need for the microbusiness applicant to obtain a Conditional Use Permit as determined by the Director.
- H. The primary hours of operation shall be limited to 7:00 am to 8:00 pm Monday through Saturday, and 8:00 am to 5:00 pm Sundays.

3. Required Conditions:

In addition to any other conditions and mitigations that apply, Cannabis microbusinesses shall:

- A. Comply with all State and County codes related cultivation, manufacturing, distribution and retail, unless amended herein.
- B. Allow access to any facilities or vehicles utilized in transportation, records if requested by the County, its officers, or agents, and allow inspections from the County or its officers to verify compliance with all relevant rules, regulations and conditions.
- C. Indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial Cannabis activity.
- D. Obtain a valid and fully executed commercial Cannabis microbusiness license from the State prior to commencing operations, maintain such license in good standing in order to continue operations.
- E. Ensure that all commercial Cannabis activities at the site operate in good standing with permits and licenses required by the Trinity County Code and State law. Property owners who fail to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the County or State shall be subject to suspension or revocation microbusiness license, as well as personal liability for required enforcement.
- F. Be limited to the following distribution amounts: in addition to the product that is grown pursuant to licensee's Cannabis Cultivation License, the microbusiness can distribute the following amount of third party product:
 - 1. Those with a Specialty Cottage licenses can distribute 125 lbs. of product.
 - 2. Those with a Specialty Outdoor licenses can distribute 250 lbs. of product.
 - 3. Those with a Small Outdoor or Mixed-Light Tier 1 and 2 licenses can distribute 500 lbs. of product.
- G. Cannabis distributed from a third party shall be at least 75% from Trinity County sources.
- H. Only be located in zoning districts where commercial cannabis licenses are allowed according to their respective ordinance (Cultivation Ordinance 315-823 and

amendments; Manufacturing Ordinance 315-838, Distribution Ordinance 315-828 and Non-Storefront Retail Ordinance 315-835).

- I. A Microbusiness License shall not be allowed within the most restrictive setback distance as provided for in the Cultivation License or commercial cannabis activities permitted as part of this Microbusiness License, unless a variance is otherwise obtained.

4. Denial/Rescission of License:

- A. Applicant's Application shall be denied or the issuance of a license rescinded if the Trinity County becomes aware of any of the following:
 1. The applicant has provided materially false documents or testimony;
 2. The operation as proposed if permitted, would not comply with all applicable 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. Applicant or Licensee shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Code.

5. Fees

Pay a Cannabis Microbusiness License Fee annually from the date of issuance.

- A. The Cannabis Microbusiness License Fees are set at:
 1. Microbusiness /Specialty Cottage: \$2,500 plus \$750 towards the General Plan update.
 2. Microbusiness/Specialty: \$6,000 plus \$1,000 towards the General Plan update.
 3. Microbusiness/Small: \$8,000 plus \$1,000 towards the General Plan update.
- B. 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.
 1. If, based on the results of the fee study, the fee needs to be increased; the County may increase the fee by way of resolution for any new or renewal registrations.
 2. If, based on the results of the fee study, the fee exceeds the cost of administering this Ordinance the County shall decrease the fee by way of resolution and shall also reimburse applicants their proportional share of any overpayment.
- C. When transferring from a cultivation license to a microbusiness license, the Microbusiness Program Fees will be reduced, on a prorated basis, by the annual Cannabis Cultivation License Fee paid to obtain a cultivation license.

Section 3: CEQA

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.

Introduced at a regular meeting of the Board of Supervisors held on the 17th day of July, 2018, and passed and enacted this 7th day of August, 2018 by the Board of Supervisors of the County of Trinity by motion second (Morris/Chadwick), and the following vote:

AYES: Supervisors Chadwick, Morris, Fenley and Groves
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: Supervisor Mines



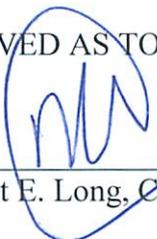
KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

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

By: _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel

ORDINANCE NO. 315-838

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY AMENDING ZONING ORDINANCE NO. 315 BY CREATING SECTION 28.2 ALLOWING FOR COMMERCIAL MANUFACTURING OF CANNABIS

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

Section 1: Findings and Declarations:

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”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use Cannabis for medical purposes where that 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 Cannabis for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction.
2. The State enacted SB 420 in 2004 known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7et 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 and enhance the access of patients and caregivers to medical Cannabis through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB420.
3. 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, manufacturing, distribution, transportation, testing and dispensing of medical Cannabis on a commercial basis. MMRSA was amended by SB 837. On June 27, 2017, the State enacted the Medicinal and Adult-Use Cannabis Regulation and Safety Act setting forth regulations for State licensure beginning in January, 2018.
4. Previous landmark Cannabis legislation, including the Compassionate Use Act and the Medical Marijuana Program Act have precipitated a “green rush” with individuals moving to Trinity County to grow and manufacturing Cannabis; with some seeking to capitalize on ambiguities in the law while others lack an awareness of community and environmental consciousness.
5. Senate Bill 94 known as the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), 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; and (2) Adult-use Cannabis and adult-use Cannabis products for

adults 21 years of age and over.

6. In the absence of a formal regulatory framework, Cannabis manufacturers are less likely to learn of, or implement, guidelines that are protective of the public peace health, safety and the environment.
7. It is the purpose and intent of this Chapter to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
8. It is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
9. This ordinance provides regulations and control over manufacturing of Cannabis, and prevents the potential introduction of dangerous product and practices within the County.

Section 2: Application

The County hereby enacts the following as Section 28.5 of the Trinity County Zoning Ordinance No.315: Cannabis Manufacturing

1. Definitions:

- A. "Cannabis" and "Marijuana" are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- B. "Manufacture" means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product. In addition, "*Manufacturer*" means a licensee that conducts the production, preparation or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination or extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.
- C. "Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent, including carbon dioxide and ethanol. This requires a Type 6 license which allows for extraction using mechanical methods or nonvolatile solvents.
- D. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, excluding homeschools.
- E. "Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. The state's examples of volatile solvents include, butane, hexane, and propane. Type 7 licensee can use both nonvolatile and volatile solvents in its extractions, infusions or mechanical methods.
- F. "Youth-oriented facility" means public park, and any establishment that advertises in a manner that identifies the establishment as catering to or providing services primarily intended for minors, or the individuals who regularly patronize, congregate or assemble at the establishment are predominantly minors.

2. Allowable Zoning Districts

- A. Nonvolatile or mechanical methods Cannabis manufacturing facilities (requiring a Type 6, Type N and Type P State License) may be permitted in the following zoning districts subject to first obtaining a Conditional Use Permit:

General Commercial (“C2”)

Heavy Commercial (“C3”)

Industrial (“I”)

Agricultural (“A”)

Specific Unit Development (“SUD”), whose guidelines specifically identify parcels for industrial development.

Agricultural Preserve (“AP”)

- B. Cannabis manufacturing facilities involving volatile, nonvolatile, or mechanical methods, processes or substances (requiring a Type 7 State license) may be permitted in the following zoning districts subject to first obtaining a Conditional Use Permit:

Heavy Commercial (“C3”)

Industrial (“I”)

Specific Unit Development (“SUD”), whose guidelines specifically identify parcels for industrial development.

- C. Cannabis manufacturing facilities shall not be allowed within the following areas:
- a. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.
 - b. Within the legal boundaries of the Historic District of Weaverville; Coffee Creek Volunteer Fire District; Trinity Center Community Services 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, which are in proximity to high density areas, and therefore, create a substantial risk of a public nuisance.

3. Types of Licenses Available:

- A. Type 6 Licenses are available for extractions using nonvolatile solvents or mechanical methods.
- B. Type 7 Licenses are available for extractions using volatile substances.
- C. Type N licenses are available for infusions, including using pre-extracted oils to create edibles, beverages, capsules, water cartridges, tinctures or topical.
- D. Type P Licenses are available for packaging and labeling only.

4. Regulations:

Cannabis manufacturing shall comply with all of the following regulations:

- A. Cannabis manufacturing facilities shall be located only in zones that specifically provide for this use. The facility shall not be on prime Agricultural Soil, as determined by the Planning Director or his/her designee.
- B. Cannabis manufacturing facilities shall not be allowed within one thousand (1,000) feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein. Cannabis manufacturing facilities shall not be within five hundred (500) feet from an authorized school bus stop, unless a variance is obtained.
- C. All Cannabis manufacturing operations shall ensure that Cannabis is obtained from licensed cultivation sources and shall implement best practices and comply with State law to ensure that all manufactured Cannabis products are properly stored, labeled, transported and inspected prior to distribution at a legally permitted and licensed retail outlet. Cannabis manufacturing operations shall purchase at least 75% of its Cannabis from Trinity County sources.
- D. Security plan shall be developed which is compliant with State requirements and submitted with an application and must be sufficient to restrict access to only those intended and to deter trespass and theft of Cannabis or Cannabis products shall be provided and maintained. The Security plan shall be approved by the Board of Supervisors, or its designee.
- E. A detailed Operating Site Plan must be submitted with an application for a Conditional Use Permit.
- F. Fire plans must be prepared by the applicant and approved by the Weaverville Fire District Chief or a designee of the Trinity County Board of Supervisors. An approved fire plan must be submitted with an application for a Conditional Use Permit.
- G. Applicants must apply for Certified Unified Program Agencies (“CUPA”) which, for Trinity County, is administered through the Department of Toxic Substances Control.
- H. Any employees of a Cannabis manufacturing facility operating potentially hazardous equipment shall be trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure. In addition, employees handling edible Cannabis products or ingredients shall be trained on proper food safety practices.
- I. Any license holder of a manufacturing license shall not have been convicted of serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of Cannabis except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.
- J. For Type 7 licenses the following additional requirements must be met:
 - i. Extractions must be in closed loop system as defined and prescribed by State of California.
 - ii. Wastewater shall be disposed of in to an adequate sewage system, as prescribed by Trinity County Environmental Health Division and pursuant to California State regulations.
 - iii. The facility must be setback a minimum of 100 feet from all adjacent property

lines. Application for a variance from this provision will be considered concurrently with application for a Conditional Use Permit from the Trinity County Planning Commission.

- iv. All building structures must have operational automatic fire sprinklers.

5. Required Findings:

- A. A Conditional Use Permit for Cannabis manufacturing shall not be granted by the appropriate authority unless all of the following findings are made based on substantial evidence:
- B. The manufacturing facility will comply with all of the requirements of the State and County for the Cannabis manufacturing. This includes, but is not limited to, product safety, THC levels, edible standards, timelines, packaging and labeling requirements.
- C. The manufacturing, as approved and conditioned will not result in significant unavoidable impacts on the environment.
- D. The manufacturing includes adequate quality control measures to ensure Cannabis manufactured at the site meets industry State standards.
- E. The manufacturing facility does not pose a significant threat to the public or to neighboring uses from explosion or from the release of harmful gases, liquids or substances.
- F. The manufacturing operations plan includes adequate measures that address the federal enforcement priorities for Cannabis activities.

6. Required Conditions:

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

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

- F. The Cannabis Manufacturing Program Fee is due annually from date of issuance and is set at:
 - i. Type 6: \$5,000.00 plus \$1,000 towards the General Plan update.
 - ii. Type 7: \$6,000.00 plus \$1,000 towards the General Plan update.
 - iii. Type N: \$2,000.00 plus \$500 towards the General Plan update.
 - iv. Type P: \$2,000.00 plus \$500 towards the General Plan update.
- G. 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 shall 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.

7. Denial/Rescission of License:

- A. Applicant's Application shall be denied or the issuance of a license rescinded if the Trinity County becomes aware of any of the following:
 - i. The applicant has provided materially false documents or testimony;
 - ii. The operation as proposed if permitted, would not comply with all applicable laws including but not limited to the Building, Planning, Housing, Fire and Health Codes of the County including the provisions of 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. Applicant or Licensee shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Code.

Section 3: CEQA

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.

The County finds that this Chapter is not subject to the California Environmental Quality Act (CEQA) pursuant to 14 Cal.Code Regs.Sec. 15378(b)(5) and is an administrative activity that will not result in direct or indirect physical changes in the environment. The establishment of individual Cannabis manufacturing operations will require a Planning Commission-issued Conditional Use Permit requiring the applicant to complete a Project Initial Study-Environmental Checklist and Evaluation of Environmental Impacts.

Section 4: 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 17th day of July, 2018, and passed and enacted this 7th day of August, 2018, by the Board of Supervisors of the County of Trinity by motion, second (Chadwick/Morris), and the following vote:

- AYES: Supervisors Morris, Chadwick, Fenley and Groves
- NOES: None
- ABSENT: None
- ABSTAIN: None
- RECUSE: Supervisor Mines



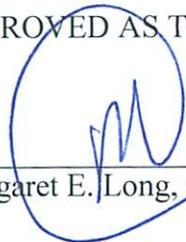
KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

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

By:  _____
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel

ORDINANCE NO. 315-841

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING SECTION 43 OF TRINITY COUNTY ZONING ORDINANCE NO. 315
REGARDING COMMERCIAL CANNABIS CULTIVATION REGULATIONS**

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

The County hereby amends the following sections Section 43 of the Trinity County Zoning Ordinance No.315:

(1) Definitions:

(gg) “Self-Transport” means the transportation within the State of California by a licensed cultivator of their own Cannabis grown from their own licensed cultivation site.

(2) Application

(h) County Licensees shall obtain the appropriate State licenses with the appropriate State licensing authority within 90 days of the obtaining a County license. Issuance of a County license does not guarantee the issuance of a State license. Issuance of a State License does not guarantee the issuance of a County license.

(3) Application Requirements

(c) All licensed cultivators within Trinity County can Self-Transport their own product to licensed distributors and/or manufactures as permitted by State law. Cultivators must obtain the appropriate State license permitting Self-Transport within ninety (90) days of receiving permission from the County. Cultivators must indicate on their Trinity County application that they would like permission to Self-Transport. If so designated in the application, there will be no additional fees.

(9) Fees

(d) Fees shall be paid thereafter annually on date of the issuance of the license each year.

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 meet in g of the Board of Supervisors held on the September 5, 2018, and passed and enacted this September 19, 2018, by the Board of Supervisors of the County of Trinity by motion, second (Morris/Fenley), and the following vote:

AYES: Supervisors Fenley, Morris, Chadwick and Groves
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: Supervisor Mines



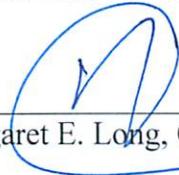
KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

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

By: 
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:


Margaret E. Long, County Counsel

ORDINANCE NO. 315-842

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TRINITY AMENDING ZONING ORDINANCE NO. 315 BY AMENDING SECTION 43.2 ALLOWING FOR COMMERCIAL MANUFACTURING OF CANNABIS

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

Section 1: Findings and Declarations:

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”). The intent of Proposition 215 was to ensure that seriously ill Californians have the right to obtain and use Cannabis for medical purposes where that 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 Cannabis for medical purposes upon the recommendation of a physician are not thereby subject to criminal prosecution or sanction.
2. The State enacted SB 420 in 2004 known as the Medical Marijuana Program Act (codified as Health and Safety Code section 11362.7et 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 and enhance the access of patients and caregivers to medical Cannabis through collective, cooperative cultivation projects and to allow local governing bodies to adopt and enforce rules and regulations consistent with SB420.
3. 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, manufacturing, distribution, transportation, testing and dispensing of medical Cannabis on a commercial basis. MMRSA was amended by SB 837. On June 27, 2017, the State enacted the Medicinal and Adult-Use Cannabis Regulation and Safety Act setting forth regulations for State licensure beginning in January, 2018.
4. Previous landmark Cannabis legislation, including the Compassionate Use Act and the Medical Marijuana Program Act have precipitated a “green rush” with individuals moving to Trinity County to grow and manufacturing Cannabis; with some seeking to capitalize on ambiguities in the law while others lack an awareness of community and environmental consciousness.
5. Senate Bill 94 known as the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), 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; and (2) Adult-use Cannabis and adult-use Cannabis products for adults 21 years of age and over.
6. In the absence of a formal regulatory framework, Cannabis manufacturers are less likely to learn of, or implement, guidelines that are protective of the public peace health, safety and the environment.

7. It is the purpose and intent of this Chapter to protect the health, safety, and general welfare of the residents and businesses within Trinity County and comply with state law and federal guidelines.
8. It is the intent of the County of Trinity to have a strong and effective regulatory and enforcement system with regard to Cannabis that addresses threats to public safety, health and other law enforcement interests through robust controls and procedures that are effective in practice.
9. This ordinance provides regulations and control over manufacturing of Cannabis, and prevents the potential introduction of dangerous product and practices within the County.

Section 2: Application

The County hereby enacts the following as Section 43.2 of the Trinity County Zoning Ordinance No.315: Cannabis Manufacturing

1. Definitions:

- A. "Cannabis" and "Marijuana" are used interchangeably and mean any plant of the genus Cannabis, as defined by section 11018 of the Health and Safety Code.
- B. "Manufacture" means to compound, blend, extract, infuse or otherwise make or prepare a cannabis product. In addition, "*Manufacturer*" means a licensee that conducts the production, preparation or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination or extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or relabels its container.
- C. "Nonvolatile solvent" means any solvent used in the extraction process that is not a volatile solvent, including carbon dioxide and ethanol. This requires a Type 6 license which allows for extraction using mechanical methods or nonvolatile solvents.
- D. "School" means an institution of learning for minors, whether public or private, offering a regular course of instruction required by the California Education Code, or any licensed preschool or child day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, excluding homeschools.
- E. "Shared-Use Facility" means a manufacturing premises operated by a Type 6, Type N, or Type 7 licensee in which Type S licensees are authorized to conduct manufacturing operations. Shared Use Facilities shall be operated in accordance with California Code of Regulations, Title 17 Division 1 Chapter 13, Manufactured Cannabis Safety SUBCHAPTER 1, General Provisions and Definitions, Article 6 Shared-Use Facilities, or as those provisions are amended.
- F. "Volatile solvent" means any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. The state's examples of volatile solvents include, butane, hexane, and propane. Type 7 licensee can use both nonvolatile and volatile solvents in its extractions, infusions or mechanical methods.

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

2. Allowable Zoning Districts

- A. Nonvolatile or mechanical methods Cannabis manufacturing facilities (requiring a Type 6, Type N and Type P State License) may be permitted in the following zoning districts subject to first obtaining the appropriate Use Permit, See section (4) (J–M):

General Commercial (“C2”)

Heavy Commercial (“C3”)

Industrial (“I”)

Agricultural (“A”)

Specific Unit Development (“SUD”), whose guidelines specifically identify parcels for industrial development.

Agricultural Preserve (“AP”)

Agricultural Forest (“AF”)

- B. Cannabis manufacturing facilities licensed as microbusinesses and involving Type 6 mechanical or low-impact extraction, such as Rosin Pressing, Bubble/Water Hash or Kief/Dry Sifting, may be permitted in the following zoning districts, subject to first obtaining the appropriate Use Permit:

Rural Residential

Unclassified

- C. Cannabis manufacturing facilities involving volatile, nonvolatile, or mechanical methods, processes or substances (requiring a Type 7 State license) may be permitted in the following zoning districts subject to first obtaining a Conditional Use Permit:

Heavy Commercial (“C3”)

Industrial (“I”)

Specific Unit Development (“SUD”), whose guidelines specifically identify parcels for industrial development.

- D. Shared use facilities must be licensed with Trinity County and may be permitted in the zoning districts allowed by the license type subject to first obtaining a Conditional Use Permit pursuant to Section 2 Subsection (4)(K):

- E. Cannabis manufacturing facilities shall not be allowed within the following areas:

- a. Trinity County jurisdiction of the Whiskeytown-Shasta-Trinity National Recreation Area and within the lease lots within the Ruth Lake Community Services District.

- b. Within the legal boundaries of the following areas which are in proximity to higher density populations, and therefore, create a substantial risk of a public nuisance:
Historic District of Weaverville;
Coffee Creek Volunteer Fire District;
Trinity Center Community Services District;
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
Bucktail Subdivision: Unit 1, 2 and 3 as found in Trinity County Book of Maps 3, Page 273, Book of Maps 4, Page 53, and Book of Maps 4, Page 150 accordingly on record with the Trinity County Recorder

3. Types of Licenses Available:

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

4. Regulations:

Cannabis manufacturing shall comply with all of the following regulations:

- A. Cannabis manufacturing facilities shall be located only in zones that specifically provide for this use. The facility shall not be on prime Agricultural Soil, as determined by the Planning Director or his/her designee.
- B. Cannabis manufacturing facilities shall not be allowed within one thousand (1,000) feet of a youth-oriented facility, school, church, or residential treatment facility as defined herein. Cannabis manufacturing facilities shall not be within five hundred (500) feet from an authorized school bus stop, unless a variance is obtained.
- C. All Cannabis manufacturing operations shall ensure that Cannabis is obtained from licensed cultivation sources and shall implement best practices and comply with State law to ensure that all manufactured Cannabis products are properly stored, labeled, transported and inspected prior to distribution at a legally permitted and licensed retail outlet. Cannabis manufacturing operations shall purchase at least 75% of its Cannabis from Trinity County sources.

- D. Security plan shall be developed which is compliant with State requirements and must be sufficient to restrict access to only those intended and to deter trespass and theft of Cannabis or Cannabis products. A copy of the Security Plan submitted to the State shall be provided to the Trinity County Planning Department within 30 days of submission to the State.
- E. A detailed Operating Site Plan must be submitted with an application for the appropriate Use Permit, See section (4) (J – M).
- F. Fire plans must be prepared by the applicant and approved by the Weaverville Fire District Chief or a designee of the Trinity County Board of Supervisors. An approved fire plan must be submitted with an application for the appropriate Use Permit, See section (4) (J – M).
- G. Applicants must apply for Certified Unified Program Agencies (“CUPA”) which, for Trinity County, is administered through the Department of Toxic Substances Control.
- H. Any employees of a Cannabis manufacturing facility operating potentially hazardous equipment shall be trained on the proper use of equipment and on the proper hazard response protocols in the event of equipment failure. In addition, employees handling edible Cannabis products or ingredients shall be trained on proper food safety practices.
- I. Any license holder of a manufacturing license shall not have been convicted of serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of Cannabis except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.
- J. Type 7 applicants are required to obtain a Conditional Use Permit before starting operations, including infrastructure and building improvements specific to the use, and the following additional requirements must be met:
 - a. Extractions must be in closed loop system as defined and prescribed by State of California.
 - b. Wastewater shall be disposed of in to an adequate sewage system, as prescribed by Trinity County Environmental Health Division and pursuant to California State regulations.
 - c. The facility must be setback a minimum of 100 feet from all adjacent property lines. Application for a variance from this provision will be considered concurrently with application for a Conditional Use Permit from the Trinity County Planning Commission.
 - d. All building structures must have operational automatic fire sprinklers.
- K. Type 6, Type 7 or Type N licensees who wish to register as a Shared Use Facility shall obtain a Conditional Use Permit before starting operations, including infrastructure and building improvements.
- L. For Type 6 licenses the following requirements must be met to qualify for a Director’s Use Permit. Applicants who meet these requirements must obtain an approved Director’s Use Permit before starting operations, including infrastructure and building improvements specific to the use.
 - a. The manufacturing business:
 - 1. Operates under a Type N or Type P license

2. Utilizes extractions with butter or food-grade oils, provided that the resulting extract or concentrate shall be used solely in the manufacture of the licensee's infused product, and shall not be sold to any other licensee.
 3. Utilizes extractions methods such as Rosin Pressing, Bubble/Water Hash or Kief/Dry Sifting
 4. Any post-extraction methods that involve substances included in Title 8. Industrial Relations Division 1. Department of Industrial Relations Chapter 3.2. California Occupational Safety and Health Regulations (Cal/OSHA) Subchapter 1. Regulations of the Director of Industrial Relations Article 5. Hazardous Substances Information and Training (Refs & Annos) CCR § 339 The Hazardous Substances List may require a Conditional Use Permit, as determined by the Director
- b. The manufacturing business does not employ more than three permanent, full-time employees, and/or does not compensate more than 6,240 employee work hours per year; and,
 - c. The manufacturing business does not generate more than two non-employee vehicles per week; and,
 - d. The manufacturing facilities are operated within the footprint of an existing building.
 - e. Vehicle access to the Manufacturing premises utilizing a shared and privately owned or maintained road or driveway shall prompt the Trinity County Planning Department to notify adjacent impacted property owners. Objections from adjacent impacted property owners may require mitigation measures or require a Conditional Use Permit, as determined by the Director.
- M. All Type 6, Type P or Type N applicants that do not meet the requirements outlined in Section 2 – subsection 4 L shall obtain a Conditional Use Permit before starting operations, including infrastructure or building improvements specific to the use.

5. Required Findings:

The appropriate Use Permit for Cannabis manufacturing shall not be granted by the appropriate authority unless all of the following findings are made based on substantial evidence:

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

E.

6. Required Conditions:

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

- A. The manufacturer shall allow access to the facility and access to records if requested by the County, its officers, or agents, for an annual inspection and submit to inspections from the County or its officers to verify compliance with all relevant rules, regulations and conditions.
- B. The applicant for the manufacturing facility and the property owner shall indemnify, defend, and hold the County harmless from any and all claims and proceedings relating to the approval of the permit or relating to any damage to property or persons stemming from the commercial Cannabis activity.
- C. Any person operating a Cannabis manufacturing facility shall obtain a valid and fully executed commercial Cannabis manufacturing license from the State prior to commencing operations, and must maintain such license in good standing in order to continue operations.
- D. The property owner shall be responsible for ensuring that all commercial Cannabis activities at the site operate in good standing with permits and licenses required by the Trinity County Code and California State law. Failure to take appropriate action to evict or otherwise remove operators who do not maintain permits or licenses in good standing with the County or State shall be grounds for the suspension or revocation of a Use Permit pursuant to this Chapter.
- E. The manufacturing facilities and activities shall be maintained in accordance with the operating plans approved by the County.
 - a. At any time during the license period, a licensee may request to change the manufacturing activities conducted at the licensed premises. All proposed changes require pre-approval, including infrastructure or building improvements specific to the new use. To request approval for proposed changes, the licensee shall submit a revised operating plan and drawings per Trinity County's application process.
 - b. Any change requests shall be evaluated on a case-by-case basis by Trinity County Planning Department, and upon approval, the licensee may begin conducting the additional manufacturing operation or make the requested change to the premises. The existing license shall be amended to reflect the change in operations, if applicable, but the date of expiration shall not change.
- F. The Cannabis Manufacturing Program Fee is due annually from date of issuance and is set at:
 - a. Type 6: \$5,000.00 plus \$1,000 towards the General Plan update.
 - b. Type 7: \$6,000.00 plus \$1,000 towards the General Plan update.
 - c. Type N: \$2,000.00 plus \$500 towards the General Plan update.
 - d. Type P: \$2,000.00 plus \$500 towards the General Plan update.

- e. Type S: No fee for Trinity County Commercial Cannabis licensees; \$2,000 for all other users.
 - f. Shared Use Facility: \$1,500.00.
 - g. Transfer fee to New Applicant: \$1,000.00
 - h. Transfer fee to New Site: \$60% of original license fee, prorated monthly.
 - i. Renewal fee: 60% of original license fee.
- G. 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 shall conduct a fee study to determine the total cost of administering this Ordinance.
- a. 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.
 - b. 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.

7. Denial/Rescission of License:

- A. Applicant's Application shall be denied or the issuance of a license rescinded if the Trinity County becomes aware of any of the following:
- a. The applicant has provided materially false documents or testimony;
 - b. The operation as proposed if permitted, would not comply with all applicable State and local laws, including, but not limited to the Building, Planning, Housing, Fire and Health Codes of the County including the provisions of this Chapter and with all applicable laws including zoning and county ordinances;
 - c. The applicant engages in site or building improvements specific to the use before the appropriate use permit has been issued or before the licensee's requested changes have been approved.
- B. Applicant shall be given a minimum of seven (7) business days to correct any deficiencies prior to the issuance of a denial or rescission.
- C. Applicant or Licensee shall have the right to appeal any denials or rescissions as prescribed in Chapter 8.90.130 of the Trinity County Code.

Section 3: CEQA

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.

The County finds that this Chapter is not subject to the California Environmental Quality Act (CEQA) pursuant to 14 Cal. Code Regs. Sec. 15378(b)(5) and is an administrative activity that will not result in direct or indirect physical changes in the environment. The establishment of individual Cannabis manufacturing operations will require a Planning Commission-issued Conditional Use Permit requiring the applicant to complete a Project Initial Study-Environmental Checklist and Evaluation of Environmental Impacts.

Section 4:

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 6th day of November, 2018, and passed and enacted this 4th day of December, 2018, by the Board of Supervisors of the County of Trinity by motion, second (Morris/Chadwick), and the following vote:

AYES: Supervisors Chadwick, Morris, Fenley and Groves
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: Supervisor Mines

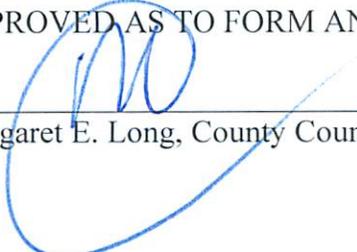


KEITH GROVES, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

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

By: 
Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:


Margaret E. Long, County Counsel

ORDINANCE NO. 315-843

**AN ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF TRINITY
AMENDING TRINITY COUNTY CODE SECTION 17.43
REGARDING COMMERCIAL CANNABIS CULTIVATION**

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

Section I:

- (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 Compassionate Use Act of 1996 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 Com- passionate 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 Com- passionate Use Act of 1996, 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) WHEREAS, previous landmark Cannabis legislation, including the Compassionate Use Act of 1996 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) WHEREAS, 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; and (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 and 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 five primary population centers are Lewiston, Hayfork, Weaverville, Coffee Creek Volunteer Fire District and Trinity Center Community Services 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 in Section 5(a)(v), 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 as follows:

The County hereby amends Trinity County Code Section 17.43 as follows:

Sections:

- (1) Definitions
- (2) Application
- (3) Application Requirements
- (4) Registration Phases
- (5) Limitation on Location to Cultivate Cannabis
- (6) Performance Standards for Commercial Cultivation of Cannabis
- (7) Denial/Revocation of License
- (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) "Canopy" means the designated area(s) at a licensed premise that will contain mature plants at any point in time. This definition is intended to mirror the definition of "canopy" as defined by the State of California, or as may be amended.
- (f) "Church" means a structure or leased portion of a structure, which is used primarily for religious worship and related religious activities.
- (g) "Commercial Cannabis" means any commercial Cannabis activity allowed under MMRSA, AUMA and/or MAUCRSA (SB 94), 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 1996 (Proposition 215) found at Section 11362.5 of the Health and Safety Code.
- (h) "Cultivation" means the planting, growing, harvesting, drying or processing of Cannabis plants or any part thereof.
- (i) "Designated Area" means the hoop-house, greenhouse, and/or outdoor area(s), identified for the planting, growing and harvesting of Cannabis, excluding drying, processing and other post-harvest cultivation activities. Designated Area shall not exceed 200% of the Area for the license type unless otherwise approved by the Planning Director; canopy (mature plants) will not exceed the square footage allowed per license type and the additional square footage shall include immature plants (in a vegetative state prior to flowering) and access areas. Licensees propagating immature plants for distribution or seed for distribution to another licensee shall obtain a Nursery license.
- (j) "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.
- (k) "Immature" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means Cannabis plant that is not flowering.
- (l) "Indoor" means within a "Fully Enclosed and Secure Structure" as defined herein, using artificial lights at a rate greater than 25 watts per square foot.
- (m) "Legal Dwelling" means a building intended for occupancy as living quarters built prior 1972 or that is properly permitted by the County.
- (n) "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. "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.
- (o) "Mixed Light" means the cultivation of mature Cannabis in a greenhouse, hoop-house, glasshouse, conservatory, hothouse, or other similar structure using one of the artificial lighting models described below:

- i. "Mixed-Light Tier I" which is defined under California Code of Regulations Title 3 Division 8 Chapter 1 Article 1 section 8000, and, at the time of enactment, means the use of artificial light at a rate of six watts per square foot or less;
 - ii. "Mixed-Light Tier 2" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means the use of artificial light at a rate above six and below or equal to twenty-five watts per square foot.
- (p) "Mature" which is defined under California Code of Regulations section 8000, and, at the time of enactment, means a Cannabis plant that is flowering;
 - (q) "Medical Cannabis" means Cannabis or Cannabis plant used for medicinal purposes in accordance with California Health and Safety Code Sections 11362.7 et seq.
 - (r) "Outdoors" or "Outdoor Cultivation" means the cultivation of mature Cannabis without the use of artificial lighting in the canopy area at any point in time. Artificial lighting is permissible only to maintain immature plants. Light deprivation is permitted.
 - (s) "Premises" means the designated structure(s) and land specified in the application that is owned leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises may only be occupied by one County Commercial Cannabis cultivation license type. Multiple additional commercial Cannabis activities (i.e. Nursery, Distribution, Manufacturing, etc.) may exist on the same Legal Parcel.
 - (t) "Primary Caregiver" means a "primary caregiver" as defined in Health and Safety Code section 11362.7(d).
 - (u) "Proof of Enrollment" shall mean Proof of Order number in good standing from the NCRWQCB or the State Water Resource Quality Control Board.
 - (v) "Planning Department" means the Trinity County Planning Department, or department or agency that is designated by the Trinity County Planning Director.
 - (w) "Qualified patient" means a "qualified patient" as defined in Health and Safety Code section 11362.7(t).
 - (x) "Residential Treatment Facility" means a facility providing for treatment of drug and alcohol dependency.
 - (y) "Self-Transport" means the transportation within the State of California by a licensed cultivator of their own Cannabis grown from their own licensed cultivation site.
 - (z) "School" means an institution of learning for minors, whether public or private (excluding homeschools), 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.
 - (aa) "Summary Abatement" means the removal of an immediate threat to the public health or safety.
 - (bb) "Watts per Square Foot" which is defined under California Code of Regulations

section 8000, and, at the time of enactment, means the sum of the maximum wattage of all lights identified in a designated canopy area(s) in the cultivation plan divided by the sum of the dimension in square feet of designated canopy area(s) identified in the cultivation plan.

- (cc) "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.
- (dd) "Variance" is defined as Trinity County Ordinance 315 section 31.
- (ee) "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) Issuance 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 the 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) and/or AUMA, whichever is greater. Instead, applicants will be subject to the cultivated square footage provisions as defined by state regulations and allowed in this Ordinance.
- (b) Any licensing, except for Specialty Cottage Outdoor that qualifies under 2000 sq. ft. cultivation area and less than 5% slope, provided under this Ordinance will require enrollment as dictated by the SWRCB in the NCRWQCB Order #2015-0023 or in the SWRCB's Order regulating discharge requirements for discharges of waste associated with Cannabis cultivation activities. Applicants, except for Specialty Cottage Outdoor applicants, shall have been compliant with this requirement during the application period covered by the Urgency Ordinance to develop a record of environmental compliance. Applicants for Specialty Cottage Outdoor shall enroll under the SWRCB's Order on or before the date of application for a Trinity County commercial cultivation license.
- (c) Approval of a license grants provisional permission to cultivate Cannabis plants within the County of Trinity.
- (d) Any licensing required under this Ordinance will require enrollment as dictated by the SWRCB in the NCRWQCB Order #2015-0023 or in the SWRCB's Order regulating discharge requirements for discharges of waste associated with Cannabis cultivation activities.
- (e) 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).

- (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 §1 9322(a)(2).
- (h) County Licensees shall obtain the appropriate State licenses with the appropriate State licensing authority within 90 days of the obtaining a County license. Issuance of a County license does not guarantee the issuance of a State license. Issuance of a State License does not guarantee the issuance of a County 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 (Zoning Ordinance No. 315-797) within the County until he/she successfully obtains the proper State cultivation license(s).

(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 requirement.
 - 1. Specialty Cottage:
 - a. "Specialty Cottage Outdoor" is an outdoor cultivation site with up to 25 mature plants. If cultivation area is under 2,000 sq. ft. with a slope less than 5% a Water Board permit is not required. Or if cultivation area is between 2000 and 2500 sq. ft. or if under 2,000 sq. ft. with a slope greater than 5% a Water Board permit is required.
 - b. "Specialty Cottage Indoor" is an indoor cultivation site with 500 square feet or less of total canopy.
 - c. "Specialty Cottage Mixed-Light Tier I and 2" is a mixed-light cultivation site with 2,500 square feet or less of total canopy.
 - 2. Specialty:
 - a. "Specialty Outdoor" is an outdoor cultivation site with less than or equal to 5,000 square feet of total canopy, or up to 50 mature plants on noncontiguous plots.
 - b. "Specialty Mixed-Light Tier I and 2" is a mixed-light cultivation site between 2,501 and 5,000 square feet of total canopy.
 - 3. Small:
 - a. "Small Outdoor" is an outdoor cultivation site between 5,001 and 10,000 square feet of total canopy.

- b. "Small Mixed-Light Tier I and 2" is a mixed-light cultivation site between 5,001 and 10,000 square feet of total canopy.
 - 4. Medium:
 - a. "Medium Outdoor" is an outdoor cultivation site between 1 0,001 square feet and one (1) acre of total canopy.
 - 5. All other license types are not allowed at this time by the County of Trinity, unless adopted by the County in subsequent Ordinance or Ordinances.
 - ii. Proof of enrollment in good standing with NCRWQCB Order #2015-0023 or the SWRCB.
 - iii. Apply for and obtain a Board of Equalization Seller's permit.
 - iv. Employ only persons who are at least twenty-one (21) years of age and comply with all applicable state and federal requirements relating to the payment of pay- roll taxes including federal and state income taxes and/or contributions for unemployment insurance and state worker's compensation and liability laws.
 - v. Applicant cannot have been convicted of a serious felony or Schedule I, II or III Felony, excluding a non-serious felony conviction for sale, transportation or cultivation of Cannabis, except if the conviction is on public lands. Applicants will have to declare this under penalty of perjury on one of the application forms.
 - vi. 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.
 - vii. If using a permitted well, a copy of the Trinity County well permit shall be pro- vided.
 - viii. At the time of renewal or application for the 2018/19 license cycle and after, the applicant shall designate on their application or renewal application whether they intend to cultivate for Adult or Medicinal use.
- (b) 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 at- tempt to give 24-hour notice of the inspection by posting the notice and/or telephoning the number listed on the application.

- (c) All licensed cultivators within Trinity County can Self-Transport their own product to licensed distributors and/or manufactures as permitted by State law. Cultivators must obtain the appropriate State license permitting Self-Transport within ninety (90) days of receiving permission from the County. Cultivators must indicate on their Trinity County application that they would like permission to Self-Transport. If so designated in the application, there will be no additional fees.
- (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. 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 applicable fees, and meet all requirements for the property to transfer. All exceptions that apply to the original license shall transfer with the license.
 - ii. Licensee may transfer their license to other property under their ownership or for which they have a valid rental agreement and certification of permission to grow Cannabis on the property. The Licensee shall reapply, pay the applicable fees, and meet all requirements for the new property and this ordinance in order for the license to transfer.
 - iii. Licenses cannot be transferred more than once in a calendar year.
 - iv. The Licensee may maintain his/her original license number if they are applying for, or obtaining, an alternative cultivation license.
- (f) Each premise upon which cultivation will occur must have a legal dwelling unless licensee is cultivating on a contiguous Legal Parcel with a legal dwelling which is under identical ownership as the parcel upon which cultivation will occur.

(4) Type III Cultivation Licenses

- (a) The County will allow a total of five hundred and thirty (530) licenses. Thirty (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. Priority will be issued based on the number issued to a Trinity County Commercial Cannabis License number.
- (b) The County will allow fifteen (15) Type 3 licenses. These licenses shall be available to those who have already obtained a Commercial Cultivation license.
 - i. To be eligible, the applicant must:
 - 1. Be applying for property that is 50 acres or more.
 - 2. Apply for and obtain a Conditional Use Permit.
 - ii. The Director may increase the number of Type 3 Licenses up to thirty (30) if the environmental documents support this increase.
 - iii. Priority will be given to those that hold a valid 2016/2017 Trinity County license and who submit completed applications by a date determined by Director. Thereafter, priority will be given based on the Trinity County

Commercial Cannabis License number.

(5) Limitation on Location to Cultivate Cannabis

- (a) Applications will not be approved 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.
 - ii. Within five hundred (500) feet of an authorized school bus stop.
 - iii. A legal Parcel without a legal dwelling, or without an active building permit.
 - iv. Timber Production Zones (TPZ) with the exception made for qualified Phase I Applicants (persons or entities who completed enrollment in the NCRWQCB Order #2015-0023 in reference to a Trinity County-based operation by August 1, 2016).
 - v. Residential 1 (R1), Residential 2 (R2), or Residential 3 (R3) Zones.
 - vi. 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.
 - vii. Within the legal boundaries of the, Weaverville Community Services District, Coffee Creek Volunteer Fire District and Trinity Center Community Services District, Bucktail Subdivision 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 is allowed for applicants who have submitted an application for enrollment under NCRWQCB Order #2015-0023 by the following dates:
 - Weaverville Community Services District by December 31, 2016;
 - Lewiston Community Services District by January 15, 2017;
 - Coffee Creek Volunteer Fire District and Trinity Center Community Services District by November 30, 2017.
 - viii. For Specialty Cottage, Specialty and Small licenses cultivation shall not be allowed within three hundred fifty (350) feet of a residential structure on any adjoining parcels. For Medium licenses, cultivation shall not be allowed within five hundred (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's 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 (Zoning Ordinance No. 315-797) and/or AUMA.
- (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, surface water diversion and/or rain catchment system. 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 SWRCB.
- (e) Cannabis grown outdoors may be contained within Wildlife Exclusionary Fencing that fully encloses the Designated Area. The Director shall review all Wildlife Exclusionary Fencing for esthetic and wildlife and/or human safety concerns, and can prohibit fencing he/she deems unacceptable.
- (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 Trinity County Environmental Health and the 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 green-houses so that little to no light escapes. Light shall not escape at a level that is visible from neighboring properties between sunset and sunrise.
- (n) The cultivation of Cannabis shall comply with Cal Fire and CDFW 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) 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.
- (q) 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 structure.
- (r) All Licensees shall enroll in the State's Track and Trace Program within 60 days of said program going into effect.
- (s) All provisions of this Ordinance shall apply regardless of whether the activities existed or occurred prior to the adoption of this Ordinance.
- (t) 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, SWRCB, or CDFW; 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 after date of written notification 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, they 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 Section 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 Chapter 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. When submitting your application, there will be a non-refundable application fee of 50% of the first year's fee for each license that will be applied towards the first year's fees if a license is granted.
 - ii. Specialty Outdoor and Mix Light: \$3,000 plus \$1,000 toward the general plan up-date.
 - iii. Specialty Cottage:

1. Outdoor: \$750 plus \$250 towards general plan update.
 2. Mix Light: \$1,500 plus \$250 towards general plan update.
 3. Indoor: \$2,000 plus \$250 towards general plan update.
 - iv. Small Outdoor and Mix Light: \$5,000 plus \$1,000 toward the general plan update.
 - v. Medium Outdoor: \$8,000 plus \$1,000 toward the general plan update.
 - vi. Cannabis Variance Fee: \$751.
 - vii. Fees Associated with Transfer of Licenses:
 1. Transfer of License on Same Parcel: 50% of original application fee not to exceed \$1,500.00.
 2. Transfer of License to a different property: 100% of all original fees as set forth above.
- (d) Fees shall be paid thereafter annually on date of the issuance of the license 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 shall 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 meet in g of the Board of Supervisors held on the 5th day of February, 2019 and passed and enacted this 20th day of February, 2019, by the Board of Supervisors of the County of Trinity by motion, second (Groves/Fenley), and the following vote:

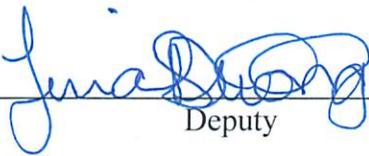
AYES: Supervisors Fenley, Groves, Brown, Chadwick and Morris
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None



JUDY MORRIS, CHAIRMAN
Board of Supervisors
County of Trinity
State of California

ATTEST:

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

By:  Deputy

APPROVED AS TO FORM AND LEGAL EFFECT:



Margaret E. Long, County Counsel